

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 20, 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, JULY 20, 2018, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBERS ELEANORA COCHRAN AND DONALD S. GUZMAN.

(Councilmembers Guzman and Cochran were not present when the roll was called; however, they arrived at 9:06 a.m. and 9:52 a.m., respectively.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, six Members present, three Members excused. A quorum is present to conduct the business. Excuse me, Mr. Chair, it's seven Members present and two excused.

CHAIR WHITE: Thank you.

And we have opening remarks from Member King this morning.

OPENING REMARKS

The opening remarks were offered by Councilmember Kelly T. King.

(Councilmember Guzman arrived at the meeting at 9:06 a.m.).

CHAIR WHITE: Thank you, Member King.

Will you all 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. And I would just ask that everyone turn their phones to silent. And, I will do so myself before I get caught like the last meeting.

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

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from the District Offices.

Individuals who wish to offer testimony from our District Offices should now sign up with the District Office staff. Individuals on the eighth floor, individuals in the chamber, please sign up at the desk located on the eighth-floor lobby just outside the chamber door. And, testimony at all locations is limited to the items listed on today's agenda. Pursuant to the rules of the Council, each testifier is allowed to testify for up to three minutes, with one minute to conclude if requested.

And, when testifying, please state your name and the name of any organization that you represent.

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

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

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have one individual who has signed up to provide testimony in the Council chamber this morning. The first person to testify is Barbara Barry. And, Ms. Barry will be testifying on County Communication 18-270, item C6477-1.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. BARBARA BARRY (testifying on County Communication No. 18-270):

Aloha, Chair--

CHAIR WHITE: Good morning.

MS. BARRY: --and Councilmembers. Nice to see everybody here today. A nice healthy quorum. Thank you so much for showing up. My name is Barbara Barry. I live in Haiku. And, I am here today to ask for the extension of the sand mining moratorium, because, until the study has been completely completed and reviewed by the public as well as the Councilmembers, there is no valid excuse to be letting the sand moratorium lapse.

Many people have testified on this. This has been going on for quite some time. There has been court hearings on this issue, and I find that it is basically cultural genocide to be sand mining in these, these areas. Sand is a precious resource everywhere. These

are ancient sand dunes. They are never going to be replaced, and neither will the iwi kupuna that are lying underneath those sand dunes. So, please use your powers for pono here, and extend the sand mining moratorium immediately. Mahalo.

CHAIR WHITE: Thank you, Ms. Barry. Any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Thank you, Mr. Chair. The next individual to testify is Kaniloa Kamaunu, testifying on County Communication 18-270. To be followed by Rita Ryan.

MR. KANILOA KAMAUNU (testifying on County Communication No. 18-270):

Aloha mai kakou. Kaniloa Kamaunu ko`u inoa. Today, I stand as the brothers of Aha Moku O Wailuku, which has instituted under Act 212, which talks about our customary and traditional practices. And, with the study of the moratorium, it continues. It's upsetting to, to have things like this not become important. I mean, the study hasn't been fully done. It's, what has been done is not being released to the public. We have no idea what's going on. And, from what I hear, the Council doesn't know either.

And, I don't understand when it's actually the money of the people, taxpayers, that have paid for this study, why is it not made public record for them to see what has been talked about? And, the fear is, is that nothing was done. But, we don't know. They saying that things are done, but no access to any information about what's going on, which I think is very unfair. You know, we come here for resolution, and yet, it falls short of any type of resolution; it falls short.

You know, and we're the injurious people. What people don't realize is, we're not here to make money. We're not here trying to any economic practice at all. We are here to solidify that our people have a place to be. And yet, even when they dead, they homeless. And, this is what the study is supposed to bring out; what is going on. And, yet, after six months, there is no clarification. There's nothing. And then now, the moratorium, we ask to be extended so that the studies can be completed. But yet, today, luckily for some mishap, or actually Ke Akua intervention, that we are even able to speak about this. And, and show our concerns that such information is not being made available to us.

You know, and we, we taking our time. You know, we not rich people. We gotta take off to come through here to testify. We gotta make arrangements, some of us, to have our children taken care of, to spend time to come here and to testify on this continuous,

I don't know what it is. But, it's ridiculous that we are being imposed upon, and the taxpayers who paid for this information can't get it; that's wrong, you know.

You, this should be held, this Council should be held responsible for these kind of actions, because it was spent. The money was spent. We, as the people asking where has that money been spent and how has it been spent. And that's your fiduciary duties, to become clear about what has happened to the peoples' money and how it was spent, and whether or not it has been spent wisely by this Council or by the County. And, that information should be there so that we can disseminate whether or not such action has been done. Mahalo.

CHAIR WHITE: Thank you very much for your testimony.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Rita Ryan, testifying on County Communication 18-273.

MS. RITA RYAN (testifying on County Communication No. 18-273):

Aloha. My name is Rita Ryan. I am with, I am the spokesperson for the Maui Nui affiliate of 350.org. We're a worldwide organization dedicated to fossil-free universe. And, I want to thank Councilmember King for her work on the Sea Level Rise report.

It's a 385-page report, and it's riveting really. And, as you all know, Hawaii is most impacted by sea level rise. And, we are, we have this wonderful report that has great recommendations. It's a road map for how we should move forward, and how we should not invest in any new fossil, fossil-fueled infrastructure.

If we, if we invest in any fossil infrastructure, we're going to have to rip it out in the next 10 to 15 years. So, our organization and many citizens of Maui, many other environmental organizations are going to be watchdogs. And we're going to check on the Council, this Council, and whatever the Council is going to be after the elections, to make sure that no new fossil-fuel infrastructure is going to be put in place based on those regulations the, that, that report. That report has very, very solid recommendations, and we need to follow those recommendations. It's a very well thought out plan.

If you haven't read it, please read it. It has good recommendations for Maui County. It has a five-year plan that we need to follow. We're going to do a check-up, kind of like a health check-up, in five years to see where we're at. And, our organization, as well as many of the environmental organizations that operate here in Maui County, Maui Nui, are going to be looking at what we're doing.

We have made commitments as a County. Mayor Arakawa has made commitments to, to go fossil-free. And, it's not enough to make these commitments. We need to actually act on these commitments. So, we're going to be watching. We're going to keep everybody honest. We're going to keep the Council, the Mayor, the new Mayor, honest on these commitments. And, I want to thank everybody who's kept their eye on the ball, especially Councilmember King. Thank you for your time.

