

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

June 15, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 15, 2018, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS 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: COUNCILMEMBER ALIKA ATAY.

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

CHAIR WHITE: Thank you, Mr. Clerk.

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

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

CHAIR WHITE: Thank you, Ms. Sugimura. We all have wonderful memories of things we learned from our fathers.

Will you all please join me with, in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And, if you could all please put your phones on silent mode, we'd appreciate it.

Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-105

CONGRATULATING SHANE VICTORINO FOR
BEING INDUCTED INTO THE 2018 HAWAII
SPORTS HALL OF FAME

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING SHANE VICTORINO FOR BEING
INDUCTED INTO THE 2018 HAWAII SPORTS HALL OF FAME".

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I also ask the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

COUNCILMEMBER SUGIMURA: Thank you.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Although Shane could not be here today, it is with great pleasure and honor that we recognize him. As you can see from this resolution, he's accomplished so much in his baseball career, while always remembering where he came from.

I want to mention that, personally, we've heard about Shane doing on his own to give back to this community that we live in. I think he's done ten golf tournaments where he takes those proceeds and he actually gives it back to Maui. He's an amazing young man. He also does this on Oahu. He does eight, he's done eight golf tournaments there. But, his spirit is alive and well, although he doesn't live here.

And, I just wanted to thank his parents, Joycelyn and Mike Victorino, for being here today. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I also would like to join Ms. Sugimura in congratulating Shane Victorino. It's not only that the family is very . . . and blessed in the community. The whole entire County of Maui benefits, and, when one of our rising stars make it. And it, it gives pride to every one of us when, when we have a superstar such as Shane. And so, I'd like to thank the family for raising a very good person, and also wish them all the best and all the blessings. So, thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Crivello, followed by Mr. Carroll.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I too would like to applaud and congratulate the Victorino's, and for the, the flying, the flying, flying heights of Shane Victorino. But, I recall more about several years ago, he was being interviewed on television, and his comments to the young people was, "Don't be afraid to move up to the mainland and give it a try. We can handle. We have things special in us that we can compete with everyone". And, and he's left that imprint, I believe, for all of us and especially for our young people. So, on behalf of Maui County, and especially Molokai, we're very grateful to the stars that he had, you know, put out for us. Thank you.

CHAIR WHITE: Thank you.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Shane was somebody that you really liked talking to. His heart was in his voice. He was just so concerned with youth and the community. Even if he never played baseball, he would have been an exceptional person that we would all want to, want to honor. He's just one of those, one of those people that no matter what he would do, he would be special. And, I'm so happy that we're able to honor him today for this, another honor that he's receiving. Mahalo, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you so much. I am happy to join the other voices of the Council in congratulating and recognizing the contributions, and achievements, as well as the kind heartedness of this family of Shane; that has given a lot back to youth programs of our County. And, you know, Shane is a tremendous

fruit of a lot of seeds that many people planted earlier, regarding Maui County baseball, whether it be the auras of Baldwin High School, the . . . that took us to the, one of our first state championships. Kurt Suzuki, along with Shane, being major league stars. Baldwin High School's championship, Maui High School's championship, Molokai High School's championship; baseball is a fabulous opportunity for our youth to be able to express themselves and achieve in other areas that is not always measured as, I guess, what good students too. But, I think athleticism, discipline, sportsmanship, are still traits that we encourage and acknowledge, Chairman.

And, again, you know, and speaking about the fruit that Shane was able to bear, I just want to go back to the soil and the fertility of Mike and Joycelyn that nurtured Shane.

You know, we gave a lot of thanks. And, I've heard my colleague speak about fathers. But, let us never forget that great fathers come with great mothers, on the side. So, I'd like to also acknowledge Joycelyn, because I know she, you know, was on the side watching Shane as he grew up at, whether it was soccer practices or ball practices, along with Mike. That that presence helped guide Shane's character and his moral values that he's been able to contribute and give back to this County. So, to the Victorino's, I say, mahalo. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion? Well, I'll just add that, you know, we, we often have groups of children from various sport teams come through here. And, we talk about the parents, we talk about the coaches, we talk about the community support for all these sports. Well, Shane is an example of, that all of those young kids can look to and say, "there is another level to which I may be able to go". And, I think Ms. Crivello, the message that you shared a minute ago is a really important one. And, that is we can compete, we have competed, and we've won. And, it's a, whether it's in sports or, or other--

Oh my gosh, I, how embarrassing; not even following my own instructions. Anyway, I feel myself blushing. Now you say I am, and I can feel it even more.

Anyway, not only in sports, but in so many other things. When kids go off to college, it's important for them to all know that whether it's in college or sports or work, that what we have established here in Hawaii is a network that creates special people. And, Shane is one of those. But, there are many others whose futures can turn out like Shane, either in sports or in some other task. I think it's always important that we remind people that what you have in you is something that you can make whatever you want to make.

We always talk about the parents. And I, and once again, I'll share the same sentiments that I know the two of you, Mike and Joycelyn, have put huge hours into shaping your kids, supporting them through all kinds of sporting events. And, that's all part of what we as parents do in hopes that we're launching our kids in a, in a healthy and helpful fashion. So, let Shane live as an example to all the other kids that anything is possible as long as you no scared, and you just go for it.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

And, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. With your permission, I'd like to ask Mike and Joycelyn to come down and to receive the resolution. I've already given them their leis, so they have their leis.

CHAIR WHITE: Certainly. Please join us.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, at this time, I know that I don't have to explain to him what to do, but we'll have the Victorino's say a few words. Thank you.

MR. MIKE VICTORINO: Actually, I wanted mom to say a few words, but she said, "no".

Okay, first of all, I'd like to thank Yuki for bringing forth this resolution. Shane told me to personally say thank you for you, and mahalo. For all the Councilmembers, mahalo for your support. You all sent just wonderful messages all around, and there's not much more that can be added to the, to the day that has been said.

And, the only thing I will add is, Maui offers our youth in many aspects, whether it's academics, athletics, and in other areas, opportunities for our children to move beyond our boundaries, beyond our islands, to go to the big, big island, if you want to call it, the mainland, and afford themselves opportunities to become whatever they want to be. And, Shane has passed that message on time in and time out. And, he will continue to pass that message.

I want to thank the ohana that took so many years, not only just mom and dad, but the ohana here in Maui County; coaches, teachers, scout masters, on and on and on, family, grandma and grandpa who are not here with us anymore who were really another big, big rock in his setting of his life. A real foundation that we can never forget.

