

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 8, 2017

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, SEPTEMBER 8, 2017, BEGINNING AT 9:04 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the County Council 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.

EXCUSED: NONE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have nine Members present. Quorum is, to do, to conduct the business of the Council is adhered.

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

And for this morning's opening remarks, we have Ms. Stacy Crivello.

OPENING REMARKS

The opening remarks were offered by Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: That being said Chair, I'd like for all of us to take a moment of silence if I may ask, Chair, to reflect and offer our own process of lifting up the families and the countries and states that are suffering from the devastation of our natural disasters that are happening at this time one after the other, and share aloha within, unto them.

CHAIR WHITE: Thank you. Moment of silence please.

MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE,
OBSERVED A MOMENT OF SILENCE.

COUNCILMEMBER CRIVELLO: Mahalo.

CHAIR WHITE: Thank you, Member Crivello. Wonderful messages. Appreciate that.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Mr. Clerk.

I'm sorry. Will you all please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. If you will all please turn your phones to silent mode.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, we have received no requests from individuals who wish to offer testimony on the ceremonial resolution this morning. Shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-131

CONGRATULATING
HAWAIIAN CANOE CLUB
ON WINNING THEIR FIFTEENTH
HAWAIIAN CANOE RACING ASSOCIATION
STATE CHAMPIONSHIP TITLE

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. You know, over the years, Hawaiian Canoe Club has become synonymous with achievement and success. Whether it is growing and nurturing the, their ever popular Kamali'i Program, working with the youths of Maui, or growing and nurturing their medal winning paddling crews, Hawaiian Canoe Club has consistently shown time and again that hard work, perseverance, pono guidance and unity make for a tightknit ohana of high caliber athletes.

Hawaiian outrigger canoe racing, during the summer months, is a competition season that is truly an intergenerational event sport. You have keikis under 12 and have the opportunity to participate in the manini races. You have 12 year olds, 13, 14, 15, 16 year olds, then you have young adults, you have parents, and you also have grandparents. And each of them contributing points to the overall goal of competition. There's no finer example of that hana or that kind of work that this year's state championship win in the Hawaii Canoe Racing Association Regatta, which was held at Hanakao'o Beach Park in Lahaina this past month.

Hawaiian Canoe Club was up against many fantastic teams from across the entire state all vying for gold in their respective races, as well as the overall title of 2017 State Champs. Their keiki crews pulled off gold medal wins, giving Hawaiian Canoe Club the points they needed to stay amongst the top contenders for the trophy. But they were in a fight to the finish with Lanikai Canoe Club from Oahu. Down to the wire, to the last races of the day, Hawaiian Canoe Club continued to push forward, eyes on the prize, finally beating out Lanikai to earn the most points, and win the title, which was their fifteenth state championship title. I say hulo hulo to our State Champs.

And if we could have our Clerk to read the resolution.

CHAIR WHITE: Could we have a motion first?

COUNCILMEMBER ATAY:

CAN I HAVE THIS MOTION?

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Clerk, please read the resolution in its entirety.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Atay, further discussion?

COUNCILMEMBER ATAY: No discussion.

CHAIR WHITE: Okay. Members, further discussion on this item?

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Mr. Carroll, followed by Ms. Crivello.

VICE-CHAIR CARROLL: Thank you, Chair. You know, most of us either have family that is participating in Hawaiian Canoe Club either now or before, and friends. And it's such a big part of our community, and we are so proud of them. And I hope they will be there forever. Congratulations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd like to extend our congratulations, but most of all mahalo. Mahalo for all of the time and energies that are put in to build our islands to be a healthier and a healthy community. So again, mahalo.

CHAIR WHITE: Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I also would like to fully support this. And, through the years we've seen such a growth of the sport, and the prominence that Maui has played in the, in the statewide athletic opportunities. And I want to just tie in that I think that Councilmember Crivello's opening statements surely ties in with what this embodies for our State and our County, and that it does embody aloha as a collective experience. And surely the coaches, the parents, everybody that works on this surely works towards making this happen as aloha is an answer, and aloha is a promise and, and we see it active and alive in this sport. So, thank you coaches and thank you everybody. Thank you.

CHAIR WHITE: Right down the line. Ms. Cochran.

COUNCILMEMBER COCHRAN: Might as well. Thank you so much. And of course, definitely a pride and honor to Maui County as Maui is always no ka oi. But, it just reminds me that Hawaiian has always been, for Maui itself and Maui Nui, the one to beat too. And I'm not going to say the era when I paddled, but back in those days, that was the, the girls crew to beat. And it's really exciting to see on the fourth whereas how many of the female crews brought home gold and brought home the high points to make this club the, the winning champion.

And so, of course, all the thanks goes out to yes, the, the crew, the parents of the crews and the coaches. And, this is a wonderful recognition of the perpetuation of our culture.

And it was a wonderful huge event over at Hanakao`o, that little old park took, handled everyone from all over. And it was a sight to see. And I believe when I went down, it went off without a hitch. The lifeguards, the police, everybody from Maui County, the Public Safety Department were having a good time, and they were taking care of business and things were running very smoothly. So, I want to say congratulations, but also in pulling off a successful event in West Maui and looking forward to the next, next time they come back. So, mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to acknowledge, first of all, I fully support the resolution and congratulations to the team, teams. But, I also want to acknowledge the value of the canoe club activities and canoeing in our schools as a sport, you know, it was a big issue when I was on the Board of Education which I don't really like to talk about, because then I date myself. But, I do want to say that when, when I did first get elected to the Board of Education in the last, into the last century, one of the, one of the things that the kids would talk about the most when I met with groups of kids was that there's nothing to do here. And you know, that was before we even had a swimming pool in West Maui.

So, the canoe clubs, I think are one of the, the healthiest cultural events and activity. And the things that, I don't think anybody sits in their canoe going like this, you know. And so that, that makes me really happy to see activities that, where we can get people away from their technology and actually doing physical activity. Because we don't have enough of that, and it's not just for the kids, but for adults as well. If we can get ourselves out, out of the office and into the open space, and communing with nature and doing something that's physical as well as cultural, I think it's just a beautiful thing.

And congratulations to those who are also winning at that sport. Thank you.

CHAIR WHITE: Thank you.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. This, it's a great honor to recognize the canoe club. They have a special place in my heart. I was, actually my first term was able to take a site visit and really see what their, their values are. It's a tradition that brings in all from the young and to the old together in a family atmosphere. Not only is it a value learning experience, they are really truly stewards of the land, especially when you go there and the, what they've done with the park and the, and the care that they have, and the dealings in which they, they presented themselves recently in overcoming some challenges with our homeless. So, I really admire their perseverance, their compassion, and the stewardship that they provide to our County parks. So, thank you. Thank you.

CHAIR WHITE: Thank you. Any further discussion?

The Chair would just like to add, I, looking at the, the group of leaders here, I see people who have done so many other things in our community. And to add the leadership for what has got to be an incredible undertaking to have 40 teams, pairing them all with the right, the right mix on each crew. I can't even, when I look at Hanakao'o Beach, the park facility and the, the cramped nature, I have no idea how you pull off along with all the other teams, maneuvering the right canoe and the right

folks in the right spot at the right time, and pull off a win like this. It's just an incredible amount of organization. And I just take my hat off to the leadership of the club, and congratulations for a fabulous win.

And thank you for providing the activities that you provide to keep the youth and the not so youth engaged and, and happy in Maui County. So, thank you so much for all of your dedication. Mahalo and congratulations.

Any further discussion?

Mr. Atay. No, back to you.

COUNCILMEMBER ATAY: Can we have a, a vote for this?

CHAIR WHITE: Thank you for the, you know, myself and the Clerk are a little rusty today for some reason.

So, with no 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".

Now, Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Members. And thank you, Chair. At this time, if, if we may, I'd like to request an opportunity to have the members of the club and leaders to come down and receive some congratulatory leis as well as a copy of the resolution.

CHAIR WHITE: Certainly. Please join us.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, if I may, I'd like to have the, give the team members, leaders, an opportunity to share a few words.

CHAIR WHITE: Certainly.

MS. DIANE HO: First, on behalf of the Hawaiian Canoe Club, I'm actually blown away by the words today. Councilwoman Crivello, what you said is exactly what we try to and have tried to perpetuate, not only the art of Hawaiian canoe racing, but also to, to raise our kids regardless of racial extraction, social and economic means to be solid citizens that make decisions using Hawaiian cultural values, cause that's what matters.