CHAIR WHITE: Thank you for being here this morning.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Adriane Raff Corwin, testifying on County Communication 18-270. To be followed by Cody Tuivaiti.

MS. ADRIANE RAFF CORWIN (testifying on County Communication No. 18-270):

Aloha, Council. Adriane Raff Corwin, testifying on 18-270. I testified at the last IEM meeting about the sand mining moratorium. And, I know that the agenda item is on the Sand Quantification Study.

My first point is that we would really, we want to see this Sand Quantification Study. It's not being released to the public. We should be seeing this draft. The moratorium expired yesterday, July 19. The point of that moratorium, if you look back at that language was: 1) to come up with a Sand Quantification Study that was adequate; and 2) was to give us time to pass laws to protect those sand burials.

We haven't seen that Sand Quantification Study. We don't know if it's adequate, and yet, the moratorium is pau. And, there are no new laws to protect those burials. So, I'm here to ask you again to fast-track this moratorium extension. It could have been on today's agenda. It's not. It should have been.

Right now, we're now looking at how many weeks in the IEM Committee to get this passed. Last time it took seven to eight months to get that through. We can't wait that

long for an extension to happen. We need this passed now. It's already now, we're, we don't have a moratorium now today. It's unacceptable in my opinion that this is, that this took so long. It took eight months to go over something that's really common sense; to protect these burials and to stop doing anything until we have that protection.

So, I really, I really sincerely ask this Council to fast-track this moratorium whether it's here in this chamber, or you fast-track it, you allow it to just pass right through IEM and get it over to here. But, this needs to happen. We cannot go months and months and months without that moratorium and have, we will show up, we will testify every time. We don't want to take up your time, but we will do it because this issue is so important.

So again, I ask you please put that sand mining moratorium on the next agenda, so that it can be voted on at the next meeting and then voted on second time at the second meeting, and we have our moratorium again. And, then we will leave you alone for a while. So, please, I ask you please, urgently to do that. Thank you.

CHAIR WHITE: Thank you, Ms. Corwin.

Any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Cody Tuivaiti, testifying on County Communication 18-270. To be followed by Skye.

MR. CODY TUIVAITI (testifying on County Communication No. 18-270):

Aloha mai kakou. I'm here testifying on item number 18-270, regarding further study on the sand inland resource quantification. I do not see how we can further our studies without the renewal of our moratorium. I really feel that we need to start asking ourselves some serious questions right now. Who do we think we are? What gives us the right? Why do we get to choose?

Mokapu on the island of Oahu began the battle for iwi desecration. It will never be forgotten and it will always be used for awareness, and as an example for future generations. Honokohua set precedence for many of the burial laws we have today, and that will never be forgotten. And, it will be used an example for future generations. Maui Lani is no different. No matter what anyone says, the bones speak. It too will have its place in history as an example for awareness and future generations.

What lessons have we all learned from this? What side of history will we be on? What kind of decision, decisions will you be remembered for? You have all chosen to be held accountable. What direction is to be taken now? A life was loved, a life was lived, a life was taken, and a life was put to rest. Were you, where will you go when that day comes? Is a life so easily disregarded? Will no one mourn? We will never stop holding back the flood of desecration, and the dam is getting stronger. We hold this place sacred with utmost pride.

I grew up in a Maui that was community-based. Now all I see is tourism expansion, luxury development, and a waste of tax dollars spent on band-aid solution. It is only a matter of time before the people start to wake up. We are turning back the pages to learn what has been hidden and deprived from us; truth and understanding. We can choose to hide behind the comfort of luxuries, dictating what happens to the hundreds of men, women, and children uprooted out of the ground. But, we will never stop watching and waiting till the day comes when they will have their justice.

The weight is heavy, but it will not be for us to carry. The burden is upon those who are oblivious to the healing process of our host culture. They shall be the ones to carry this weight, and I feel sorry for them. The bones speaking; who is listening? Mahalo.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Skye, testifying on County Communication 18-270. To be followed by Amy Halas.

MR. SKYE KAMAUNU (testifying on County Communication No. 18-270):

Good morning. My name is Skye Kamaunu, here testifying on 18-270.

I think this is a lot, really, really crazy that we have to do these things for people to understand that people are buried in these places. The fact that I got to find somebody that's not even from here to tell you people that my family is in this sand. That's the problem. That's the biggest problem. That's a disconnect right there. And, the problem is never going to get solved until that disconnect is gone, and the fact that we the people get brought to the forefront to make these decisions; not you people. Cause it seems that you guys are lacking in your fiduciary duties to protect us as kanaka.

You guys expect us to give you guys our votes every year to support you guys in everything you guys do. But, where are you guys when we need these things passed to support our kanaka that had passed, our kanaka of the present, and the kanaka of the future? You guys focus too much on the tourist expansion. Too much focused on making construction jobs so our people can work. You know what, what you going do when all those jobs cease? When the resources are no longer capable of supplying you with what you need? Who you guys going start taking from after that? You tell me.

When you die, what you guys think going happen to you? You guys want the same respect? You like us go to your grave, dig you up, because I like put my house where your body is? That's what you guys telling us that we should be satisfied with. That's what you guys telling us that we should be okay with. You guys did this to the Indians, the Lakota people, Mount Rushmore; on burial grounds. It continues today in the present.

And all you guys like the support of the kanaka, yet, you guys know the truth of what's really going on. You guys know the things that you guys do behind these closed doors, the deals that you guys make with these businesses, and these industrial people that want to come here and develop on the place that has resources at its max.

An island is to support the people, not the people to take from the land. Our kupuna is not just people. Our kupuna is the land. So, when the mahele happen, one of the sayings was, "how you going sell your kupuna, huh"? That's what we doing today. But, the problem is it's not even us selling our kupuna; it's you people, non-kanaka.

My kids sit outside there today because they need to know that people in here have no interest in what they need for the future. Because if they did, then we would look for the longevity of our people and not for the answers that going solve things this year.

CHAIR WHITE: Thank you very much for your testimony this morning.

MR. KAMAUNU: You guys going die and we ain't going have jack, because you guys failed in your fiduciary duties, and that you guys failed the people that you guys asked for the votes from. You guys need to wake up.

CHAIR WHITE: Thank you, Mr. Kamaunu.

Mr. Clerk.

COUNTY CLERK: Next testifier is Amy Halas, testifying on County Communication 18-270.
To be followed by Daniel Kanahele.