And, to all the fathers, which I am one of, and now Shane is a father, we want to thank you, Yuki, for supporting and talking about our fathers today, because we have a lot of great memories. And, I believe all the memories come because moms allow us to make those memories. So, we, let us not forget our moms. And, we miss them, I miss my parents and her parents greatly. But, they gave us the foundation, which we hope we gave our children, which we hope give, are given to our grandchildren.

So, to the entire County of Maui, mahalo for your support. To the Council and to all of you, I say mahalo.

MS. JOYCELYN VICTORINO: Good morning, everyone. Thank you very much for this honor that you bestowed upon our son, Shane and his family. And, we accept this in great honor and with much pride. Thank you from the bottom of my heart.

CHAIR WHITE: Thank you for joining us here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION NO. 18-105.

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

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

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

Currently, we have no individuals waiting to testify at our District Offices. We have two individuals who have signed up to testify in the Council chamber. The first person to testify in the Council chamber is Cassandra Abdul, testifying on Committee Report 18-97. To be followed by William Spence.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. CASSANDRA ABDUL, NA HALE O MAUI (testifying on Committee Report 18-97):

Good morning, everyone.

CHAIR WHITE: Good morning.

MS. ABDUL: And, Happy Father's Day. Sometimes it's dads and sometimes it's moms that are dads too. So, thank you, all of you, for all that you've done for your children and other people's children.

I am the Executive Director of Na Hale O Maui. And, I came here today just to comment on Committee Report 18-97. I understand that the two families who wanted to sell their houses have withdrawn that. And, I believe that's based on an understanding that the County was going to exercise its option to purchase, which would have limited what they would have gained from the sale. The important thing to remember is that if the County had not exercised the option, the family would have been free to sell at market prices, and they would have basically a windfall profit, all of the subsidy that had gone into the property. So, I really do commend the actions both at the Committee level and at the Department. We really appreciate that.

I also wanted to take an opportunity to once again talk about Act 159, which was passed by Governor Ige last year, that authorizes the counties to, on their right of first refusal, to allow that to go to a non-profit, to step into the counties shoes. And, it says, basically, "Authorize the counties to waive their right of first refusal to repurchase certain privately-developed affordable housing units and transfer that right of repurchase to a qualified nonprofit housing trust."

Further, "Notwithstanding any law to the contrary, the authority may authorize a designated qualified nonprofit housing trust to administer the covenants and rules related to the reserved housing and workforce housing programs. Additionally, the

authority may waive its right to repurchase a reserve or workforce housing unit during the restriction period and may transfer that right of repurchase to a qualified nonprofit housing trust for the purpose of maintaining the reserved or workforce housing unit as affordable housing unit".

I also wanted to comment on the fact that the County of Maui is actually forward thinking, because in 2013, the County actually did acquire one of the workforce housing units in Waikapu Gardens, and then transferred that interest to Na Hale O Maui. So, that house will never go to market rate. It will be affordable in perpetuity. And, I just wanted to say one more time, that we look forward to continuing opportunities to collaborate with the County of Maui to develop more affordable housing for our families here in Maui. Mahalo.

CHAIR WHITE: Thank you, Ms. Abdul.

Members, any need for clarification?

Ms. King.

COUNCILMEMBER KING: Thank you for being here, Cassandra.

MS. ABDUL: Yes.

COUNCILMEMBER KING: I appreciate the, the clarity in the, what's happening with Waikapu Gardens. I just wanted to, and I think I know the answer, but I just wanted to, to confirm that the, the families that opts not to sell because of the lower rate, they're not allowed to rent it out and move are they? They have to remain in the home?

MS. ABDUL: As, as far as I understand, each project has its own agreements on exactly what they do. But, my general understanding is yes, they must remain in the property as owner-occupants. I don't know on that specific project whether they could rent out a room or not.

COUNCILMEMBER KING: Okay.

MS. ABDUL: But, generally speaking, that's correct.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Okay, any other questions? Seeing none, thank you for being here this morning.

MS. ABDUL: Mahalo on Father's Day; best.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is William Spence, testifying on County Communication 18-226. To be followed by Pam Bello.

MR. WILLIAM SPENCE, PLANNING DIRECTOR (testifying on County Communication No. 18-226):

Good morning, Councilmembers. My name is William Spence. I'm the Planning Director for Maui County. I'm speaking today on County Communication 18-226, requesting a one-year time extension to finish the Molokai Community Plan.

I'm going to ask this, this body to not grant a one-year time extension. And, I, I mean absolutely no disrespect, but this will be the third-time extension for this particular plan. It has now been in Committee for two years. It, this would allow it to be in there for, for up to three. And, as you know, 2.80B, Maui County Code 2.80B says, "the Council shall complete their work on each plan within one year".

The way this has gone has been extraordinarily burdensome for staff. And, it's getting quite discouraging. These are all the different versions of the plan; there are six of them. And, with each one that is posted, there are changes that have taken place outside of Committee. So, that takes my staff time to go ahead and review each one page by page, to see what has changed. And, if there are things that we don't know about, we, we need to comment on those things. So, it, it's amazingly burdensome for staff.

And, with so much time spent on this, we are experiencing delays in heading towards the West Maui Community Plan. It's time that should be spent drafting, doing the background work, etc., is spent on this particular plan that, just honestly, should have been adopted long ago. The, we get questions all the time, when are we going to start, when are we going to start? When is the West Maui Community Plan going to start? We can't tell them, because, just honestly, with three full-time planners in that long-range division, we spend so much time on this, we, we're, can't tell them. They can't even give them a good estimate.

I think after all the criticism by the public on how long our process is, I think, please let's, let's get this done, and let's move onto other things. I have two possible alternatives for consideration by the Council. The first is, of course, to grant an extension to say the end of September. That should give more than enough time to iron out issues, go to Molokai, hold the public hearing, and two readings by the full Council and for adoption.

The other one is to go ahead and let this particular extension lapse. That would, that would mean that the May 2016 plan would become the Molokai Community Plan. And, that is largely reflective of the Citizen's Advisory Committee, the CPAC, as well as the Maui Planning Commission. I know we have differences with that plan. But, in order to finish this up, we are entirely willing to live with those issues. Thank you, Mr. Chairman.