I do want to say one thing. We win because we race as a family. We have a big chart up, and we, everybody puts how many points they contribute. We did not win the regatta until the last race, because our 40 Men were instructed to beat Lanikai. That was their medal, that was their task and they did. And they didn't come in first, but they beat Lanikai; that's what mattered.

But, more than that I'm so excited of all the times that we've come up here. I don't think that we've had quite the gathering of people. Well, before I do that, I was told to thank you for all the money that you folks have approved for helping us with Ho`aloha Park, because it's really important to have a facility to run out of in order to run a program like ours that has over 200 kids. It's very difficult if you don't have a park, and all the other things that have been done for us and help.

But what I'm most excited about is today. And I want to tell you is that you actually have before you the real core of Hawaiian Canoe Club. And so I would like really to introduce them to you in my own way. But, the assistant head coach for the last 30 years is Mary Akiona, Mary. And of course you know, Dave Ward. Without Dave we don't run, without somebody at the top, and that's Dave, because he's the president of our board. But also because he's the most even keeled of the group. I won't go into more.

But anyway, and of course people like Bruce U`u who for me represent, I mean, everybody knows Bruce and I love Bruce. And Bruce is, anytime you have a problem you go to Bruce. But, I also remember Bruce growing up in our program. And I remember him as an 18-year-old and all the courage that he showed in those years that he continues to show and the commitment to our club. And, and we all love each other. That's part of the thing, you know.

And there's another fellow back here, 36 years ago when he was 19 years old, add, add up, add that up. I asked him, I asked him to coach the kids. Now 36 years later, his kids are doing a phenomenal job and he, and the County of Maui, we need to recognize the things that he has done for the kids; and that's Kauhane Luuwai.

And because, I think, Stacy has said, are you passing it on or whatever; of course, we're always trying to find to delegate this out. So, today we have Kala Mo`ikeha who's with us for the first year.

But also I'd like to introduce and ask her to say a few words is Ka`ili Mo`ikeha who is now the office manager for Hawaiian Canoe Club. Our one employee who is more than a go to person. But, she also keeps us in line which is pretty interesting. Anyway, I'd like to introduce you to Ka`ili and have her say something.

MS. KA`ILI MO`IKEHA: Aloha. I want to take this opportunity and on behalf of Hawaiian Canoe Club, thank the County of Maui for their support. We also receive support from our families and other members of the community that allow us to be here today to accept this honor. We would not be able to do it without the backing from especially our families, our ohana, and everybody in our club. We are one ohana. We grow and we learn together, and we hope that we will be able to excel and, and continue to do great things. But I do want to take this opportunity to thank you all for this wonderful recognition. Thank you.

CHAIR WHITE: Thank you. Thank you all for being here this morning and sharing your mana`o.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-131.

Proceeding with presentation of testimony on agenda items. We have established limited interactive communications 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 on the eighth-floor lobby just outside the chamber door. And testimony on all locations is limited to the items listed on today's agenda.

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

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have two individuals that have signed up to testify in the Council chamber. The first person to provide testimony this morning is Rosemary Robbins, testifying on County Communication 17-348, and County Communication 17-350, and Bill 74. To be followed by Barry Helle.

CHAIR WHITE: Thank you.

Good morning, Ms. Robbins.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS [testifying on County Communications 17-348 and 17-350, and Bill No. 74 (2017)]:

Good morning, Chair. Good morning, everybody. Wasn't that exciting? Wow. Really gives me a thrill when I see people who have brought up our younger people and then watch them take over and perform and encourage others. Yes, yes.

Okay. So, I would like to bring our attention on page, to page 3 of this morning's agenda, the September 8, 2017, Maui County Council agenda. It's been said often from this microphone before that we have to acknowledge that we have Federal, State, and elected County people.

There's a fourth category in there that I would really like to encourage; that's the electors. We come here on some days and the place is just stacked. And we come here on other days and there are fewer than a half a dozen people who are coming up. And a number of those people when I, when I sign up on who I'm representing, I put in

myself and other concerned citizens, cause somehow people find me on the sidewalk or the hardware store, wherever, and talk. And I always remind them of the fact that they have a voice. They can come here too.

My hat is definitely off to the folks on the seventh floor, both sides, who will provide documentation and space for concerned citizens to be able to come and read. So, the call is out. We've saved you a place. Feel free to come. Take advantage of what you have seen other people do, and come on up and give us your good heart and your good mana`o over that.

So, this morning, starting out with page 3, number 17-348. Now, these are communications, so there won't be any votes taken on this today. But, we're going to have a chance to hear what the concerns are that it will be coming up for votes later on. So, I'm encouraging everybody to tune in. And that particular one was the Council, let's see, get this in the right light, Council Chair White urging resolution, urging the Hawaii State Legislature to amend Chapter 92 of the Hawaii Revised Statutes, excuse me, to require that the Legislature abide by the Sunshine Law.

I had an opportunity to spend time with second and third graders--

COUNTY CLERK: Three minutes.

MS. ROBBINS: --over this past weekend, and they wanted to know what the Sunshine Law was about. So, I said, well that's the people will talk where we can all hear what's going on. Why? Why did you ask me that? And they said, duh. Why would you have to ask people to do what they're demanding other people do, and not do it themselves. If you had an answer for that, anybody, shout it out because I don't have an answer for that. So, thank you for putting that up. Certainly, I am endorsing that that happen; that we're not leaving anybody out of the discussions.

Okay, and then also on page 3, down at the bottom. The Mayor has trans, I'm reading this now, item 17-350, from the Mayor, transmitting a letter of intent from the State Department of Land and Natural Resources for Fiscal Year 2018, we're already in that remember, about the Makena Lifeguard Services. I'm hoping that that's a decision of wisdom that's going to come. The people who were here know they're here on our island. And we need to not make light of that. So, whoever it is that's going to be in charge of that needs to be somebody who understands the here of that Makena area, and who know the people who visit there and the people who are there ordinarily; those of us who like to enjoy the water.

And then over on page 5, excuse me, not true, page 7, this morning, down on 17-114, the bottom of the page. This is about adoption, adopting a resolution approving for inclusion in the 2018 Hawaii State Association of Counties Legislative Package a State

bill to increase the revenue for each County's affordable housing fund through a one-percent conveyance tax on the sale of condominiums of single-family residential properties with a value of more than \$2 million. We're talking to very few people from here who are in that category. So, please take a realistic look on that when you're doing your deliberations. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Barry Helle, testifying on Committee Report 17-110.

MR. BARRY HELLE (testifying on Committee Report 17-110):

Good morning.

CHAIR WHITE: Good morning.

MR. HELLE: When our permit application appeared before the Land Use Committee, there was one concern regarding the fact that Erica Chan's name did not appear in the corporate document structure. And I just wanted to let the Council know that I got an email yesterday from our attorney confirming that we had submitted a letter to the Department of Commerce and Consumer Affairs adding Erica Chan as a manager of 355 Haiku Road, LLC, effective August 25. So, that, hopefully that concern is, is off the table because she has been added as a, as a legal manager of the property.

CHAIR WHITE: Could you just state your name for the record.

MR. HELLE: Oh, I'm sorry. Barry Helle.

CHAIR WHITE: Thank you very much.

Members, any need for clarification?

COUNCILMEMBER KING: Just one quick, quick request.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yes, thank you, Chair. Thank you for being here, Mr. Helle. And thank you for following up with that. I think that was the concern I brought up. Do, I'm just going to ask you if you can just maybe give a copy of that document to, you know, for, for distribution.

MR. HELLE: I, unfortunately I got it late yesterday. It was an email. But when I get back to my office I'll be more than happy to email it to everybody.

COUNCILMEMBER KING: Okay, great. Okay, great.

MR. HELLE: My pleasure. Yea, thank you.

COUNCILMEMBER KING: And, okay, thank you.

CHAIR WHITE: Okay. Anything else? Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber. If there is any additional individual wishing to provide testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call at this time.

Hana Office, are there any additional testifiers?

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

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 is no one here on Molokai waiting to testify.

COUNTY CLERK: Thank you.

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

CHAIR WHITE: Thank you, Mr. Clerk.

Members, as you can see, we, we have some written testimony. Without objection, we'll ask that that be received into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM DAYTON M. NAKANELUA, UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, WAS MADE A PART OF THE RECORD OF THIS MEETING.

CHAIR WHITE: Thank you. So ordered.

And without objection, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATION

NO. 17-336 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 10, 2017)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to bring up all communications up to 17, and including 17-340.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 17-337 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated August 15, 2017)

Transmitting a copy of a grant agreement with the State of Hawaii, Department of the Attorney General for the Domestic Violence: Stalking and Homicide grant in the amount of \$70,696, which includes \$17,764 in matching funds.