MS. AMY HALAS (testifying on County Communication No. 18-270):

Good morning. Since we're discussing the contract that was to fund the 2006 Maui Inland Sand Resource Quantification Study, I thought it would be prudent for us to look back on Chapter 20.40, Moratorium on Sand Mining of Central Maui Island Sand. The reason why I'm bringing this up, Chair White, is because under the purpose it says, "Given the finite nature of this important natural resource, it is necessary to limit and regulate the mining of inland sand until such time as: 1) an ordinance regulating the mining, extracting, or removing of inland sand is adopted, and", it's not "or", but it says, "and the Maui Inland Sand Resource Quantification Study is updated".

Now, it's our understanding that the study has been updated, but we the taxpaying public, we are not allowed to view this document. So, it's a bit absurd in light of the fact that the sand mining moratorium ordinance expired yesterday. It's a bit absurd that sand mining can commence in light of the expiration of the ordinance.

I'd also like to define, for the public, the definition of sand mining according to this piece of legislation. You know, when we think of sand mining, we think of gigantic dinosaur-like excavators digging and, and moving mountains of sand, which they do. But, sand mining, under the definition of this law, also means extraction and removal of sand.

So when Maui Electric, when the water department comes and does utility work, they are also engaged in some very significant excavations as evidenced by the large excavation pit sitting on Waiale where MECO activities were stopped, because there was no archeological monitoring. MECO was working right in the easement between Kehalani and Maui Lani.

I also wanted to raise some of the concerns of the Maui-Lanai Island Burial Council. And, I do understand that that is a State entity, and this is Maui County; however, it just seems that there's a real disconnect between the State Historic Preservation Division and the Maui County Council, the Maui County Public Works, and the Maui Mayor, and the Maui Planning Department and, and DSA.

And, it would be very beneficial for the County Council to recognize the motions passed in the December 2017 Maui-Lanai Island Burial Council in which they recommend no further earth-moving work or decision should be made regarding design of Maui Lani Phase 6 Town Parkways.

So, bottom line, the sand mining moratorium expired yesterday, meaning that people within the moratorium area can resume sand mining. However, how could we possibly have an updated 2006 Maui Inland Sand Quantification Study if indeed yesterday at 12:01 a.m. the Gomes trucks went in and started mining? So, I really appreciate your time. Please do the right thing. Mahalo.

CHAIR WHITE: Thank you for your testimony.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Daniel Kanahele, testifying on County Communication 18-270. To be followed by Clare Apana.

MR. DANIEL KANAHELE (testifying on County Communication No. 18-270):

Aloha, Chair White and Councilmembers.

CHAIR WHITE: Good morning.

MR. KANAHELE: My name is Daniel Kanahele. I'm testifying as an individual on agenda item 18-270. So, yesterday, the sand mining study was due. It's not complete. Department of Public Works needs more time to fund that third-party study. So, I'm in favor of that happening and I hope you approve that. The obvious corollary would also be then to approve the moratorium, since they're like hand and glove; they go together.

Yesterday, I was at Kaupo. I slept overnight at Hualoha Church. I was there as part of the Kawaiaea service project, to clear some growth from the dunes area under which are family burials in the sand dunes out there along the beach. I have iwi kupuna buried there. And, our family has gathered to take care of those iwi kupuna.

As I mentioned earlier, in a earlier testimony, my grandparents, Clinton Kanahele, Mary Stewart Kawaiaea, and Agnes Sanford Kanahele; also buried in the sand at Laie Cemetery. We helped bury our grandfather when he passed on. We dug the hole, and we laid him in the sand dunes in Laie Cemetery. So, you know, these things are close to our hearts, you know, as kanaka maoli.

I would just like to remind the Council of the Constitution of the United States. In the Preamble to that Constitution, it defines the roles of governments. It says, "We the People, in order to form a more perfect union, establish justice", and I'll stop there, and

it goes on, "establish justice". And that's one of the roles of government; to "establish justice", to make sure that people are treated fairly and equitably.

Now, we the people have been coming before this body testifying the sand dunes mining issue, the iwi kupuna, for a long, long time. We have met and contacted the appropriate and, parties; SHPD, the State, OHA. We feel that we have done our part to, to protect our iwi kupuna and our limited sand dune resources. We want justice. We want to be treated equitably. That is your role as government. So, do the right thing. Feel my heart. We want you to do the right thing and help us to protect our, the bones of our ancestors. Can you do that for us and extend the moratorium? Are we asking too much? I don't think so. Thank you.

CHAIR WHITE: Thank you, Mr. Kanahele.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Clare Apana, testifying on County Communication 18-270.

MS. CLARE APANA (testifying on County Communication No. 18-270):

Good morning.

CHAIR WHITE: Good morning.

MS. APANA: I'm going to let you in on a little-known secret. I bet you didn't know that I am a three-time State champion athlete. I bet you do know this, that I spend most of my time running, running, running to put out the hewa that these government agencies give us in trying to protect the burials in the sand. With one vote, you excluded Phase 6 Maui Lani from the sand moratorium. With one vote, this body did that. I believe Mr. Guzman brought that forward. That place, I'm sorry then if you didn't do it, somebody brought that forward. It was excluded. It's full of sand in the sand dunes. Two sand dunes have disappeared.

Yesterday, I went to SHPD to speak to Alan Downer, because despite all the violations that that project has had in the archeological reporting of 79 burials, 11 years late, they were granted an okay to continue developing to put houses in between concentrations of burials in a burial preserve, to put houses around the burial preserve, to take burials out of a road so that it could serve the undeveloped neighborhood. These are the things that we are faced with. But you, with one vote, can stop that. You could decide

that Hawaiian values and Hawaiian culture is really important to you, not just a buzz word.

And when you say the reason why these people had to come here for these many months to get this sand mining moratorium passed is our fault, the Council's fault. That is true. I think we have done our due diligence and over that. We have laws already to protect the sand dunes, the protect the irreparable harm and damage that can come to our iwi kupuna because of this system of being able to sand mine, to grade them, without any regard for their safety.

You could change all of that. I think the buck stops here. I don't want to keep running all my life trying to chase government agencies who have not done their jobs. And, you could help me do that. You could help me do that. If you truly love the place that you live in, and the people who lived here, the people who live here, the people who are here, if you truly love Hawaiian culture, the kanaka maoli, you truly find that there are sacred things--

CHAIR WHITE: Please conclude.