CHAIR WHITE: Thank you, Mr. Spence.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, no, I just wanted to say, you know, my, my understanding is that they have moved ahead with the West Maui Community Plan, and you're done with the community engagement, are moving into appointing the CPAC, which is what I was told a year ago; you were hoping to do it in June. So, I don't think it's held it up beyond reason, but I do want to let you know, Mr. Spence, that my intent was to change that date to the end September. So, I don't know if you read my mind, but I had that discussion with Member Crivello earlier. So, now we, I'm, you know, my intent is not to go for another year.

CHAIR WHITE: Okay. Anything else, Members?

Seeing none, oh, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: It's just a question on what you said. So, changes were made outside of the committee.

PLANNING DIRECTOR: Yes.

COUNCILMEMBER SUGIMURA: Can you expand on that?

PLANNING DIRECTOR: With, with every new, with every new version of the plan that has been posted, we start looking through it and we start seeing things that were not vetted in Committee. We see changes to the plans that, I don't know, the, the Committee Chair feels free to make changes and then, you know, bring them forward to the Committee. So, we spend an inordinate amount of time going through all those things.

COUNCILMEMBER SUGIMURA: This is not Planning Committee, but I wonder if you could give us copies of what those changes were without our authorization? So, thank you.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: For clarification, when, when you receive a new posting and, are you receiving a Ramseyered version so you can, you can find the changes, or, or not?

MR. SPENCE: Sometimes the changes are easy to see, sometimes they're not.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I just want to comment that the, all the changes that have been proposed have been discussed in Committee. And, some of them, you know, the one in particular that was not posted with was brought to the Committee, so nothing is being made and, and brought to the Committee that hasn't already been discussed in Committee.

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

MR. SPENCE: Thank you, Mr. Chairman. Thank you, Members.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Pam Bello, testifying on Committee Report 18-90. Ms. Bello is the last individual who has signed up to testify in the District Offices or the chamber.

MS. PAM BELLO, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Report 18-90):

Good morning, Councilmembers. I'm Pam Bello, and I'm testifying as a board member for the Maui Vacation Rental Association, regarding ordinance 18-90.

Our Association is committed to facilitating only permitted short-term rental and bed and breakfast uses in Maui County. We stand in full support of any other efforts that would help provide for better enforcement on unpermitted short-term rental uses.

I want to thank Chair White and Member Guzman who brought forth, forward, amendments at the last Council meeting that would help exempt permitted bed and breakfast operators from enforcement actions and possible bans when they might have mistakenly allowed their permits to expire by failing to renew on time.

Just to clarify, the bed and breakfast operators are our Maui County's citizens. It, they're mom and pop operators. They're not big companies. And, unfortunately, some of them, the due date may pass by just like an expired driver's license, and then you go to renew, and maybe you pay a fine or a penalty.

But, we recognize that the administration of short-term rental bed and breakfast permits is a monumental task for the Planning Department. And, we work to ensure that all permitted operators follow the conditions of their permits and try to renew in time. But, when someone might fail to renew on time, it does not seem reasonable or productive to then ask for the Department to have to process an entirely new permit, including possible public hearings and as much as six months of work to make up for an oversight such as this.

Please support the amendment, that I understand Councilman Guzman will propose, to allow for a grace period after the recent expiration of a permit, to allow an expired bed and breakfast permit to be renewed. Thank you very much.

CHAIR WHITE: Thank you, Ms. Bello.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber wishing to provide testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we've received a little bit of written testimony. Without objection, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM CASSANDRA ABDUL, NA HALE O MAUI
WAS MADE A PART OF THE RECORD OF THIS COUNCIL
MEETING.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

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

MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 2, 2018, regular meeting of February 16, 2018, special meeting of February 27, 2018, and regular meeting of March 9, 2018, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
FEBRUARY 2, 2018, THE REGULAR MEETING OF
FEBRUARY 16, 2018, THE SPECIAL MEETING OF
FEBRUARY 27, 2018, AND THE REGULAR MEETING OF
MARCH 9, 2018, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-210 - DAREN SUZUKI, CHAIR, BOARD OF REVIEW,
(dated May 29, 2018)

Transmitting a copy of the "REAL PROPERTY TAX BOARD OF REVIEW, MAUI
COUNTY YEAR END REPORT 2017/18".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, refer to Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, that will be referred to the Budget and Finance Committee.

NO. 18-211 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 31, 2018)

Transmitting a copy of the executed State Recipient Agreement from the Hawaii Housing Finance and Development Corporation granting HOME Program funds in the amount of \$2,883,961.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, from the Members, I request Communication 212 to be also brought up.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

(Councilmember Guzman was excused from the meeting at 9:39 a.m.)

NO. 18-212 - STEWART STANT, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, (dated May 23, 2018)

Transmitting a copy of the Memorandum of Understanding grant award from the State of Hawaii, Department of Health, for the Environmental Protection & Sustainability's E-Cycling Program, in the amount of \$45,000.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

MOVE TO FILE COMMUNICATIONS AS READ BY THE
CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Thank you.

Any discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Seeing none, yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, Chair. Thank you, Mr. Hokama. Briefly, on 18-212, I was going through it, and the 45,000, I was trying to find where that is specifically stated in the document. And, I found a \$400,000 amount, so I was, I couldn't quite figure out in the, how many pages is it, eleven pages, where it's given specifically for the E-Cycling Program. They talk about it, but then I don't see the dollar amount attached in the documents as I went through it.

DEPUTY COUNTY CLERK: Mr. Chair.

COUNCILMEMBER COCHRAN: Well, anyways, oh, sorry.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: I believe it's, I believe it's referenced on page 1 of the attachment to the transmittal letter.

COUNCILMEMBER COCHRAN: Oh, "C".

DEPUTY COUNTY CLERK: About, maybe, yea, letter "C", maybe about half way to three-fourths of the way down the page.

COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER HOKAMA: Yea, right, 45,000.

COUNCILMEMBER COCHRAN: Sorry. And then, oh I know what, sorry, Mr. Hokama. I'm looking at the budget document of page 11 of 11. And, because I think we passed E-Cycling at 400,000, that was guesstimated to be receiving, but it's down to this 45,000. So, that doesn't throw, I mean, our budget ordinance off.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And, I appreciate Ms. Cochran's question. That was the estimated revenues that the Administration has forecasted for the upcoming fiscal year, starting July 1. The 45,000 in no way makes any negative impact. There's still the ability of this County to receive additional funds for the purposes of E-Cycling. And, if we go over that 400,000, then we'll make the appropriate budgetary adjustments on the budget ordinance. But, we're in good shape as is being proposed to the Council this morning, Chairman and Ms. Cochran.