NO. 17-338 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated August 17, 2017)

Transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2016 High Intensity Drug Trafficking Areas Grant in the amount of \$2,400.

NO. 17-339 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated August 14, 2017)

Informing of the intent to expend approximately \$16,910.38 in Federal Forfeiture Funds to pay for video production services equipment, a precision balance for the Crime Lab, and a mailing system.

NO. 17-340 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated August 25, 2017)

Transmitting the Request for Project Authorization, Agreement, and/or Modification approving the Federal Funds to advertise for the Pavement Rehabilitation of South Maui Road Project bids.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

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

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, and I didn't, Ms. Crivello was the second. Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is just notification of grant revenues being received by the County. No further discussion.

CHAIR WHITE: Thank you. Any further discussion, Members, on these items? 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. 17-341 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated August 16, 2017)

Informing of the acquisition of Waterline Easements for Lots 89, 90, 91, and 92,
Kehalani Module 14 Subdivision, Wailuku, TMK: (2) 3-5-001:110 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Chair, without objections, may I please have the Clerk pull up County Communication 17-342, also?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 17-342 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated August 16, 2017)

Informing of the acquisition of Waterline Easement A, Kehalani Module 14 Subdivision, Wailuku, TMK: (2) 3-5-001:110 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. So, County Communication 17-341 and 342 are both pretty much housekeeping type items.

And in accordance with Section 3.44.015H, Maui County Code, the Director of Finance is required to notify this Council, in writing, of any acquisition conveyance, or conveyance made to the County pursuant to this Section.

So, 17-341 is a Waterline Easement for four separate lots in Kehalani Module 14 Subdivision. And then, also, 17-342 is a dedication of Waterline Easement for a single-lot within the same Kehalani Module 14 Subdivision. And the purpose of both of these items are to access water meter and waterline purposes in connection with the same Kehalani Module 14 Subdivision.

Both were not, County funds were not used. And Director of Water Supply has approved the dedication of these easements that are transmitted in these communications. So, I therefore ask for support.

CHAIR WHITE: We need a motion.

COUNCILMEMBER COCHRAN: Oh okay.

AND, CHAIR, I MOVE TO--

CHAIR WHITE: We're all messing up this morning.

COUNCILMEMBER COCHRAN:

--ACCEPT COUNTY COMMUNICATION 17-341 AND 17-342.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, I explained the reason why I would like these motions.

CHAIR WHITE: 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 pass with nine "ayes" and zero "noes".

Mr. Clerk.

NO. 17-343 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated August 17, 2017)

Informing of the acquisition of Waterline Easement for Lot 17, and Road Widening
Lot 18, Tam Yau Estates, TMK: (2) 2-3-043:151 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN:

CHAIR, I MOVE THAT COUNTY COMMUNICATION 17-343 BE FILED.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Chair, this is also another housekeeping item in accordance with the Section 3.44.015H, Maui County Code. This one is a dedication of Waterline Easement on the road, and a Road Widening Lot in the Tam Yau Estates Subdivision Project, which is in Makawao.

And this one too, no County funds were utilized. And Water Supply Department has, has approved. And the dedication easement has been transmitted via this county communication.

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, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-344 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated August 22, 2017)

Informing of the acceptance of a Warranty Deed for a Road Widening Lot, Makawao Avenue Reconstruction Subdivision, Makawao, TMK: (2) 2-7-001:012 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you.

I MOVE THAT COUNTY COMMUNICATION 17-344, ALSO BE FILED.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This is same nature of the other items; housekeeping. And the acceptance of this Warranty Deed is for a Road Widening Lot on Makawao Avenue for Reconstruction Subdivision in Makawao, a project in Makawao.

(Councilmember Hokama was excused from the meeting at 9:50 a.m.)

COUNCILMEMBER COCHRAN: And CIP Funds were utilized in the amount of \$2,462 to acquire this Warranty Deed. And, Director of Public Works, Engineering Division has approved the acceptance of the Warranty Deed transmitted here today. I recommend filing.

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

NO. 17-345 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated August 22, 2017)

Informing of the acceptance of a Warranty Deed for Road Widening Lots 1 & 2,
Pauwela Road Sidewalk Improvements Subdivision, Pauwela,
TMK: (2) 2-7-008:042 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This item also, oh sorry.

MAY I MOVE THAT THIS COUNTY COMMUNICATION 17-345,
BE FILED.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This is another of our housekeeping items. And it's been transmitted by Public Works.

This, this is an acceptance of a Warranty Deed for two Road Widening Lots for the purpose of improving the sidewalks on Pauwela Road in Haiku. And Public Works did not utilize any County funds to acquire this deed. And I therefore ask for filing.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

(Councilmember Hokama was excused from the meeting at 9:52 a.m.)

NO. 17-346 - DANILO F. AGSALOG, DIRECTOR OF FINANCE
(dated August 23, 2017)

Informing of the acquisition of Sewerline Easement 5, Consent Decree Sewer Rehabilitation Project, Kahului, TMK: (2) 3-7-012:024 (por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE THAT COUNTY COMMUNICATION 17-346 BE FILED.

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Last but not least, this is another housekeeping item in accordance with Section 3.44.015.

And director, this is dedication of Sewerline Easement in the Island Dodge Subdivision of Kahului, and runs from Kamehameha Avenue across what is now the Island Honda lot, affecting approximately 3,568 square feet of that lot. And the easements will include an underground 8-inch sewerline and two manholes, which were originally completed in 2010.

No County funds were utilized here. And, Director Environmental Management has approved the dedication of this easement, and has transmitted to us. And therefore request filing.

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.

NO. 17-347 - ROBERT CARROLL, COUNCILMEMBER
(dated August 22, 2017)

Transmitting County Communication No. 15-50 from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE, YOUR LAND USE COMMITTEE BE
DISCHARGED FROM FURTHER CONSIDERATION OF
COUNTY COMMUNICATION 15-50.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Excuse me. Mr. Chair, even though the proposed bill attached to County Communication 15-50 amends Title 19, Maui County Code, and may therefore be appropriately assigned to the Land Use Committee, the purpose of the proposed bill is to ensure the protection of groundwater resources from potential contamination. And the subject matter may be better addressed by the Committee handling the water resources.

Therefore, I respectfully request the Council's support and my motion to discharge the Land Use Committee of this communication. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? And so, 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, those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes". I'm sorry, my, my phone started ringing, and I didn't want it to transmit through the microphone. So, measure passes with nine "ayes".

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT COUNTY COMMUNICATION 15-50 BE REFERRED TO THE COUNCIL'S WATER RESOURCE COMMITTEE, ALONG WITH THE ATTACHED PROPOSED BILL AND RELATED DOCUMENTS, AND THAT COUNTY COMMUNICATION 15, EXCUSE ME, 17-347 BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. No further discussion.

CHAIR WHITE: Thank you.

Any discussion, Members? Seeing none, all those--

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: I'm sorry, Mr. Atay.

COUNCILMEMBER ATAY: Chair, so, as, as the Water Resource Committee Chair, I would, I would gladly entertain the transmittal over in addressing, establishing a wellhead protection overlay district.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion? Seeing--

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Is there a timing issue on this matter?

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER HOKAMA: And that's why we did first reading already?

VICE-CHAIR CARROLL: The only, the only timing issue, the only thing pertinent to timing is that the sooner it's done, the more protection it has received because there's some areas where it is questionable about if the area is contamination, or possible contamination in some of the well sites. And so the sooner it's done, we can be more assured that water quality is preserved.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Well, I get issues until we get that factually done on record, Chairman. But, you know, to have already passed, do one of two readings without even having a Committee discussion with, you know, professional comments being provided to us by respected people in their areas, I find it interesting without a timing requirement we're ready to just pass on, on first reading without having any--

CHAIR WHITE: No, this is just a, this is just a referral. We're just changing the referral. It, it was referred to Land Use. All we're doing is changing and sending the, the measure to the Water Committee.

COUNCILMEMBER HOKAMA: Okay, so, I apologize if I misconstrued. Didn't we just have something on first reading in the previous motion, Mr. Clerk? I may have mis, misheard. I apologize for that.

CHAIR WHITE: No, it's, it was a, it was just discharged; discharging it from, it's not a bill.

COUNCILMEMBER HOKAMA: Land Use to Water?

CHAIR WHITE: Right. It's simply moving, moving responsibility.

COUNCILMEMBER HOKAMA: My apologies then, Chair. I mis, I thought we were passing it on first reading.