MS. APANA: --such as burials that should be, and can be, and shall be preserved. Then, please don't just extend the sand study, extend the moratorium until the protections that we ask for, that you voted for in the moratorium can be found. Thank you very much.

CHAIR WHITE: Thank you for your testimony this morning.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER GUZMAN: Thank you, Ms. Apana for being here. Just to set the record straight, I did not put forward that amendment. That amendment, and my question is were you aware that it was the Chair of IEM that brought forward that amendment?

CHAIR WHITE: Okay, we're not going to get into a discussion.

COUNCILMEMBER GUZMAN: Well, I just, that was a question. Are you aware that it was not, it was the Chair, Ms. Cochran, that put forward that amendment, into her own bill? Just to get the record straight.

MS. APANA: The, not the amendment. It was the exclusion of the parcel.

COUNCILMEMBER GUZMAN: The exclusion of the parcel.

MS. APANA: The exclusion of the parcel.

COUNCILMEMBER GUZMAN: That was in her, that was in her amendment.

CHAIR WHITE: Okay. We're, we're not going, much further on that.

MS. APANA: Okay. Thank you.

CHAIR WHITE: Thank you very much for being here this morning.

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

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Ms. Apana. Thank you for being here, and I appreciate all the work that you've put into this.

MS. APANA: Thank you, Ms. King.

COUNCILMEMBER KING: I know it's hard work. I didn't realize you were a runner, but yea, at some point you want to stop running. But, you know, my question was, how, how long would you propose that the moratorium be extended for?

MS. APANA: For myself, the moratorium should already be in place because of the laws that, that already protect this area, the laws that protect the iwi kupuna in the area, the statements and the motions made by the Burial Council to stop sand mining. Every Burial Council since 2004 has said, "stop sand mining". And, we, you know, this is a kind of a formality that the Council should have to say this, because the laws are already there in the Community Plan, in the State HRS's, that say that there should be no chance of irreparable harm coming to anything that has the grading permit. There should be no chance. If there is, that permit, permit cannot be given. Those laws exist, and why are they not followed?

But, if this is the way that we have to do it, if this is the way that we have to make a moratorium to enforce what is already there and to highlight the fact that our iwi kupuna, our traditional burial place is being invaded by commercial activities. And, we really don't have the money to do the, all the legal work that needs to be done. And, we appreciate the fact that this Council has taken enough of an interest to try to rectify this terrible situation.

It's horrendous when you think about it, that people would have their ancestors plowed down so that sand can be taken, so that we can build a house for somebody who's just moving here. Let's just forget the culture that they, that was, that is here, and the people who live here. Those iwi kupuna are part of my life. They're part of my culture surviving. They're part of our culture being alive.

CHAIR WHITE: Okay, I think you--

MS. APANA: And, I think this is what everybody loves about Hawaii. I'm, you know, I, I don't know how this egregious situation came to be, that all these laws could be broken to allow the sand to be sand mined. But, I'm appreciative that you guys are putting a highlight on it, and I want you to continue, continue to the finish line. Finish this up and get it to the place that it already is in law; our burials are protected, the sand dunes are protected. Get us to that place.

CHAIR WHITE: Thank you, Ms. Apana.

MS. APANA: Thank you very much.

CHAIR WHITE: You, you answered the question very well. Thank you very much.

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

MS. APANA: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Ke`eaumoku Kapu, testifying on County Communication 18-270.

MR. KE`EAUMOKU KAPU (testifying on County Communication No. 18-270):

Good morning, County Council. Ke`eaumoku Kapu. I'm not a stranger to this place, been here many times to talk about issues that may impact or affect our lives; especially Native Hawaiians. I've always been a stickler pertaining to policies, and how these policies are drawn up.

And, especially when it comes to collaboration with different organizations, as well as agencies, State Historic Preservations Divisions, on their output or input on how the County as well as the State is working diligently to protect our resources when you start talking about the extraction of sand.

And, it's always been an issue for me that every time when I come in front of this Council, there's a missing element. Who represents us, the Native Hawaiians when we start talking about our resources are being used and obliterated for money? So, where is that vehicle that allows us, the Native Hawaiians, to come to the forefront, to try to look at ways on how we can incorporate management policies within the Planning Department or within the Public Works Department on how we can come across the table, even to decide the fate of sand extractions, of stones taken from Iao Valley?

Of all these things that is happening now, before our resources will be basically obliterated to a point where the depletion will be the highest desecration in the State of Hawaii, and we're going to start with Maui. So, I know there was times, there was a time when I came forward to put my input in on the moratorium on how these things would work as an advisory to the aha moku system on how it's really viable and very important to get the right people to the table when we start talking about management of our resources.

The one component that I don't see here, and never seen here before, only once maybe two years ago, was the Office of Hawaiian Affairs. Where is the Office of Hawaiian Affairs that's supposed to be representing us? Where are they? They never here to speak on our behalf as Native Hawaiians, because the issue falls upon them, but I, as I see now, the issue still falls upon deaf ears.

So, I'm here to plead with this Council to make sure that when you go forward, to make sure that the policies that are written within the Planning Department and the Public Works, yea, that there is strong, stringent oversight when we start looking at these viable tools to make sure that we, we placing in this recommendations what we call a governing body to make sure that the tables are covered, literally, straight across the board. So, I'm here, basically, to ask those simple questions; who represents us? Thank you. Mahalo.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there's no further individuals signed up to testify in the Council chamber. If there's any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call area at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify in Hana.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

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

COUNTY CLERK: Mr. Chair, there's no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

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. Natalie Moog; and
2. Mike Moran, Kihei Community Association.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

(Councilmember Cochran arrived at the meeting at 9:52 a.m.)

MINUTES

The minutes of the Council of the County of Maui's regular meeting of April 20, 2018, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
APRIL 20, 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 adoption of minutes? 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", and zero "noes".

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-257 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated June 27, 2018)

Requesting a budget increase in the amount of \$323,896 for the Wireless Enhanced 911 Board.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request the Clerk to bring up all communications, including 18-269.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 18-258 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 6, 2018)

Transmitting a grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Grant in the amount of \$128,840.

NO. 18-259 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 6, 2018)

Transmitting the budget approved by the E911 Board for the State E911 Wireless Commission in the amount of \$1,716,134.

NO. 18-260 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 6, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System grant in the amount of \$376,865.83.