COUNCILMEMBER COCHRAN: Okay. Okay. No, thank you. Just checking on that.

CHAIR WHITE: Thank you.

COUNCILMEMBER COCHRAN: Thanks for the clarification.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND GUZMAN.

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

Mr. Clerk.

NO. 18-213 - ALAN M. ARAKAWA, MAYOR,
(dated May 30, 2018)

Informing of a vacancy on the Maui Planning Commission due to the resignation of Richard Higashi on May 25, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Could I ask the Clerk to also bring up County Communication 18-214?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Mr. Clerk.

(Councilmember Guzman returned to the meeting at 9:42 a.m.)

NO. 18-214 - ALAN M. ARAKAWA, MAYOR,
(dated June 6, 2018)

Informing of a vacancy on the Kula Agricultural Park Commission due to the resignation of Paul Otani on June 5, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 18-213 AND
214.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor received notifications of the resignations from these individuals. We'd like to thank them for their service and time from their respective commissions and wish them luck in their future endeavors. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion on these items?

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Clerk.

NO. 18-215 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 29, 2018)

Informing of the acceptance of Waterline Easement A-3, Waikapu Ranch, Inc.
Subdivision, TMK: (2) 3-5-004:114 Por.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION
18-215.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Chair. This matter is a housekeeping type item. And, in accordance with Section 3.44.015(H) of our Maui County Code, the Director of Finance is required to notify this Council in writing of any acquisition or conveyance made to the County pursuant to the Section.

And, this dedication is for access to a water meter for a waterline purpose. The, no County funds were used to acquire the property. And, according to Department of Water Supply, the easement location and width is acceptable and is in conformance with County standards. So, I therefore ask for the filing of communication. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item?

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following committees as noted.

NO. 18-216 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated June 7, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FISCAL YEAR 2018 BUDGET".

The recommended action is that County Communication No. 18-216 be referred to the Budget and Finance Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-216 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-106. COUNTY COMMUNICATION NO. 18-216 WAS THEN FILED. See pages 27 through 29 for discussion and action.)

NO. 18-217 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated June 7, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE OFFICE OF THE MAYOR, FISCAL YEAR 2018 BUDGET".

The recommended action is that County Communication No. 18-217 be referred to the Budget and Finance Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-217 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-107. COUNTY COMMUNICATION NO. 18-217 WAS THEN FILED. See pages 29 through 31 for discussion and action.)

NO. 18-218 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 8, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE 4851 (2018), RELATING TO HIGHWAY IMPROVEMENT FEES AND VEHICLE DISPOSAL FEES".

The recommended action is that County Communication No. 18-218 be referred to the Budget and Finance Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 18-218 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED BILL NO. 61 (2018). COUNTY COMMUNICATION NO. 18-218 WAS THEN FILED. See pages 32 through 34, and 40 for discussion and action.)

NO. 18-219 - DAVID J. UNDERWOOD, DIRECTOR OF PERSONNEL SERVICES, (dated May 25, 2018)

Informing of the abolishment of positions in various County departments.

The recommended action is that County Communication No. 18-219 be referred to the Budget and Finance Committee.

NO. 18-220 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 24, 2018)

Reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of April 30, 2018.

The recommended action is that County Communication No. 18-220 be referred to the Budget and Finance Committee.

NO. 18-221 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 24, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS, DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2018 GENERAL OBLIGATION BOND ISSUANCE".

The recommended action is that County Communication No. 18-221 be referred to the Budget and Finance Committee.

NO. 18-222 - RIKI HOKAMA, COUNCILMEMBER,
(dated May 31, 2018)

Relating to the 250th Celebration of Queen Kaahumanu, Grant G4607.

The recommended action is that County Communication No. 18-222 be referred to the Budget and Finance Committee.

NO. 18-223 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 30, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR THE HOUSING TRUST FUND PROGRAM".

The recommended action is that County Communication No. 18-223 be referred to the Budget and Finance Committee.

NO. 18-224 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated June 6, 2018)

Relating to the review of the permitted use/overuse and management of the Banyan Tree in the Lahaina Historic District.

The recommended action is that County Communication No. 18-224 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-225 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated June 6, 2018)

Relating to Traffic Safety and Environmental Concerns Resulting from Development in Makena.

The recommended action is that County Communication No. 18-225 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-226 - KELLY T. KING, CHAIR, PLANNING COMMITTEE,
(dated June 4, 2018)

Transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE MOLOKAI COMMUNITY PLAN".

The recommended action is that County Communication No. 18-226 be referred to the Planning Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-226 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-108. COUNTY COMMUNICATION NO. 18-226 WAS THEN FILED. See pages 34 through 39 for discussion and action.)

NO. 18-227 - STACY HELM CRIVELLO, COUNCILMEMBER,
(dated May 30, 2018)

Relating to Councilmember's report on Lawmakers Listen public townhall meeting recapping the 2018 legislative session of the 29th Legislature.

The recommended action is that County Communication No. 18-227 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 18-227 WAS DISCUSSED LATER IN THE MEETING AND THEN FILED. See pages 39 through 40 for discussion and action.)

NO. 18-228 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 21, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF (200) 2CT NALOXONE NASAL SPRAY UNITS, TRAINING/TRAVEL EXPENSES TO THE DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-228 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-229 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated May 25, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF TWO HUMMER H2'S TO THE DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-229 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-230 - JEFFREY A. MURRAY, FIRE CHIEF,
(dated May 25, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 61 PAIRS OF KAENON SUNGLASSES TO THE OCEAN SAFETY DIVISION OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-230 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have a number of items to go back to. And, we'll start with Mr. Hokama on CC 18-216.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-216**

COUNCILMEMBER HOKAMA: Thank you, Chairman. Members, I, during our past Budget and Finance Committee meeting held a few days ago on Tuesday, that we did have that discussion of the subject matter relating to County Communication 18-216, which is their request for us to transfer funds to deal with some unforeseen situations, in particular, their assistance to their sister County of Hawaii, and the department, their Department of Fire, in response to their natural disaster regarding the volcano.

CHAIRMAN, SO AT THIS TIME, TO ALLOW THE APPROPRIATE DISCUSSION, I MOVE TO HAVE YOUR BUDGET AND FINANCE COMMITTEE DISCHARGE AND WAIVE THE REQUIREMENTS OF COMMITTEE REFERRAL AND RECOMMENDATION TO THE COUNCIL, AS PROVIDED BY THE RULES OF THE COUNCIL.