CHAIR WHITE: No.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Thank you.

Okay, did we vote on that? No. I'm all messed up. Was that a yes?

COUNTY CLERK: You need to vote.

CHAIR WHITE: Okay, thank you. 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. 17-348 - MIKE WHITE, COUNCIL CHAIR
(dated August 31, 2017)

Transmitting a proposed resolution entitled "RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO REQUIRE THAT THE LEGISLATURE ABIDE BY THE SUNSHINE LAW".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-348, AND TO FILE THE COMMUNICATION.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. As noted in the proposed resolution, all government boards and agencies in the State of Hawaii are subject to the open meeting rules outlined in Part I of Chapter 92, Hawaii Revised Statutes, also known as the Sunshine Law.

The State Legislature makes a policy statement in Section 92-1, Hawaii Revised Statutes, that "Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest."

However, through Section 92-10, HRS, the State Legislature has authorized itself to adopt rules and procedures that override the Sunshine Law.

This resolution urges the Legislature to abide by the Sunshine Law, thereby, promoting and protecting the public's interest through open and transparent meetings. I ask for the Members full support of the motion.

CHAIR WHITE: Thank you, Ms. Crivello.

Further discussion, Members?

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Is this, thank you, Chair. So, I just wanted to ask, is this being proposed as part of the HSAC Package? And are we proposing to, because, apparently abiding by, the State Legislature abiding by the Sunshine Law would sunset the statute that says that they don't have to. So, are we proposing to sunset that piece of legislation?

CHAIR WHITE: This reso is a, a request for them to consider such action. I believe the decision was not to, not to propose an actual bill because the, it's unlikely that any, any such action would be taken by the Legislature. So, this is just a, a request for them to take a look at their rules and possibly adjust some of their timeframes, and adjust some of their, the ways that they conduct themselves to be more open. And provide a little more time for those of us from the neighbor-islands to get down to the hearings, which is a real scramble when they, when they provide 48-hour notice.

COUNCILMEMBER KING: Okay. No, I, I--

CHAIR WHITE: Thank you for that question.

COUNCILMEMBER KING: --wanted to make sure there was some meat to, you know, what we're trying to do here, not just making a, a statement, a, you know, a begrudging statement. Thank you.

CHAIR WHITE: Further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I appreciate what you and Ms. Crivello have proposed before the body this morning. You know, I'm kind of torn. I understand what the, you're trying to, the message you're trying to get across to our State officials, Mr. Chairman. And yet, I'm just thinking, if I was them and I received this and I saw this, I would say I am already abiding by the current law as it's currently written. So, I am following the correct revised, the statute, cause I've allowed myself these exemptions or if I, I've excluded the State component from the rest of the law. So, in a sense, they're abiding by it. They're not following the spirit of it, but they're abiding by it.

But, what I would like to bring up as why I believe this is pertinent discussion at this time, Chairman, is that we went through a special session recently. The Counties did a good job, I felt. And I was very proud of the Counties standing up to the State explaining, especially since we existed longer than the State, we've existed longer than the State government, that we have positions and statements that are very worthy for them to hear and take into consideration. It is always interesting for us to be in a reverse role from this morning's testifiers, where they have the opportunity to look at what is being presented and then give comment. We were asked at the special session to give comment in the beginning or in the earlier days of the pre-session to give comment on something we never saw, never reached the light.

So, I can understand the point being made. How do you give constructive comment? How do you build public confidence in the process when nobody knows what is being proposed until they have secured enough commitments to pass it? That's an interesting way of doing things. I know it happens. It happens in corporate board rooms too. There's no Sunshine in corporate America. But, it is what it is, Chairman.

I just would like to take this time, though, because of the Sunshine Law, to thank those that voted in support of the neighbor-island counties, and supported our visitor industry employees regarding the TAT.

And I find it interesting Oahu's mentality toward taxing people, especially neighbor-islanders. They're very cavalier about it. They're very arrogant about it. And you know what, Chairman? It's always interesting, this Oahu-centric mentality that we owe them because of what they supposedly have done for us in the past. They've done a lot for Hawaii, Oahu, I don't deny it. They're a critical part of this State. They're the major component of the State. And that's why this rail project, Chairman, which is the brunt of this resolution, in my perspective, is something that we should have had better discussion. But, that's for another day. And we could have that day when I receive and we post the tax commissions proposal to, from the consultant on how to deal with their revenue shortfalls.

But, I would say at this time, Chairman, I think it's important for us to thank those that had enough strength and fortitude to be able to see what was right than what was forced upon them. Yea, the vote wasn't very close. The Senate was 69, I believe. The House was, what 31-20, at the final, I'm not that sure on the final outcome of the total vote, Chairman. But, there was enough members of the Legislature that understood the critical components of the TAT impact on the neighbor-islands. And to be tasked to, to tell us to be grateful for something that, you know, when you take something away from someone and give it back, we should be grateful for that? That's an interesting attitude of the State.

And I think it's important at this morning's meeting, Chairman, to make it clear to our Maui County residents that this election is a lot more critical than just about putting people back into office. It's about how you wish to have governance done. I think we need people who understand the neighbor-islands very well to represent our interest, and not be so concerned about one district where 2550 people elected, one lady, that now wants to control the whole State, okay. And it's not even the Speaker. It's the Finance Chair and her personal disagreements with Mr. Caldwell, Mayor of Oahu. I'm not, I'm sharing things that I think is important for our community to understand that we got the brunt of it because of two personalities who chose to take it out on the total tax base of this State than to try to deal with it with two individuals that could have settled aside their differences, okay.

So, in my estimation, 20 to \$30 million of Maui County monies or cash is going to leave this County to Oahu to help pay for this TAT component now. And again, my question is what is the benefit for Maui County residents? I don't have a problem helping Oahu, Chair. They've helped us a lot. But, don't throw the hospital at us. I got my issues with the constitution and everything else on what the State should have done and didn't do regarding healthcare. Don't throw to us about education. Almost every single park, gym, and pool we have is used by the DOE. Don't talk about DLNR and everything else when we give Tropical Ag, MCC, DLNR, I mean, I can name what seven State departments Maui County gives Maui County general fund support for.

So, Chairman, I know I've been ranting, I've been expressing my frustration on this subject matter. But, I think that the Sunshine Law is a key component. Either we all abide by it or get rid of it. It's a hypocrisy to just say it's good for you, but it's not good enough for me. And then I'm the one that has, is, has the regulatory control? You know, Congress does the same thing, Chairman. We know that they work it through and through all backdoors. And there's various reasons why they do it, and we may not agree with it. But, I'm sure they deal with a lot more privileged information with global impact than we have appreciation for. I don't think that's where the State Legislature is at though, Chairman.

So, I thank you for allowing me to rant, vent my frustration on this. I'll support it, Chairman. But, the key thing I wanted to say to this motion is thank you to the Senators and the Representatives that were bold enough, brave enough, and had the courage to do what was right. Unfortunately, it wasn't popular and it wasn't the prevailing side, but I thank them for, who stood up for what I believe was the right thing for our residents of Maui County. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Further discussion, Members?

Well, the Chair would like to read brief testimony from the Chair of the Council of the Big Island, Ms. Valerie Poindexter. And I'll just read a portion of it. She's in support of the resolution. And she states that the Oklahoma court's decision in Oklahoma Association of Municipal Attorneys vs. the State, in 1978, gives a clear statement of why open meetings are important. If an informed citizenry is to meaningfully participate in government or at least understand why government acts affecting their daily lives are taken, the process of decision-making, as well as the end results must be conducted in full view of the governed.

(Councilmember Guzman was excused from the meeting at 10:11 a.m.)

CHAIR WHITE: And as Mr. Hokama has pointed out, this was certainly not the case during this, this past special session. The concern that I have having gone down there around the end of the, the regular session, and then continued to go down during the run up and during the special session is that the TAT being used to fund rail was an issue that came up after everything was all done in the regular session. It came up during, during the conference time when there's no ability for anyone to participate in public input. So, I don't know when somebody decided to float the TAT. But it was likely done earlier than just the last days of the session.

As many of you have been told, I believe, when we received the decision on the beach liability for our lifeguards, several of us spent a significant amount of time going down to the Legislature in the last couple of weeks of the session only to find out after the fact that the decision on what was going to be done with that bill was actually made about halfway through the session; not out in the public, but behind closed doors.

(Councilmember Guzman returned to the meeting at 10:12 a.m.)