NO. 18-261 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated June 26, 2018)

Transmitting a notice of grant award from the State of Hawaii, Department of Education for the Play and Learn Sessions (PALS) Food Service Program in the amount of \$200,000.

NO. 18-262 - JAN SHISHIDO, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 22, 2018)

Transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging for Title III Programs in the amount of \$820,824.

NO. 18-263 - JAN SHISHIDO, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 26, 2018)

Notifying of intended voluntary contributions for the Fiscal Year 2019 received from senior program participants totaling \$207,416, with no Letter of Intent.

NO. 18-264 - WILLIAM R. SPENCE, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 3, 2018)

Transmitting a contribution award letter from Alexander & Baldwin, Inc. for the Kaunoa Senior Services Program – A&B Kokua Giving Contribution in the amount of \$20,000.

NO. 18-265 - WILLIAM R. SPENCE, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 3, 2018)

Notifying that the Assisted Transportation voluntary contributions received from senior program participants has exceeded the Fiscal Year 2018 budgeted amount by \$1,011.42.

NO. 18-266 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated July 2, 2018)

Informing of the intent to expend approximately \$40,000 in Federal Forfeiture Funds for the Employee Development Program to fund training and related expenses.

NO. 18-267 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated July 9, 2018)

Transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division, for the Special Needs Advocacy Program in the amount of \$777,775.

NO. 18-268 - RICHARD MINATOYA, DEPUTY PROSECUTING ATTORNEY,
(dated July 3, 2018)

Transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division for the Victim Witness Assistance Program in the amount of \$64,864.

NO. 18-269 - RICHARD MINATOYA, DEPUTY PROSECUTING ATTORNEY,
(dated July 3, 2018)

Transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division for the Career Criminal Prosecution Program in the amount of \$144,736.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COMMUNICATIONS, AS READ
BY THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: I, we have a motion from Mr. Hokama, and I didn't hear who made the second.

Ms. Sugimura?

COUNCILMEMBER SUGIMURA: Second, yes.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have reviewed the, each communication request and can recommend filing. Regarding the initial request 257, your Committee has recommend, the Council has already taken action on the Fiscal Year 2018 Budget that has already reflected the increased amounts of \$3.029 million. So, this filing is appropriate at this time. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on these items? 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. 18-270 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated July 10, 2018)

Transmitting 81 contracts/grants for June 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATION 18-270, WITH THE FOLLOWING CONTRACT REQUEST TO BE REFERRED TO THE BUDGET AND FINANCE COMMITTEE FOR FURTHER REVIEW, AT THIS TIME; FIRST WOULD BE CONTRACT C512 [SIC]; CONTRACT C460 [SIC]; CONTRACT 6460-1, AND THEN CHAIRMAN, IF THE COUNCIL WISHES AND THERE'S A FINANCIAL COMPONENT UNDER B&F, I'LL ACCEPT THE C477-1 [SIC] CONTRACT FOR REVIEW.

Other than that, Chairman, I'm open to other Committee Chair's request for consideration. Thank you.

CHAIR WHITE: Okay. Thank you. Any other request for referrals?

COUNCILMEMBER HOKAMA: That was a motion too, Chairman.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, yea, I was looking to pull Mr. Hokama, C6477-1 for IEM discussion. So, if there's a way to pull that one and to have it referred to IEM instead.

CHAIR WHITE: Without objection.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: We have all the, the referrals as stated by Mr. Hokama and Ms. Cochran.

Okay. 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".

(CONTRACT NOS. C6512, C6480, AND C6480-1 WERE
REFERRED TO THE BUDGET AND FINANCE COMMITTEE.
CONTRACT NO. C6477-1 WAS REFERRED TO THE
INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE.)

CHAIR WHITE: Mr. Clerk.

NO. 18-271 - ALAN M. ARAKAWA, MAYOR,
(dated July 5, 2018)

Informing of a vacancy on the Liquor Control Commission due to the resignation of
Nicole DeRego on June 28, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-271.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: The Mayor received notification of the resignation of Nicole DeRego from the Liquor Control Commission on June 24, 2018 *[sic]*. We sincerely thank her for her time served, and wish her the best for future endeavors, Chair.

CHAIR WHITE: Thank you. Any further 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".

Mr. Clerk.

NO. 18-272 - WENDY TAOMOTO, ACTING DEPUTY DIRECTOR OF WATER SUPPLY, (dated July 6, 2018)

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

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, I'd like to move that CC 18-272 be referred to Water Resource Committee.

COUNCILMEMBER CRIVELLO: Second.

CHAIR WHITE: Okay. Actually, do we need a motion? We don't need a motion. If you, if you'd like it to be referred.

COUNCILMEMBER ATAY: Thank you. Yea.

CHAIR WHITE: So, without objections, Members, we'll refer that item to the Water Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following communications are being recommended to be referred to the following Committees:

NO. 18-273 - KELLY T. KING, COUNCILMEMBER,
(dated July 11, 2018)

Transmitting a proposed resolution entitled "SUPPORTING THE RECOMMENDATIONS IN THE HAWAI'I SEA LEVEL RISE VULNERABILITY AND ADAPTATION REPORT".

The recommended action is that County Communication No. 18-273 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 18-273 WAS LATER REFERRED TO THE PLANNING COMMITTEE. See pages 27 and 28 for discussion.)

NO. 18-274 - ALAN M. ARAKAWA, MAYOR,
(dated July 12, 2018)

Transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE CITY OF SAN JUAN, METRO MANILA, REPUBLIC OF THE PHILIPPINES".

The recommended action is that County Communication No. 18-274 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-275 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated July 11, 2018)

Transmitting Bill No. 63 (2018), Draft 1, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF DEFENSE".

(LATER IN THE MEETING BILL NO 63 (2018) WAS SUBSTITUTED WITH THE REVISED BILL ATTACHED TO COUNTY COMMUNICATION NO. 18-275, AND PASSED SECOND AND FINAL READING. COUNTY COMMUNICATION NO. 18-275 WAS THEN FILED. See pages 37 through 45 for discussion and action.)

NO. 18-276 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated July 12, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.23, MAUI COUNTY CODE, RELATING TO REGULATION OF BICYCLE TOUR AND BICYCLE RENTAL BUSINESSES".

The recommended action is that County Communication No. 18-276 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any objection to the referrals as read by the Clerk?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-273

COUNCILMEMBER KING: Thank you. I would like to pull 18-273, and have it referred to Planning Committee. And, do I need a motion on that, if there's no objections from? We've already been working on this item in Planning Committee.