COUNCILMEMBER KING:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion on the motion to discharge and waive, Chairman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE ATTACHED RESOLUTION TO COUNTY COMMUNICATION 18-216 ENTITLED "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FISCAL YEAR 2018 BUDGET", BE ADOPTED; AND COMMUNICATION BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Chairman, we have received communication dated June 14, 2018, to the Office of the Mayor, and in specifically, Budget Director Mr. Baz, in response to questions we had proposed in Committee, regarding the 240,000 request, the proposed breakdown regarding overtime pay. I would ask that they give us additional information as best they could at that point in time regarding the overtime costs and as it impacted their "B" Accounts and "C" Accounts.

We also take note in their communication to us, the breakdown which your Committee will continue to review, regarding overtime, travel, lodging, and per diem accounts, Chairman. We believe, as we were discussing earlier, that the overtime pay and the fringe benefits, the committee had no issue, and that was what was before us. We have since also recalculated the numbers. We believe that the amount is well-cushioned to take care the current needs as expressed by the Department in your Committee on Tuesday morning, Chairman.

But, at this time, because of the situation, we're two weeks till the end of the fiscal year. I'll be recommending approval of this motion, Chairman, to the Members. But, I'll also ensure the Members that the Committee will continue to review and audit the details of all costs that were incurred. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on this item? The Chair will just say that I appreciate that Mr. Hokama will have the opportunity to further review this in Committee. The, the cost is fairly substantial. And, I think we all want to help out our neighbor counties. But, my understanding was that our, our folks were going over there to help and would be supervised by the Hawaii County Fire Department.

And just, as you may note on the top of the breakdown, there's a four, total of about \$45,000 in overtime. We just, an assistant fire chief and two battalion chiefs going over, and my feeling is that we, it just looks like we sent them over so they could generate some overtime. So, I, I look forward to a further review so that we can get a little more, maybe it's just me, so I can get a little more comfortable with that expenditure, because it's a significant amount of money for a total of 72 hours of work each. So, appreciate Mr. Hokama having further review.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 18-217

CHAIR WHITE: Mr. Hokama, the next one is yours as well.

COUNCILMEMBER HOKAMA: Yes, thank you, Chairman. The next two, so I thank the Members indulgence for this process and procedures required.

CHAIRMAN, REGARDING 18-217, I MAKE A MOTION NOW TO
DISCHARGE YOUR BUDGET AND FINANCE COMMITTEE

FROM REFERRAL AND ALSO THE REQUIREMENT OF
COUNCIL RULES TO PUT RECOMMENDATION TO COUNCIL
FOR SUBJECT MATTER.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion on the motion, Chairman.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIRMAN, I MOVE THAT THE PROPOSED RESOLUTION
ENTITLED "AUTHORIZING THE TRANSFER OF AN
UNENCUMBERED APPROPRIATION BALANCE WITHIN THE
OFFICE OF THE MAYOR, FISCAL YEAR 2018 BUDGET", AS
ATTACHED TO COUNTY COMMUNICATION 18-217, BE
APPROVED; THAT COUNTY COMMUNICATION 18-217 BE
FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee also on Tuesday, earlier of this week, did review this request from the Office of the Mayor, regarding the Economic Development Program. Your Committee Members, did put forth, I felt very responsible and pertinent questions regarding the situation and how we could have avoided it, how much in advance they were aware of the situation.

And, again, Chairman, you know, we got written responses. I will take note that the original request was to fund approximately 20,000. We are unable to amend the budget request. But, upon receipt of communications dated June 14, 2018, a deficit or requirement has gone down to \$8,500.

So, my only comment, Chairman, is do not think that the balance is for something to just be utilized. Use what you are required to, and we expect the OED's Office to do the appropriate administrative skills to still show the remaining numbers left in their accounts, Chairman. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-218**

CHAIR WHITE: And, Mr. Hokama, the next item; 18-218.

COUNCILMEMBER HOKAMA: Chairman, thank you. Mr. Clerk, do you need to bring it up, or may I make a motion? Okay, thank you, Mr. Clerk.

REGARDING COUNTY COMMUNICATION 18-218,
MR. CHAIRMAN, THIS, I MOVE THAT THE REQUIREMENT
OF, THAT BUDGET AND FINANCE COMMITTEE BE
DISCHARGED OF ANY ADDITIONAL RESPONSIBILITIES,
AND THAT WE WAIVE THE REQUIREMENT OF COMMITTEE
RECOMMENDATION ACCORDING TO THE RULES OF THE
COUNCIL.

COUNCILMEMBER CRIVELLO:

SECOND.

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

COUNCILMEMBER CRIVELLO: Ms. Crivello.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Okay. Thank you.

Any discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Mr. Hokama, so this is creating, or what are we, I'm trying to find the details in this amendment; amending the ordinance. And, I'm just kind of, oh sorry, we're just doing the waiver?

COUNCILMEMBER HOKAMA: The waiver, yea.

COUNCILMEMBER COCHRAN: Okay, sorry. Yes, aye for the waiver.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. And, I hope this will answer not only Ms. Cochran's question, but anyone else's question.

I MOVE THAT THE PROPOSED BILL ATTACHED TO COUNTY
COMMUNICATION 18-218, ENTITLED "A BILL FOR AN
ORDINANCE AMENDING THE EFFECTIVE DATE OF
ORDINANCE 4851 (2018), RELATING TO HIGHWAY
IMPROVEMENT FEES AND VEHICLE DISPOSAL FEES",
PASS FIRST READING BE ORDERED TO PRINT.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as we went through the passage of our companion bills to the upcoming year's budget documents, one of the typographical errors, cause that's my honest belief in the error that we caught, was on the effective date of the

ordinance. What we had passed by Council was that the effective date of the ordinance would take place on July 1, 2019. It was always your Committee's intent, and I actually believe that Council supported your Committee's work, Chairman, that the effective date should be July 1, 2018. And, the amendment is only to change the effective date to July 1, 2018, instead of 2019, Chairman. All other language, all other requirements of the proposed ordinance, remain as passed by the Council originally.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 18-226

CHAIR WHITE: And, the next item is Ms. King's; County Communication 18-226.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
18-226, PURSUANT TO RULE 7(E) OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, we've, we've been struggling probably mostly with getting quorum on the committee than anything else. And, I didn't have even quorum to have, through the month of May to have those two meetings. So, which was the intent, was to get it out of Committee and then bring it to Council. So, we find ourselves in the position of needing another extension. However, I do want to amend the extension.