CHAIR WHITE: It's clear to me that the decision on how to fund rail was made without any transparency. The session ended in early May, and between that time and the opening of the special session, there were proposals going back and forth between the House and the Senate. It was all done in the, in leadership, at the leadership level. And I understand that there's a certain amount of discussion that may need to take place at the leadership level. But to have numerous proposals going back and forth during the time there was no session, and none of those proposals being made available to the public, I think runs completely afoul of the spirit of the Sunshine Law.

So, the purpose of putting this measure forward is just to say, you know, we don't expect you to subject yourselves to the same level of notice, and timeframes and openness that the Counties follow. But please provide an, a more open process. Provide us a little more than a 48-hour notice for a hearing when we all have to scramble to make reservations and get down to Honolulu to provide testimony, and change all of our schedules around in order to do so.

(Councilmember King was excused from the meeting at 10:15 a.m.)

CHAIR WHITE: So, it's, it's troubling to me to see that there's so little public input. And by the time we provided our public input to the Senate, and two days later to the House, it was clear that the, the vote was set, the parameters of the bill were set, there was no interest and no efforts being made to take seriously any amendments to the bill. It was a predetermined outcome. And the outcome was, the outcome that we were told of three weeks earlier might be the outcome, was in fact the final vote. So, it's, it's very troubling to me.

Mr. Hokama mentioned the, the impact on the neighbor-islands, the neighbor-island visitor industry. If you, if you look at the 13 point something billion dollars that will come from the TAT over the next couple of, over the next 13 years I believe, it means that \$676 million of rail funding will come from the neighbor-islands. When we were testifying, we were challenged by Legislators saying, well Oahu generates most of the TAT. And in fact, if you go on the Department of Taxation website and you look at Oahu's total, it's 85 percent. But, that number is incorrect, because it includes the reporting of taxes by neighbor-island hotels through the chains that are based on Oahu. So, that we've known for years that the numbers are skewed.

But, even as we've entered that special session, the Legislators themselves didn't have the right numbers, and they challenged us on whether, you know, where we got our numbers. Well, we got our numbers from a working group that was formed by the Legislature and from a report that was submitted to the Legislature last, last year. So, it's, it's something that's, I think, troubled anyone who's sat through the special session. And I think it's something that we need to, we need to be concerned about. We need to encourage our Legislators to look towards providing a more open process, and one that provides us more opportunity for input.

Just on a, on another note, we not only provide 52 percent of the TAT, the neighbor-islands provide 52 percent of the TAT, not 15 percent in conversations with Maria Zielinski, who's from Maui, who is now the Director of the Department of Taxation. She also shared with me that they are getting preliminary numbers now on the actual share of general excise tax generated by Oahu at, versus the neighbor-islands.

So, that was very interesting because the GET collection on the, on Oahu is on the tax reports at about 83 or 84 percent. The actual, now that they're getting it more specifically identified by County, the actual raised on Oahu is 66 percent. So, all of a sudden Oahu is not such the big boy. Instead of 85 percent of TAT, they're at 48 percent. Instead of 83 or 84 percent of GET, they're at 66 percent.

So, I think we've made the case during the special session, that the neighbor-islands matter, the neighbor-islands need to be heard, and hopefully that will translate into a little bit better relationship with the Legislature going forward. But, it's going to continue to be a lot of work.

So, Ms. Crivello.

(Councilmember King returned to the meeting at 10:19 a.m.)

(Councilmember Cochran was excused from the meeting at 10:19 a.m.)

COUNCILMEMBER CRIVELLO: Thank you, Chair. I, I just wanted to, I guess, take this opportunity to talk about the Sunshine Law and, you know, our efforts to go there. It's like, sometimes you think, just a waste of time, because they've already made their decisions.

But, I think it's important for our residents to recognize that, yes, we're taxing the visitors. So, but, if the State is keeping the true percentage that belongs here to the neighbor-islands, we have to make up the difference for the impact. And, you know, we know that we have our Fire, Public Safety, our parks, our roadways, our Police Department, all that we as residents utilize, but then also, our visitors, which is an

economic engine for, especially this island. And so, when we lose revenues that is due to, to us, somebody got to pick up the slack, right. It's just basic.

And, also in this proposed bill that, there was also a proposal to allow the neighbor-islands to add a surcharge, a GE, .5 GE. So, what they're saying to us, charge your residents then, this additional surcharge. And of course, we make that decision. And, and at this time we're saying why should we charge our residents when we have our TAT monies that we should, that we're charging the visitors and we should all benefit from that instead of pressing on to our residents to, to pick up the difference? I think that, for me, was the conflicting, my imbalance, if I would put it, you know, that I had a difficult time.

But, I, I too would want to extend to our Legislators who supported us with . . . And of course, there's understanding with sometimes why they have to vote as yes. But we, we know that there, there are members in our State Legislature who know who we are and, and where they come from and, and the needs. So, I think we stirred up a ruckus, because prior to the House going into this session, they were able to not abide the Sunshine Law and go caucus for, it, it was over an hour, right, we had to wait for them to come out?

So, it's an interesting process that, you know, we, we have the Federal level, we have the State level, and of, of course us. But, hopefully we can come together and, and, and have that conversation, and continue the conversation for the betterment of, for all of our residents. Thank you.

CHAIR WHITE: Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just want to, I think, yourself, Member Crivello, and Mr. Hokama has said it all. But, I just want to thank all of you for working and flying to Oahu and making the time, and the phone calls, and everything you did during the session, and especially during the special session where you're busy enough doing our work, and you took that on and spent many hours there. And I think your presence is, makes a big difference versus us only sending testimony which I think our offices did. But, thank you very much for giving up your time, and your commitment and passion for us. So, thank you.

CHAIR WHITE: Thank you.

I'll just add that Ms. Crivello mentioned that it, it's the visitors that pay the tax, and that is correct. That was not our, our issue was not that the residents of Maui paid the tax. Our issue is simply that over the years, the Counties have lost their share of the, of the

TAT revenues. And because they've lost it, because we've lost the share, we've had to shift the cost from the visitors to the residents for services that we provide the visitors. So, we have a situation where the visitors are paying the tax, but they're not getting any credit for it, and the County's not getting any assistance from it.

(Councilmember Cochran returned to the meeting at 10:23 a.m.)

CHAIR WHITE: To put it in perspective, with this, the bill the way it came out providing us \$103 million, over the last 10 years, our share of the TAT has increased by \$2.2 million. During that time, if you add fringes to the cost of the departments, the cost for the four counties to provide Fire, Police, and Parks, those departments that most interface with the visitors, the cost of those three departments in four counties has gone up by \$391 million. There's something unfair about the fact that the State during that same timeframe has increased their portion of the TAT from \$17 million to over \$290 million. And this, this fiscal year, it will likely be somewhere in the neighborhood of \$320 million. So, there's something out of balance.

I hope that the, the County, I mean, I hope that the State will at some point listen to us and realize that the, the treatment that we're receiving is simply not, not fair and not appropriate, and at some point will, will change the way they deal with us. But it does take for us to be down there in person and making our, our presence known and making our feelings known.

So, any further discussion?

(Councilmember Crivello was excused from the meeting at 10:25 a.m.)

COUNCILMEMBER HOKAMA: Chairman, real quickly.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Second and final comment on this motion before the body. I can tell you, Sunshine has been a concern of Hawaii's residents for decades, Chairman. 1978, at the Constitutional Convention, it was an issue. And that is why the Convention put into place in the Constitution that the people ratify couple of components; the 48-hour requirement before final reading.

For those of us that were around the Capitol in the 70's, interesting things happened between second and final reading; in less than 24 hours what can happen on a piece of paper. And that is why the 48-hour requirement became part of the process. Because of information and openness, the Convention also placed in the Constitution a requirement to have legislative recess for the Senators and Representatives to go back to their districts. And that was one way the Convention felt communications and

openness would be promoted; was requiring this recess to force them to go back to their districts, share what was happening at the Capitol, take community and resident comment, and then go back to session with a little bit more information and understanding of how their districts felt. That has been bastardized completely by the Legislature. They use it as additional work days than to go back and check with the constituency.

So, again, maybe, Chairman, the answer to Sunshine is more than just a resolution. There is a need for another Constitutional Convention. And let the people, again, make that document speak for the residents and say what they want in governance, because it surely isn't being followed by the State. Thank you, Chairman.

(Councilmember Crivello returned to the meeting at 10:27 a.m.)

CHAIR WHITE: Yea, you bring up a very interesting point. The, the reason that the Legislators always give as to why they can't abide by the Sunshine Law is that they have a, a set 60-day session. And therefore, they have too much to do and too short a time. If we were to go into a Constitutional Convention or should they wish to put forth a Constitutional Amendment, they could extend the timeframe within which they're in session to allow for appropriate timeframes of notice and, and proceed with public input. It'll be interesting to see if they do something like that this, this term, this next session.