CHAIR WHITE: It would be up to Ms. Sugimura.

COUNCILMEMBER SUGIMURA: It, sure. It kind of belongs in my Committee, but I don't--

COUNCILMEMBER KING: You know, we've been, we've been working on the Sea Level Rise report and this, this resolution. I've been working with Tara Owens from the Coastal Processes and Hazards Department of the Sea Grant Program, and as well as with the Planning Department on this resolution. Thank you.

CHAIR WHITE: I'm sorry, I didn't hear.

COUNCILMEMBER SUGIMURA: That's fine.

CHAIR WHITE: Okay. Any objections to that referral being sent to the Planning Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you. So ordered.

And, Ms. Sugimura, you have a--

COUNCILMEMBER SUGIMURA: I do. So, I would, 18-275, I would like to know if I could take that up when Bill 63 comes up further on the agenda? Excuse me.

CHAIR WHITE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Okay. We will do so.

Okay, let's proceed. Mr. Clerk.

COUNTY CLERK: Mr. Chair, the other referrals to Committee as noted by the Clerk?

CHAIR WHITE: I think I asked and got the, got the reaction that there were no objections other than the two we just covered.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Was the, was the 18-5, or is, that's a separate section?

CHAIR WHITE: I'm sorry. I can't hear what you're saying.

COUNCILMEMBER KING: Nothing. I was just asking about 18-5, if that's a referral.

CHAIR WHITE: 18?

COUNCILMEMBER SUGIMURA: 18-5?

COUNCILMEMBER KING: Under general communications.

CHAIR WHITE: That's a, that's the next section. Okay. So, if you can bring up the next.

COUNTY CLERK: Thank you, Mr. Clerk, Mr. Chair, excuse me.

Moving onto the general communications.

GENERAL COMMUNICATIONS

NO. 18-5 - CHARLES JENCKS, HONUUA`ULA PARTNERS, LLC,
(dated May 29, 2018)

Submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua`ula Project).

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE GENERAL COMMUNICATION 18-5.

Thank you.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Any 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.

COUNTY CLERK: Mr. Chair, moving onto Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-115 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-127, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30178459821-0001 OF ISLAND INSURANCE COMPANY, LTD., ON BEHALF OF GEORGE AND DONNA BROWN," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met, oh, excuse me.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-115.

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 July 3, 2018, to consider a proposed resolution authorizing the Department of Corporation Counsel to settle the claim read by the Clerk for \$8,603.10.

Your Committee notes that the claim alleges damages to George and Donna Brown's vehicle resulting from a collision involving a County of Maui fire truck on May 10, 2017, in Lahaina. Your Committee voted 5-0 to recommend adoptions of the proposed resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item?

COUNCILMEMBER GUZMAN: Nothing further.

CHAIR WHITE: 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.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-127.

COMMITTEE REPORT
NO. 18-116 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-128, entitled "AUTHORIZING SETTLEMENT OF PAULA BURNS V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-17-00866," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-116.

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 July 3, 2018, to consider the proposed resolution authorizing the Department of Corporation Counsel to settle the workers' compensation claim read by the Clerk.

Deputy Corporation Counsel said that the claim involves an employee of the Department of Parks and Recreation who injured her back while trying to lift a 50-pound box of toilet tissue in the storage room at Eddie Tam Memorial Center. The injury occurred on December 12, 2016, and was witnessed by several other employee's supervisors, and supervisors.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution authorizing settlement in this case. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-128.

COMMITTEE REPORT

NO. 18-117 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-129, entitled "AUTHORIZING SETTLEMENT OF DONNA TAKITANI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NOS. 7-15-01931 AND 7-16-00277," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-117.

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 July 3, 2018, to consider the proposed resolution as read by the Clerk, to settle the workers' compensation claim.

Deputy Corporation Counsel said that Ms. Takitani was a maintenance supervisor with the Department of Parks and Recreation who had recently retired. The first injury occurred on November 9, 2015, when she was trying to move a maintenance cart.

The second injury occurred January 14, 2016, when she was helping another employee at the Department spray yellow jacket nests around the dugout officials' booth near the Eddie Tam baseball and softball fields.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution authorizing the settlement of the claims. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-129.

Proceeding with resolutions for second and final reading.

RESOLUTIONS

RESOLUTION
NO. 18-124

PROPOSING AN AMENDMENT TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, AMENDING SECTION 13-6,
RELATING TO CLAIMS

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I ask the Clerk to also bring up
Resolutions 18-125 and 126?

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Please bring them up, Mr. Clerk.

RESOLUTION
NO. 18-125

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO
PENALTIES

RESOLUTION
NO. 18-126

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO USES OF
THE OPEN SPACE, NATURAL RESOURCES,
CULTURAL RESOURCES, AND SCENIC VIEWS
PRESERVATION FUND

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO PASS RESOLUTIONS 18-124, 18-125,
AND 126 ON SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: These, these are the Charter amendments, Chair, that was discussed at our previous meeting. And, I think I really have no discussions, cause we've talked about it at length. So, thank you. Thank you, and I look forward to my fellow Members support on passing this on, on its second reading. Thank you.

CHAIR WHITE: Okay. 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.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 63 (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 DEPARTMENT OF HEALTH AND
THE DEPARTMENT OF DEFENSE

NO. 18-275 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated July 11, 2018)

Transmitting Bill No. 63 (2018), Draft 1, entitled "A BILL FOR AN ORDINANCE
AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF DEFENSE".

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO PASS BILL 63 (2018) 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. I guess the Clerk's Office is, is submitting to
everyone the amended bill.

BUT, I MOVE TO AMEND BILL 63 (2018), BY SUBSTITUTING
BILL 63 (2018) WITH THE REVISED BILL ATTACHED TO
COUNTY COMMUNICATION 18-275, AND TO FILE COUNTY
COMMUNICATION 18-275.

COUNCILMEMBER CRIVELLO:

SECOND.

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

COUNCILMEMBER SUGIMURA: Thank you, Chair. The amendments I'm proposing further clarified in the track changes, which everyone got a copy of today. It, the amendments will remove a reference to the State Department of Health in the bill's title, further clarifies service dates and locations in Section 1 of the bill, and incorporates nonsubstantive revisions throughout the bill for clarity. I think we also added an amendment that was made by Mr. Hokama for a report after this is done. So, Chair, I respectfully ask for the Council's full support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate the, the draft. I, and I support it, but, you know, I just have one reservation. And, maybe Mr. Wong can respond for us at this point in time as attorney.