CHAIR WHITE: We're, I believe we're on the waiver.

COUNCILMEMBER KING: Okay, I just, I didn't know if I needed to explain that to get the waiver. But, okay, so I'll just.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

COUNCILMEMBER KING: Okay, thank you, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING:

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "APPROVING A TIME EXTENSION FOR THE
COUNCIL TO ENACT THE MOLOKAI COMMUNITY PLAN".

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER KING:

AND, TO FILE COUNTY COMMUNICATION 18-226.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER KING: And, I have a friendly amendment with it.

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

Ms. King.

COUNCILMEMBER KING: Okay, thank you, Chair. And, in consultation with Ms. Crivello, because we've been working on this plan together, largely, we, we would like to change the date on the extension to September 30, 2018, which would keep it in this year. You know, we were, I think we, yesterday's meeting was the first time I've had all seven members in my Committee at one time, and hopefully we can go forward with that. But, we both feel that we could get this done in the next couple of meetings in Committee, and then move it out to Council.

CHAIR WHITE: Okay. Could you make your motion?

COUNCILMEMBER KING: Oh, I thought I did move. She seconded.

CHAIR WHITE: That was on the waiver. I don't believe we had a--

COUNCILMEMBER CRIVELLO: No, we did.

COUNCILMEMBER KING: No, we--

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, currently pending before the body is a motion to adopt the resolution and to file the CC. I think what Council Chair White is requesting is a motion to amend that to reflect the change in the end date to enact the plan.

CHAIR WHITE: Yea, you had just kind of gone into your discussion without making the motion, then discussing it, so.

COUNCILMEMBER KING: Oh, I did make the motion.

COUNCILMEMBER COCHRAN: Not to amend.

CHAIR WHITE: No, you made the motion on the main motion. But, not, you didn't make the motion on the--

COUNCILMEMBER KING: To amend.

CHAIR WHITE: --the amendment of the date.

COUNCILMEMBER KING: Okay.

SO, I MOVE TO AMEND THE DATE FROM JUNE 30, 2019, TO
SEPTEMBER 30, 2018.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Okay. And, I think I, I don't have any further discussion. I think we both are, are confident we can get it done. I mean, I've said that before, but you know, this, I think it, we, I don't think there's a reason to go till next year.

CHAIR WHITE: Okay. Any further discussion, Members?

COUNCILMEMBER GUZMAN: September 30 is a Sunday. Are you sure you, you don't want a business day?

CHAIR WHITE: Well it, we have a, I'm not sure exactly what the meeting schedule is, but I think that it's okay to have it at, on a Sunday, I believe.

COUNCILMEMBER GUZMAN: Okay.

COUNCILMEMBER CRIVELLO: It's in the end of the month.

COUNCILMEMBER GUZMAN: Okay, that's fine.

CHAIR WHITE: Thank you for pointing that out though.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

COUNCILMEMBER KING: Chair.

CHAIR WHITE: We're back to the main motion.

COUNCILMEMBER KING: Okay, so now we're on the main motion. So, the motion to adopt the, I guess that's still on the floor; the motion to adopt the extension. And, I'm not sure I need to go into any further discussion.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: But, if anybody has any questions, I'm happy to answer them.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-227**

CHAIR WHITE: And, we're on to our last item. That's Ms. Crivello. Item 18-227.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-227.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Councilmember Yuki Lei Sugimura, Council Chair Mike White, and I, attended a Lawmakers Listen townhall meeting on Tuesday, May 29, 2018, at Iao Intermediate School.

The meeting was hosted by State Representative Troy Hashimoto, and included House Members Majority Leader Della Belatti, and Finance Chair Sylvia Luke, and Members of the Maui Delegation Representative Kyle Yamashita, Justin Woodson, and Lynn DeCoite.

I am making this report pursuant to the State Sunshine Law, specifically Section 92-2.5(E) of the Hawaii Revised Statutes.

A quorum of the Council was not present. The meeting was specifically and exclusively organized for or directed towards Members of the Council. The public meeting was organized to offer a recap of the 2018 Legislative Session of the 29th Legislature, and

to allow the public an opportunity to ask questions and interact with our State Legislators.

No commitment relating to a vote on any Council business was made or sought at the meeting. Mr. Chair, that concludes my report.

CHAIR WHITE: Thank you. Any further discussion? All those in favor, please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

FILING OF
COUNTY COMMUNICATION NO. 18-218

CHAIR WHITE: Going back to item 18-218, from Mr. Hokama. Just to clarify, that that your motion included the filing of the county communication?

COUNCILMEMBER HOKAMA: That's correct, Chairman.

CHAIR WHITE: Okay. Thank you.

And, with that, Members, we have taken care of all the items that I was aware of. With that, is there any objection to the referrals as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you. Move on, Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to County Communication 18-216, for the record, RESOLUTION 18-106. Relative to County Communication 18-217, for the record, RESOLUTION 18-107. Relative to County Communication 18-218, for the record,

BILL 61 (2018). Relative to County Communication 18-226, for the record,
RESOLUTION 18-108.

GENERAL COMMUNICATIONS

NO. 18-2 - DANIEL Y. YASUI, A&B PROPERTIES HAWAII, LLC.,
(dated May 21, 2018)

Submitting the 2018 annual report in accordance with Condition No. 19 of Ordinance
No. 3559, relating Maui Business Park Phase II – Change in Zoning.

The recommended action is that General Communication No. 18-2 be referred to the Land
Use Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any objection to the referral?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-97 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Resolution 18-109, entitled "AUTHORIZING THE PURCHASE OF THE
REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036:046
AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS
TAX MAP KEY NUMBER (2) 3-5-036:057 PURSUANT TO THE BUYBACK

PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED," be ADOPTED; and

2. That County Communication 18-180, from the Director of Housing and Human Concerns.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 18-97.

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. Your Housing, Human Services, and Transportation Committee met on May 31, 2018, to discuss two proposed resolutions. The first entitled "AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-022 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED", is to authorize the acquisition of the aforementioned property for \$434,386.42.

The second resolution entitled "AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-046 AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-057 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED", is to authorize the acquisition of the aforementioned properties for \$519,882.93.

Waikapu Gardens Phase II was approved pursuant to Chapter 201H, Hawaii Revised Statutes. Section 201H-47, HRS, requires for a period of ten years after purchase, if the purchaser desires the sell, the County has the first option to purchase.