You know, there's one other issue that I, I think bears discussing. It's a little bit complicated, but we don't currently collect the TAT from wholesalers like Expedia and a variety of others that, that book rooms at a net rate. So, to put it in perspective, in 2015, the Supreme Court decided that the, these traveler wholesalers needed to pay the GET but not the TAT. And the reason was that the TAT was the responsibility of the accommodations operator; not anyone else. So, it was my impression that the Legislature, learning this, would move forward with their own measure to fix the problem because they've been aware of it for 15 years or so. That hasn't happened. And the result is that it's likely that had they fixed that law, they would likely already be collecting somewhere in the neighborhood of double the money that they're going to get out of this one percent increase.

And so, what's, what's troubling to me is that even though we brought this up in our testimony and made them aware of it, there was no interest in, in amending anything. And I can, I can kind of understand that, because the numbers, you know, the numbers may differ a little bit, but there's no question they will generate as much if they fix the law and do their job as they would by placing this one percent additional tax on all the folks that are legitimately paying.

So, again, we have the visitors paying the TAT that goes to the State and we're not getting it to cover their service. But, we also had the Legislature not requiring the travel wholesalers to pass on a tax that is already being paid by our visitors. So, this is not a new tax, it's a tax that is already being paid. We're just not getting the revenue. So, there's a, everywhere you look during this special session, there was something to be upset about. We spent a lot of time down there and, and bit our tongues a lot.

But anyway, that's, I think I've, we've probably beat this poor horse more than we should have. But, thank you for all of your, your patience.

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". Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with County Communications for referrals. The following communications are being recommended to be referred to the following Committees:

NO. 17-349 - ALAN M. ARAKAWA, MAYOR,
(dated August 17, 2017)

Informing that the Department of Fire and Public Safety has not received a finalized and executed Memorandum of Agreement or letter of intent from the State Department of Land and Natural Resources for the Fiscal Year 2018 Makena Lifeguard Services.

The recommended action is that County Communication No. 17-349 be referred to the Budget and Finance Committee.

NO. 17-350 - ALAN M. ARAKAWA, MAYOR,
(dated August 22, 2017)

Transmitting a letter of intent from the State Department of Land and Natural Resources for the Fiscal Year 2018 Makena Lifeguard Services.

The recommended action is that County Communication No. 17-350 be referred to the Budget and Finance Committee.

NO. 17-351 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated August 17, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH".

The recommended action is that County Communication No. 17-351 be referred to the Budget and Finance Committee.

NO. 17-352 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated August 28, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES SECRET SERVICE (USSS) REGARDING PAYMENT OF EXPENSES FROM JOINT OPERATIONS BETWEEN USSS AND THE MAUI POLICE DEPARTMENT".

The recommended action is that County Communication No. 17-352 be referred to the Budget and Finance Committee.

NO. 17-353 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated August 21, 2017)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of July 31, 2017.

The recommended action is that County Communication No. 17-353 be referred to the Budget and Finance Committee.

NO. 17-354 - ALAN M. ARAKAWA, MAYOR,
(dated August 22, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 1, NON-SUPERVISORY BLUE COLLAR EMPLOYEES".

The recommended action is that County Communication No. 17-354 be referred to the Budget and Finance Committee.

NO. 17-355 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated August 25, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM, ACCOUNTS PROGRAM, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-355 be referred to the Budget and Finance Committee.

NO. 17-356 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated August 25, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, DEPARTMENT OF MANAGEMENT, MANAGEMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-356 be referred to the Budget and Finance Committee.

NO. 17-357 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated August 28, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

The recommended action is that County Communication No. 17-357 be referred to the Budget and Finance Committee.

NO. 17-358 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated August 30, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, HUMAN SERVICES TRANSPORTATION PROGRAM – GENERAL FUND, PUBLIC TRANSIT PROGRAM – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-358 be referred to the Budget and Finance Committee.

NO. 17-359 - RIKI HOKAMA, COUNCILMEMBER,
(dated September 1, 2017)

Relating to amendments to Chapter 3.48, Maui County Code, relating to Real Property Tax.

The recommended action is that County Communication No. 17-359 be referred to the Budget and Finance Committee.

NO. 17-360 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated August 14, 2017)

Relating to Maui County Code, Section 18.16.320, Parks and Playgrounds.

The recommended action is that County Communication No. 17-360 be referred to the Housing, Human Services, and Transportation Committee.

(COUNTY COMMUNICATION NO. 17-360 WAS LATER REFERRED TO THE PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE. See page 44.)

NO. 17-361 - ALAN M. ARAKAWA, MAYOR, (dated August 28, 2017)

Relating to the Kahului Community Center Park.

The recommended action is that County Communication No. 17-361 be referred to the Housing, Human Services, and Transportation Committee.

(COUNTY COMMUNICATION NO. 17-361 WAS LATER REFERRED TO THE PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE. See page 44.)

NO. 17-362 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, (dated August 16, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B, 16.20B, AND 16.26B, MAUI COUNTY CODE, RELATING TO FEES".

The recommended action is that County Communication No. 17-362 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-363 - MIKE WHITE, COUNCIL CHAIR, (dated August 29, 2017)

Transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS AMENDING THE STATE LAND USE DISTRICT

CLASSIFICATION, CHANGE IN ZONING, AND AMENDING THE PAIA-HAIKU COMMUNITY PLAN DESIGNATION FOR THE HUI NO'EAU VISUAL ARTS CENTER FOR PROPERTY SITUATED AT 2841 BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR)".

The recommended action is that County Communication No. 17-363 be referred to the Land Use Committee.

NO. 17-364 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated August 30, 2017)

Transmitting a transfer of a Conditional Permit submitted by Anne Takabuki of Wailea Golf LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING A CONDITIONAL PERMIT IN ORDER TO EXTEND AND CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, AND TRANSFERRING THE PERMIT HOLDER FROM SOUTH MAUI BUSINESS PARTNERS TO WAILEA GOLF LLC, FOR PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-1-008:141, WAILEA, KIHEI, MAUI, HAWAII".

The recommended action is that County Communication No. 17-364 be referred to the Land Use Committee.

NO. 17-365 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated August 15, 2017)

Relating to review of Lease for the County-owned property at 4th Marine Division Park operating as the Tom Morrow Equestrian Center Arena and all related grants.

The recommended action is that County Communication No. 17-365 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-366 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated August 24, 2017)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2017-2021 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE".

The recommended action is that County Communication No. 17-366 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-367 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 22, 2017)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING".

The recommended action is that County Communication No. 17-367 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-368 - YUKI LEI K. SUGIMURA, COUNCILMEMBER, (dated August 31, 2017)

Relating to fulfilling Planning Commission and Advisory Committee membership requirements.

The recommended action is that County Communication No. 17-368 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-369 - DON S. GUZMAN, COUNCILMEMBER, (dated August 31, 2017)

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

The recommended action is that County Communication No. 17-369 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-370 - ALIKA ATAY, COUNCILMEMBER, (dated August 22, 2017)

Relating to the Consent Decree in The Coalition to Protect East Maui Water Resources, et al. v. The Board of Water Supply, County of Maui, et al., Civil 03-1-0008(3).

The recommended action is that County Communication No. 17-370 be referred to the Water Resources Committee.

(See pages 45 and 46 for discussion.)

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

Ms. Crivello.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 17-360 AND 17-361

COUNCILMEMBER CRIVELLO: Chair, thank you. So, on item number 17-360 and 17-361, I believe, I think that should be referred to Parks, PRL, instead of Housing and Human Concerns.

COUNCILMEMBER GUZMAN: Chair. Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank, thank you. Yes, I, at the permission of Ms. Crivello, I'd ask her if she would be willing to concede those items 17-360 and 17-361 to the Parks Committee, and, my Committee. And one of the reasons is that I've had meetings with our Parks Director about a month ago and had a list of items that we needed to address this term.

One of them was the park assessment agreements, and wherein there are loopholes, and there were, in timing issues as well as review from the Council. So, that was one of the items that I wanted to make sure that that gets done in the park assessment agreement ordinance section of the, of 18.16.320. It has nothing else to do with, you know, the affordable housing, things like that. I just needed to make sure that that gets cleaned up. There are loopholes in which we should address.

Additionally, in 17-361, this is a, a long-term lease that Hale Makua Health Services is requesting a portion of the Kahului Community Center Park. And, within the last five years as Chair of the Parks, we've always dealt with leases. So, I would like to have that opportunity to review that lease as well. Thank you.