So, Mr. Wong, the request is still to pass this on second and final. What we have done between first and final though, we've changed the title of the bill. You know, I can see a little leeway on the, some of the sections or revisions in the body, being technical from generic to specific sites. But, the key was the change of the title. So, are we still able to go forward today on second and final reading? Cause that would be the only technicality that I would hate to see us not move forward.

CORPORATION COUNSEL PATRICK WONG: Chair, if I may?

CHAIR WHITE: Please proceed.

CORPORATION COUNSEL: I'm not certain that the proposed changes were reviewed by the assigned Deputy to this matter. And, I'm not familiar enough with whether or not the intergovernmental agreement does in fact exclude the Hawaii Department of Health. I, I mean, I can check with my Deputy that was assigned. But, in terms of substantive changes, if it does in fact exclude Hawaii Department of Health, then it would be considered such a change. And, typically, changes of this sort, when made before second and final, requires another posting and another reading.

But, I also understand that there is some timeliness involved in this, because the services are to be rendered between August 11 and August 19. So--

COUNCILMEMBER HOKAMA: Yea, you know, I mean, we would like this to work. So, my thing is, how can we make it work within the parameters. So, if worse come to worse, Chairman, I guess we pass this on first reading; worse comes to worse, instead of second reading.

CORPORATION COUNSEL: Correct.

COUNCILMEMBER HOKAMA: But, I just need to be assured that. Again, changing title of bills is a concern for me.

CORPORATION COUNSEL: Chair, if I may? You know, changing the title is, I mean, you also, you're removing a party to the proposed intergovernmental agreement. And, I'm not familiar enough with who the parties are as I sit here now. But, I can certainly, like I said, check with the Deputy assigned to determine. And, I do know that, maybe Member, Councilmember Sugimura can enlighten me on the exact parties involved in this.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair, I think when we last spoke about this, we had said that until, from that first reading until now, we would clarify what was going on with this project. As, as you can tell, what was submitted to us was a first initial document that the Mayor signed, which was to initiate the implementation of this program. And, the, what we wanted to get in this draft was more accurate information so that the Council will be acting upon something that was today versus three years ago, which was, I think when it was proposed. We have been in touch with Corp. Counsel, who does a great job in terms of making sure everything is, you know, done correctly. So, I appreciate Ms. Sheppard.

And, we were told that the Department of Health, although they testified if you remember about their involvement, they really are not part of the, it's really Department of Defense who are providing the people as well as, you know, the, the skills and talent. And that we were providing, we're facilitating with volunteers or doing other things, which I think Lynn Araki, from the Mayor's, Lynn Araki-Regan, sorry, from the Mayor's Office was spearheading. So, we're just trying to get this to be closer to the truth, rather than something that was put together like three years ago. So, that was our intent.

And, deleting Department of Health was actually, from what we were told, they were not really part of the main organizers. But, they were supporting staff. So, we're just trying to get it closer to what is really happening so that the Members can approve something which is today. So, but I look forward to hear what Corp. Counsel says, and that's, you know, what we'll do. I would like to, I would like to make sure that we can make this happen, so please guide us.

CHAIR WHITE: I, I see Ms. Sheppard has arrived. If anyone would like to ask questions of her?

COUNCILMEMBER KING: Chair, I have a--

CHAIR WHITE: Any?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the key is just, did we satisfy posting requirements? Have we complied with State statute requirements? Because in general, I have an issue when we, we change titles between first and second reading.

CHAIR WHITE: Let's take a, a very quick recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:21 A.M., AND WAS RECONVENED AT 10:23 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER COCHRAN, EXCUSED.)

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

Mr. Clerk.

COUNTY CLERK: Thank you, Mr. Chair. Mr. Chair, in response to Member Hokama's question, the item that was posted, County Communication 18-275, what was attached to that County Communication was Bill 63, Draft 1.

(Councilmember Cochran returned to the meeting at 10:24 a.m.)

COUNTY CLERK: And, the title of that particular resolution had been changed on this particular posted item, removing the Department of Health from the original title, in addition to some of the other amendments made by Member Sugimura.

In addition, Mr. Chair, according to Council Rules, this would be a Rule 19(C), this would be, action on this particular bill may be taken, because this particular item on the floor right now had in fact been posted for this particular agenda. Thank you, Mr. Chair.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: So, that is half the battle. Okay, so procedurally we've done it the right, correct way. Statutorily and legally, we okay, Mr. Wong?

CORPORATION COUNSEL: You're asking whether or not I'm okay with procedurally as described by the Clerk?

COUNCILMEMBER HOKAMA: No. Whether we've satisfied any requirements you may think regarding Sunshine and required notification to the public of, prior to the action.

CORPORATION COUNSEL: Yea, so the Clerk's clarification is that the item was in fact posted with the proposed amendments. With that said, there's sufficient notice requirements that were met. So, I don't see there to be any Sunshine Law violation in this regard. Thank you.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chairman. Again, this is a unique situation where we change the title on second and final reading. Thank you.

CHAIR WHITE: Any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. Hokama. I mean, this could be maybe benign, but you know, on other issues it could be a huge repercussion doing what you're mentioning, so I hear your concern.

So, Waiola Church, which I'm a member of, is hosting one of the sites where this is going to be occurring, which is great. And, I, and I also heard yesterday at the senior center about this program. And, they're mentioning that it's for anyone and everyone. So, not really just in Section 1, underserved economically depressed communities.

So, I don't know if this is, you know, it's saying in this agreement that specifically what it's targeting. But the word on the street and at these locations this is going to be held are not explaining it that way. So, I mean, maybe that's not our deal. Maybe it's just

the people who are doing the Tropic Care itself need to vet through and explain who this is, who they're serving or not serving. I don't know. But, I, those words just kind of caught my eye because that is not how it's being portrayed in the community right now.

CHAIR WHITE: Yea, I think there is a little bit of a challenge. But, I think most people who have coverage and have other means of getting medical care generally stay away. And, hopefully the word is getting out to those that are underserved that this is, this is available to them so that they are aware of it and make sure they get there. That, that really is the main reason for it.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, it is open to everybody. I think that was said the first time.

CHAIR WHITE: Well, it's like so many other things. They can't discriminate.