Your Committee is in receipt of the signed written statement dated May 23, 2018, from the owner of the real property identified as TMK (2) 3-5-036-022, cancelling their request to the sell the property.

No notice of cancellation has been received from the owners of the second parcel, which the County intends on purchasing. Per Section 2.96.060(B)(2)(c), Maui County Code, relating to residential workforce housing restrictions for ownership units, the County has 90 days from notice to complete the purchase. This would be the fourth property that the County has purchased under Buyback Provisions.

Purchasing the property allows the County to control the property's affordability and retain it in the residential workforce housing inventory. I ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Chair, yea, thank you. I did have a question, because I thought Ms. Abdul came and said that both of them have withdrawn the request to sell. But we don't, we just don't have it in writing yet, is that what?

COUNCILMEMBER CRIVELLO: I don't have that information that she mentioned. As of yesterday, my discussion with the, with Deputy Jan Shishido, it remains as such, so.

COUNCILMEMBER KING: Okay. And, then do we need to go ahead with the resolution whether or not, just so that we have that, that leverage to, that we will buy it back; even though we know the first one has decided not to sell?

COUNCILMEMBER CRIVELLO: Well, one has reneged on their efforts to, to have us buy it back. And, that one we are going through is just a--

COUNCILMEMBER KING: Okay. But, we're still going through the reso for both of them?

COUNCILMEMBER CRIVELLO: Right.

COUNCILMEMBER KING: Okay.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-109.

COMMITTEE REPORT

NO. 18-98 - LAND USE COMMITTEE:

Recommending that County Communication 17-379, from Councilmember Robert Carroll, relating to the Department of Planning's Audit of Title 19, Maui County Code, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-98.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on May 16, 2018, and May 30, 2018, and made reference to County Communication 17-379, which relates to the Department of Planning's Audit for Title 19, Maui County Code.

The Audit outlines the process with a consultant gathered, excuse me, gathered information for the audit, as well as consultant's key findings and recommendations.

Your Committee received a presentation summarizing the report and highlighting the timeline and methodology of the audit process.

Key recommendations include the presentation supports a creation of a simplified, hybrid code; promotion of a housing choice and affordability concerns; addressing specific use needs and issues; the creation of multimodal mobile home standards; revising General Plan content and processes; and implementing organizational changes.

Your Committee voted 5-0 to recommend filing of the County Communication 17-379. I ask for the Members support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY.

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

Mr. Clerk.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 58 (2018)

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

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I request the Clerk to bring up Bill 59 also.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

ORDINANCE NO. _____
BILL NO. 59 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE, COUNTYWIDE COSTS,
DEPARTMENT OF PARKS AND RECREATION,
WAIERU GOLF COURSE PROGRAM – GOLF FUND;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL NO. 58 AND BILL 59 PASS
SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the first one under Bill 58 is to take care of the Department of Fire and Public Safety's need regarding premium pay.

Bill 59 is under Parks and Recreation, Waiehu Golf Course. And this is a transfer to allow them to continue their improvements at Waiehu Golf Course. Thank you.

(Councilmember Guzman returned to the meeting at 10:16 a.m.)

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 60 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE MANAGING DIRECTOR

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO PASS BILL NO. 60 (2018) ON SECOND AND FINAL
READING.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Bill 60 (2018) establishes additional qualifications for County administrative heads appointed by the Mayor, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended.

This establishes additional, specific qualifications which will help to identify skilled, experienced individuals to lead the County's departments, to strengthen operations, and better serve the public.

The effective date of this ordinance is January 2, 2019. And, Chair, this is the 11th of 11 qualifications that the last Charter mandated that this, this, the Council establish. The effective date would be January 2, 2019. And, this will begin the process of the Council then going through the hiring process and, and confirming these directors that are appointed by the Mayor. So, I respectfully ask for the Council's support on this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

COMMITTEE REPORTS

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

Recommending the following:

1. That Bill 62 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-260, the Planning Director, be FILED.

DEPUTY COUNTY CLERK: Mr. Chair, currently pending before the body is the main motion, as amended, made by Council Vice-Chair Carroll and seconded by Councilmember, Councilmember Hokama, to adopt the recommendations in Committee Report 18-90.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Members, at the last Council meeting, we voted to amend Sections 19.65.060(F)(2) *[sic]*, and 19.64.065(E), Maui County Code, to implement a sixty-day grace period to allow bed and breakfast permitholders to apply for a new permit, and continue to operate rather than needing to wait two-years for a new bed and breakfast permit. We decided to defer this item in order to attain further amendments to the proposed bill. A track change version of the bill, as amended, has been distributed for your reference.

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

Any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. As, Mr. Carroll has mentioned, that we did take a recess. I have a motion to amend.

I MOVE TO AMEND SECTION 19.64.060(B) TO READ AS FOLLOWS: THAT THE "PERMIT RENEWAL APPLICATIONS SHALL BE SUBMITTED TO THE DEPARTMENT WITHIN NINETY DAYS PRIOR TO THE PERMIT EXPIRATION DATE; PROVIDED, THAT THE OWNER-PROPRIETOR MAY APPLY FOR A PERMIT RENEWAL WITHIN THIRTY DAYS AFTER PERMIT EXPIRATION; THE OWNER-PROPRIETOR PAYS A FEE, AS SET FORTH IN THE ANNUAL BUDGET ORDINANCE, FOR THE LATE APPLICATION; AND THE OWNER-PROPRIETOR IMMEDIATELY STOPS ADVERTISING FOR, OR ACCEPTING, ANY NEW RESERVATIONS FOR GUESTS UNLESS AND UNTIL THE PERMIT IS RENEWED. WHILE THE LATE RENEWAL APPLICATION IS BEING CONSIDERED BY THE DIRECTOR, THE OWNER-PROPRIETOR SHALL NOT CONTINUE OPERATING THEIR BED AND BREAKFAST HOME."

AND, FURTHER, TO ESTABLISH A NEW SECTION "C" BEGINNING WITH "PERMIT RENEWALS MAY BE GRANTED BY THE DIRECTOR FOR TERMS UP TO FIVE YEARS ON LANA'I AND MAUI AND UP TO ONE YEAR ON MOLOKA'I," AND RELETTERING THE SECTIONS, PREVIOUSLY LABELED "C" THROUGH "G" TO READ "D" THROUGH "H".