CHAIR WHITE: Any objections, Members, to the referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Thank you, Mr. Guzman and Ms. Crivello. Any other concerns, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 17-370

COUNCILMEMBER ATAY: Mr. Chair, with respect to the County Communication 17-370, I requested the Clerks to distribute copies to the Members of the consent decree entered in the case at today's meeting. And I would also ask that the consent decree also be referred to the Water Resources Committee along with County Communication 17-370. Thank you.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Thank you, Mr. Atay.

Anything else, Members? Okay, so we will--

COUNCILMEMBER COCHRAN: Chair, sorry. Chair, just--

CHAIR WHITE: Yea, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Just, I guess it's, I've never seen like a, something that, it's kind of, not a closed case, but it's a consent decree via water issues. By all means, you know, Water Resources Committee ought to talk about it and what have you. But is this, so can other items similar to this be brought into a Committee? I mean, cause I, typically these are our legal parameters. I guess we've done it with DEM, consent decrees of the, of, what wastewater or, sorry, water, yea, wastewater issues, consent decrees come forward into IEM and follow through to see what the reports are on them. So, I guess it's just, I, I'm happy to see this here.

CHAIR WHITE: Mr. Wong.

COUNCILMEMBER COCHRAN: But, I was just curious if this can relate to other items.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, not quite sure what the question is, but as it relates to the matter before the body currently, there is no active litigation pending. However, compliance with the consent decree is still required. It is conceivable that the receiving Committee may encompass discussions involving the application of the consent decree.

However, in the event that the specific step that is identified in the consent decree is activated, then it may result in further litigation. I can reveal that our Department has, within the last two years, been actively involved in the application of this consent decree in Circuit Court. But, currently, there are no current matters pending, okay.

COUNCILMEMBER COCHRAN: Okay.

CORPORATION COUNSEL: So, if that, I mean, that's a long way to answer your question, but you may consider other litigated matters that may have already resolved that may not have ongoing active litigation to consider referral within other Committees, okay.

COUNCILMEMBER COCHRAN: Yea, okay. No, thank you very much. Yea, that answers kind of my thought--

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER COCHRAN: --thought process. Thank you.

CHAIR WHITE: Okay, so all the referrals will be made as discussed.

And, Members, we're going to take our morning break. Please be back here at five minutes to eleven. We're in recess.

COUNCILMEMBER CRIVELLO: Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:45 A.M., AND WAS RECONVENED AT 10:58 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS ATAY, HOKAMA, AND KING, EXCUSED.)

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

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

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 17-110 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 77 (2017), entitled "A BILL FOR AN ORDINANCE GRANTING 355 HAIKU ROAD LLC A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 355 HAIKU ROAD AND IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 2-7-003:087, HAIKU, MAUI, HAWAII," BE PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-127, from the Planning Director be FILED.

(Councilmembers Atay and King returned to the meeting at 10:59 a.m.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 17-110.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on March 22 and 24, and July 11, and August 16, 2017, and received considerable testimony on the proposed Conditional Permit. The original request included a transient vacation rental, special events, retreats, corporate events, weddings and receptions, on 13.9 acres of land in a County Agricultural District.

Many testifiers noted concerns about the potential noise, increased traffic, road safety, and change of neighborhood character.

Your Committee found the proposed special events, weddings and receptions, would significantly be detrimental to the public interest, convenience, and welfare, and upset the harmony and sense of place in a residential neighborhood.

Therefore, your Committee recommended that the Conditional Permit be revised to approve only the transient vacation rental operation, and remove references allowing special events.

I ask for the Council's support on your Committees recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr., Mr. Carroll.

Members, any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I was just reading through the notes, and they're pretty extensive because we had a long discussion. But, I just wanted to, to address the conditions. And since this is the one year and we're going to be revisiting this, is, is this renewable, does it have to come back to the Council to re-up, or can it just be renewed by the--

VICE-CHAIR CARROLL: No, this comes back to the Council.

COUNCILMEMBER KING: Okay. Okay, I just wanted to make sure that it is going to be, come back to the Council for review.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Yea, Chair, we had extensive discussion. And I am one of the opposing votes for this item, and will continue to be. I still, I thank the

applicant for coming to, to explain the LLC issue that was brought up, but there's others, issues with this. And everyone knows my thoughts about TVR's and things of that nature in these kind of neighborhoods and areas, which I've always been not fond of and continue to not be fond of. So, the, you know, changing the character of the neighborhood.

But again, the whole thing about Wailea Resort being part of this, or golf, just strikes me, personally. This is my own personal thought and feeling, is it's like a resort entity now being infused into a rural neighborhood and community. It's a 10 bedroom home. I mean, I can equate that in my mind as a la boutique-type hotel sort of venue. So, I continue to be in opposition, and those are some of my reasons. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes, I believe I count two "noes", and the remainder are "ayes". Is that correct? Mr. Atay and Ms. Cochran. So, measure passes with six "ayes", two "noes", and one "excused"; Mr. Hokama.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL 77 (2017).

COMMITTEE REPORT
NO. 17-111 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 78 (2017), entitled "A BILL FOR AN ORDINANCE GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME

LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND LOCATED AT 293 WAIALE ROAD, WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-217, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 17-111.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The proposed ten-year Conditional Permit would allow business and official use in a residential home consisting of 1,280 square feet located at 293 Waiale Road, Wailuku.

The property is zoned R-2 Residential District. The proposed use of the property is for administrative support, bookkeeping, and record storage for a family-owned real estate business.

I ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

COUNTY CLERK: For the record, BILL 78 (2017).

COMMITTEE REPORT
NO. 17-112 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 17-133, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 15-17447, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," be ADOPTED.

(Councilmember Hokama returned to the meeting at 11:04 a.m.)

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 17-112.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on August 15, 2017, to consider a proposed resolution to authorize the 150,000 in additional compensation for the special counsel Hunton & Williams LPP, LLP, sorry, for the appeal in this case. This was via a stipulated agreement between the parties to move this into the Appellate Court for a total compensation not to exceed 3,550,000.

The First Amended Complaint in this case allege the violation of Federal Water Pollution Control Act, also known as the "Clean Water Act," and other laws, arising out of the County's operation of the injection wells at the Lahaina Wastewater Reclamation Facility, and seeks injunctive relief, penalties, and attorney's fees and costs. The case was designated as Civil No. 12-00198 SOM-BMK before the United States District Court, District of Hawaii.

Deputy Corporation Counsel advised your Committee oral arguments will be heard by the Ninth Circuit Court of Appeals in October 2017.

Respectfully ask the Council's support for this Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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, 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, for the record, RESOLUTION 17-113 [sic].

COMMITTEE REPORT
NO. 17-113 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 17-134, entitled "RELATING TO THE APPOINTMENT OF ROXANNE CATIEL TO THE LANAI PLANNING COMMISSION," be ADOPTED.

Approving the appointment of Roxanne Catiel to the Lanai Planning Commission for term expiring March 31, 2021.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 17-113.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee met on August 14, 2017, to consider the Mayor's nomination of Roxanne Catiel to the Lanai Planning Commission for a term to expire March 31, 2021, which was to fill a vacancy due to the resignation of Medigale Badillo.

The Council must approve or disapprove the nomination by October 3, 2017, or the nomination would be deemed approved.

Your Committee did not request the nominee to attend the meeting to be interviewed.

Your Committee was satisfied with Ms. Catiel's application and voted 5-1 to recommend approval of the nomination, with Councilmember King who voted "no".

I respectfully ask for the full Council's support. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item?

Yes, Ms. King.

COUNCILMEMBER KING: Chair, so I just wanted to state, restate that my objection is not to the person who is qualify, who whether or not she was qualified. I, I understand she had good support.

It was basically to the process because we have an ordinance that we passed back in March, I believe of this year, requiring every new, the opening, the next opening of every planning commission and advisory, the Hana Advisory Committee be filled with a Native Hawaiian cultural expert. And we didn't, we didn't get satisfaction as to whether that person was fulfilling this, the position of the Native Hawaiian cultural expert for the Lanai Planning Commission.

So, we've been talking about this for months and the, the Mayor's Office has not sent us any firm notice that these positions will be filled by people who are, who are designated as that expert.

CHAIR WHITE: Thank you, Ms. King.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER KING.

CHAIR WHITE: I heard one "no". Any others? Measure passes with eight "ayes", one "no";
Ms. King.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-134.