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: But, the main purpose is to take care of people that would not otherwise have access to the care. And that's hopefully what everyone who has access to care will respect and, I hate to say it, but stay away.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. I asked that question in Committee. And, they were very specific; this is not just for economically depressed clientele, this is for everybody. And, people do come in, who, regardless of whether they have insurance, you know, they'll come in sometimes to see, get a second opinion or something. So, yea, I'm not sure why those words, "and economically depressed" were put in there, because I was, I specifically asked that question when we reviewed this in Committee. And, they said in no uncertain terms, no it's not for, it's for underserved areas, but it's not just for the economically depressed.

CHAIR WHITE: Right.

COUNCILMEMBER KING: So, I would comfortable taking that out.

CHAIR WHITE: But, this is the way it's been done in the past. I think that is their focus, it's just that they can't discriminate.

COUNCILMEMBER KING: No, I asked them that. But, they said no, that is not their focus.

CHAIR WHITE: I know. I know. It's because they have to have it. From a technical perspective they have to leave it open to all.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I think in the second paragraph it explains this is a military training opportunity. So, that is training upon people with or without care. I mean, it's come in, eyes checked, blood pressure, look at your teeth, whatever. I mean, I just had my teeth cleaned, maybe I'll go in and see how they operate, and you know, or the. And so, it's a training thing too. So, I think that regardless, served or underserved is opportunity for the military, which this is about, to get them, you know, their readiness; the military readiness in order, so.

CHAIR WHITE: Okay, any further discussion? I believe we are on the, still on the amendment, right? Yea, so, all those in favor of the amendment 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, move back to Ms. Sugimura. We are back to the main motion. Any further discussion on the main motion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Just, can I ask Corp. Counsel, is there any, if there's a reason why that, those words "economically depressed" were not put in there? Is there any repercussions for adding them? I mean, are we, are we pointing at, are we discriminating by putting those words in there?

DEPUTY CORPORATION COUNSEL JERRIE L. SHEPPARD: I think that criteria was part of the, I'm sorry, Chair. May I respond?

CHAIR WHITE: Go ahead.

DEPUTY CORPORATION COUNSEL: I think that criteria was part of the selection process for the Innovative Readiness Training Program. When they have the concept of the program, they look for those kinds of communities first. And, I believe that Molokai was primarily that type of community with some economical challenges. So, that was one of the criteria.

But, it's not about economically depressed individuals. All individuals are to be served at these events.

COUNCILMEMBER KING: Okay. But, they do have, I mean, they do have a site in Kihei where they plan to do this too.

DEPUTY CORPORATION COUNSEL: Yes.

COUNCILMEMBER KING: So that it's not, it's not just economically depressed areas either?

DEPUTY CORPORATION COUNSEL: No. It's throughout the County, on all islands.

COUNCILMEMBER KING: Okay. So, is it okay to put that in there then? I mean, I just want to make sure that we're not putting in some discriminatory language that they didn't intend to put in there.

DEPUTY CORPORATION COUNSEL: I don't think it discriminates against anybody.

COUNCILMEMBER KING: Okay.

DEPUTY CORPORATION COUNSEL: I think it's still, the reason the communities were selected, not who's going to be benefitting from the services.

COUNCILMEMBER KING: Okay. So, do you think that they were considering Kihei to be economically depressed community?

DEPUTY CORPORATION COUNSEL: I couldn't answer that question, I'm sorry.

COUNCILMEMBER KING: I don't think of us as economically depressed.

CHAIR WHITE: Any further discussion? Seeing none, all those in favor of the main 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.

ORDINANCE NO. _____
BILL NO. 64 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.32.020,
MAUI COUNTY CODE, RELATING TO ONE-WAY STREETS

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 64 (2018) ON SECOND AND FINAL
READING.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

(Councilmember Guzman left the meeting at 10:32 a.m.)

COUNCILMEMBER COCHRAN: Thank you, Chair. The purpose of this proposed bill is to revise the limits of the one-way portion of Oihana Road, located in Wailuku, from the intersection of Kanoa Street to the east side of Spreckels Ditch. And as stated at the last Council meeting, extending the limits of the one-way portion of Oihana Street will improve access to businesses on the street, and prevent illegal right hand turns onto Kinipopo Street. So, I respectfully ask for my fellow Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 65 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042
MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 65 (2018) ON SECOND AND FINAL
READING.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. The purpose of this proposed bill is to establish a mid-block crosswalk on South Kihei Road approximately 250 feet north of Hoo, Hoonan, what?

COUNCILMEMBER KING: Hoonani.

(Councilmember Guzman returned to the meeting at 10:33 a.m.)

COUNCILMEMBER COCHRAN: Hoonani Street in Kihei. The crosswalk will connect the end of sidewalk on the mauka side of the South Kihei Road with the makai side of the road, which continues north. The crosswalk will also contribute to an effort to establish contiguous sidewalk access along the northern end of South Kihei Road. So, I respectfully ask for my Members support. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, 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.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much.

Thank you all for being here this morning. And, we are adjourned.

ADJOURNMENT

The regular meeting of July 20, 2018 was adjourned by the Chair at 10:34 a.m.



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

Short term renting

natalieamoog@gmail.com

Wed 7/18/2018 1:36 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Please don't impose extreme fines on vacation renters. It is a way for local people to supplement the expensive cost of home ownership on maui. It only benefits the offshore hotel corporations if you make it hard for maui people to home share.

Natalie Moog
12-4 puailima place
Lahaina maui

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2018 JUL 18 PM 2: 01
OFFICE OF THE
COUNTY CLERK

Testimony to Council for 7/20/18 9 AM meeting on Communication 18-273

Mike Moran <mmmmahalo2000@aol.com>

Thu 7/19/2018 12:40 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Kelly King <Kelly.King@mauicounty.us>;

KCA Testimony to Council 7/20/18 Support of 18-273

Aloha Chair and Council, Mike Moran for Kihei Community Association, (KCA) testifying in support of this reso from Councilmember King
We express our thanks to our member King for introducing this resolution on this vital matter, and while the concern is world wide, we believe we have to approach it locally. For South Maui we already see the erosion of parts of SKR on the northern end. For NKR at its elevation and location, how long before it is continually flooded and impassable. We trust you and all the members have seen the report. We are already very late. Please say yes. Mahalo.

Mike Moran President Kihei Community Association

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2018 JUL 19 PM 12: 51
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