COMMITTEE REPORT
NO. 17-114 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Resolution 17-135, entitled "APPROVING FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY'S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX," be ADOPTED; and
2. That Resolution 17-136, entitled "APPROVING FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO REQUIRE ONLINE TRAVEL COMPANIES AND OTHER TRANSIENT ACCOMMODATIONS REMARKETERS TO PAY TRANSIENT ACCOMMODATIONS TAX ON THEIR RESPECTIVE PORTIONS OF GROSS RENTAL PROCEEDS FROM THE PAYMENT OF ACCOMMODATIONS," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 17-114.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on August 22, 2017, to consider four proposals to be submitted to the 2018 Hawaii State Association of Counties Legislative Package, including State bills to: increase revenue for each county's affordable housing fund through a one-percent conveyant tax, conveyance tax on the sale of condominiums or special, or single-family residences with a value of more than \$2,000,000; the second one was to raise the State minimum wage to \$15.00 per hour beginning January 1, 2019; and the third one, which was talked extensively about in, in previous

items was the discussion on TAT law to require online travel companies and other transient accommodation remarketers to pay TAT on their portion of proceeds from the booking of accommodations, and increase TAT, TAT revenues to the benefit of each County in the State; and the last one was to reinstate Section 281-32.3, Hawaii Revised Statutes, relating to a one-day special liquor licenses for fundraising.

Two items were deferred: the minimum wage item and the liquor license proposals.

And on the Conveyance Tax Proposal, the revenue generated would be deposited into the affordable housing fund for the counties where the property was sold allowing for County control of the funds.

The one-percent conveyance tax would be repealed in five years on June 2023.

And your Committee recommended 7-0 to recommend adoption of the proposed resolution.

On the TAT proposal, monies collected by the State from transient accommodation remarketers such as online wholesale travel companies, would be distributed directly to the counties. This represents a significant amount of money collected by remarketers that is not being passed on to the State.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution.

If approved by the Council, these proposals will be considered by Hawaii State Association of Counties Executive Committee for inclusion into the 2018 Legislative Package at its September 11 meeting.

Chair, I respectfully request for the Council's support. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, 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 NOS. 17-135 and 17-136, respectively.

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 74 (2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
OFFICE OF THE MAYOR
(HAWAII STATE COMMISSION ON THE STATUS OF WOMEN)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to bring up all ordinances for second and final reading.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 75 (2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PLANNING
(COASTAL ZONE MANAGEMENT PROGRAM)

ORDINANCE NO. _____
BILL NO. 76 (2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(OFFICE OF YOUTH SERVICES GRANTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT BILL 74, 75, AND 76 PASS SECOND AND FINAL
READING.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Members, any discussion on these items? 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. Members, we've come to the end of our agenda.

And I think, I would just ask to end this session the way it was begun, with aloha and all of our thoughts and prayers going out to those in the Caribbean Islands that have been affected by Irma, and those in Florida that are looking down the, the tube at a very, very strong storm. And at the same time, all the folks in Houston and Beaumont, Texas that have still not been able to dry out following the effects of Harvey. So, please keep all of them in your thoughts and prayers over the, over this weekend.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And, very quickly. For our community, I'd like to also thank Ms. Crivello for her words this morning at the opening.

And therefore, I'd like to also ask and share with our community, Maui Nui-wide, that this is the month that we celebrate the Festivals of Aloha. I wear one of the ribbons that represent Lanai. I know the other Members have Molokai and the Maui ribbons. But, Chairman, this is a time when our own residents can enjoy, celebrate, and take pride in our culture. This is something that is for our people. This is not for the visitor. This is about our community. This is about our residents embracing, and enjoying who we are as a community, and as islanders, as a County.

So, I hope we take part and utilize all the activities and events; Lanai is next Saturday, if I can make a quick promo for Lanai. But, it's a great time in our County. And I wish everyone to enjoy and celebrate with us the festivals that we call aloha. Thank you, Chairman.

CHAIR WHITE: Thank you. Thank you for that reminder, Mr. Hokama.

COUNCILMEMBER CRIVELLO: Chair. Chair, may I add to that?

CHAIR WHITE: Oh boy you started something.

COUNCILMEMBER HOKAMA: I'm sorry.

COUNCILMEMBER CRIVELLO: Thank you. No.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: We also will be celebrating Festivals of Aloha when we have the Molokai Hoe. Today we recognize our Hawaiian Canoe Club. And on September 22, through the efforts of community volunteers, and of course the finance support from our County, we have a major event that will have the Na Wahine Channel Race. And so, Diane Ho mentioned that they'll be participating in that also.

But, what we have is a Kulaia, a Festival of Canoes event. And it's the same thing. We all come together, despite our differences, and celebrate, and have our wahine, na wahine that comes from Japan, Korea, you know, Australia, and of course, and throughout the State, and of course our mainland counterparts, immersed with our community. And, and the remarks we've been having from, from these visitors, wow, this is where we experience the spirit of aloha. So, I just want to, if any of you are on Molokai, hui, come over and, and join us. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

I think we have a limit of two per. No, we don't.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I have to contribute. So, really, Festivals of Aloha, which was Aloha Festivals, and I know a little bit, maybe, too much history on this, but is over 60 year, a 60-year-old tradition. And it is celebrated throughout all the Maui, Molokai, Lanai, and we even have an event at Kaanapali Beach Resorts, the falsetto competition. But, it is with great aloha that these events are really put on by the residents. And it is for visitors to come to and share aloha and be part of it.

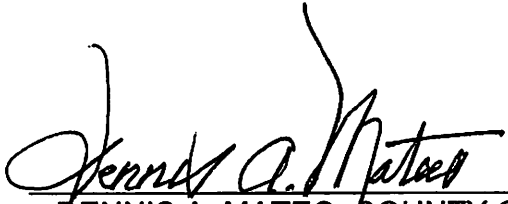
But, it is a wonderful, I think we have over 20 events if you count each one that the committee puts together, of which I was so grateful to be a part of for many years. But, I encourage everyone to buy a ribbon and be part of it, as it is, it is really awesome. And thank you very much. It does tie-in really specifically and perfectly with your opening.

And as Mr. Hokama, we have Raiatea Helm, I think, performing on Lanai, the last Saturday of the month, for the Festivals. So, anyway, sorry, I just had to. Thank you.

CHAIR WHITE: Thank you. And with that, Members, we are adjourned.

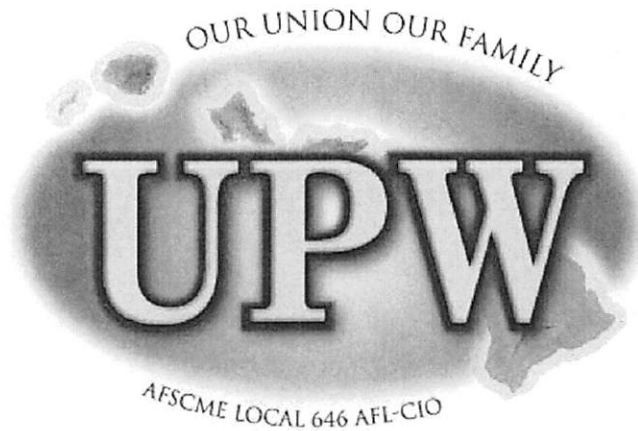
ADJOURNMENT

The regular meeting of September 8, 2017 was adjourned by the Chair at 11:20 a.m.



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

SEP 05 2017
dv



Maui County Council
Kalana O Maui
200 South High Street
Wailuku, HI. 96793

Honorable Mike White, Chairman
Honorable Robert Carroll, Vice Chairman
and Members of the Maui County Council

Date of Hearing: Friday, September 8, 2017
Place of Hearing: Council Chamber
Time of Hearing: 9:00 a.m.

**TESTIMONY IN SUPPORT OF COMMUNICATION 17-354 APPROVING COST ITEMS FOR
BARGAINING UNIT 1, NON-SUPERVISORY BLUE COLLAR EMPLOYEES**

By Dayton M. Nakanelua,
State Director of the United Public Workers,
AFSCME, Local 646, AFL-CIO

My name is Dayton M. Nakanelua, state director of the United Public Workers, AFSCME, Local 646, and AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

The UPW strongly supports Communication 17-354 to approve funds for collective bargaining cost items for salary adjustments and other cost adjustments for public employees in Bargaining Unit 01 United Public Workers, AFSCME Local 646, AFL-CIO, and their excluded counterparts for the period July 1, 2017 to June 30, 2021. The CBA was ratified by members of BU-01 on August 14, 2017. The UPW requests passage of this important measure.

Thank you for the opportunity to submit this testimony.