AND, FINALLY, TO AMEND SECTION 19.64.060(D) TO READ AS FOLLOWS: "COMPLIANCE INSPECTIONS MAY BE CONDUCTED PRIOR TO THE GRANTING A PERMIT RENEWAL OR DURING THE PERMIT PERIOD. THE OWNER-PROPRIETOR SHALL ALLOW COMPLIANCE INSPECTIONS TO BE CONDUCTED AT THE TIME SPECIFIED BY NOTICE PROVIDED AT LEAST TWENTY-FOUR HOURS PRIOR TO THE INSPECTION. REFUSAL TO ALLOW ACCESS MAY RESULT IN A PERMIT REVOCATION."

I have a second motion, but I need a second on this first motion.

(Councilmember Hokama was excused from the meeting at 10:21 a.m.)

COUNCILMEMBER SUGIMURA:

OH, SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Just to reiterate in more detail, the, there's an attachment to the summary of the, of the motion, of the amendment form. If we look at the first page here on section 1, you can see that the underscored in black is the original amendments that Mr. Carroll has proposed on the primary motion. My amendments are in blue, and underscored.

So, basically, the last discussion that we had was that I found it to be more reasonable that if a person fails to renew it within the 90 days prior to the expiration date, may it be from any type of reason. I know that most of these B&B owners are, they live on the property and are mostly local residents. So, to have that grace period of thirty days to renew after the expiration is reasonable in comparison to, let's say a driver's license where you, wherein you have ninety days and you pay a fee, a late fee. And, after the ninety days, you would have to take the entire driver's license exam and practical over again.

But, in this case, we are limiting it to thirty days of a grace period. There would be an annual, within the annual budget ordinance, a late, a late fee established. As well as during this grace period of thirty days, the owner is, immediately stops advertising and accepting any new reservations until the permit is either renewed or denied. And, that's basically it for that portion.

And then, if we turn to the second page, there was issues as to defining what was notice; and whether it was a phone notice or a written notice, that was hard to determine once the B&B owner received it. So, I guess there's, there's, it could be two ways; either the Department can call them up or they can send them a letter by notice of the inspection. But, after they receive the notice, at least 24 hours, they need to at least advise the, the B&B owner that the inspection will occur. So, we were able to resolve that.

I have a second motion that I'll have to go through. But, those, that's the first amendment, Chair.

CHAIR WHITE: Okay, thank you.

Members, discussion on the first motion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. Sugimura, followed by Ms. King.

COUNCILMEMBER SUGIMURA: So, just curious, Mr. Guzman. Is there a penalty for late filing? Did you say there was a penalty?

COUNCILMEMBER GUZMAN: Yes. We, we don't call it a penalty, Chair. We would just call it a late fee application, because we don't want to treat it as a fine. And, that's going into some technical matters. But, it's a late fee.

COUNCILMEMBER SUGIMURA: Late fee.

COUNCILMEMBER GUZMAN: And, it would be established via the ordinance, the budget ordinance. So, we, we're not establishing it at this point. But, once we go through the budget ordinance, we can establish it.

CHAIR WHITE: Ms. King.

COUNCILMEMBER SUGIMURA: So, Chair, one more question.

CHAIR WHITE: I'm sorry, Ms. Sugimura, were you done?

COUNCILMEMBER SUGIMURA: Yea, just one more question regarding that, cause that was my second question, then. So, when you say the budget ordinance, it'll be for next

fiscal year, or are we going to add something to this upcoming fiscal year? I mean 2020 or are you talking about 2019, budget, the budget ordinance for the renewal?

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: We could, well, actually, I, it's not in the budget right now, but we could probably use some, some other fee applications that I know that there are several other ones under that Chapter 19. We could probably use some of those, those fee amounts in there.

But, I left it blank because, for the opportunity for future changes that may, the future Council may want to increase it to 1,000, 2,000, 3,000 late fee. You know, whatever it may be. I didn't want to have to bog down this Council to determine an exact amount at this time. I just wanted to be able to tweak the language enough to apply this type of grace period in there.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: No, that's it.

CHAIR WHITE: Okay. Ms. King.

COUNCILMEMBER KING: Yea, that was, Chair, thank you. That was one of my questions, was on the timing of it and do we need to put something in this that says that this fee is applicable after this budget ordinance is passed or something? Because, right now there's no fee number listed. So, if you start applying this as soon as the ordinance passes, you wouldn't have a, a figure there to, it's called a late fee so that was one of my questions is, you know, when, the timing when this starts.

And, the other one was on the notification, because I specifically asked the Planning Department when we were discussing this in Committee; if they do notification. They said they do not. So, is there somewhere in this ordinance that requires them to do, to do notification at the, for the expiring date? Or, do we need to put that in there? Because, they were very clear that we don't, they don't notify. You know, for better or for worse, that's what they told us.

CHAIR WHITE: Mr. Guzman.

(Councilmember Crivello was excused from the meeting at 10:28 a.m.)

COUNCILMEMBER GUZMAN: The reason why I didn't put a notification into the amendment, because the ordinance clearly states that upon the expiration date, it's just like your

driver's license; you know that your expiration date of your driver's license is on your birthday. And, it's, you know, right there in the HRS, it's, it's very clear. And, what we're saying here is, you have to renew it before the expiration date of, of your permit; cause your permit is given an expiration date. And so, notice is already given.

You know, I, I don't think it would be practical, because at some point you would, you would get a challenge as to whether or not you've received that notice. And that notice would have to then be defined as, okay, service process most likely via mail by certification. Then we're getting into so much more detail, and it would at some point open the door for challenges. So, I think that the language specifically in the ordinance indicates the, when in fact your permit is, is, when in fact you need to reapply for your permit.

(Councilmember Hokama returned to the meeting at 10:29 a.m.)

COUNCILMEMBER GUZMAN: And, I'm just putting in provisions to allow that in, just in case a natural, human nature you, someone passes away in your family or there's some kind of financial situation where you happen to forget the expiration date and it passes. Then you have thirty days from that expiration date to renew, and that's a grace period. Reasonable enough; it's not ninety days like a driver's license, but it's thirty days to, oh I, you know, happen to have forgotten it, and pay a late application fee at that point to renew it.

As it was written before, Chair, if you didn't apply prior to the expiration date, you would then have to go through the entire process of getting a new, not a renewed, but a new permit, which is, would take about six months or up to a year to go through that whole public hearing, this and that. So, we built in a, you know, just a thirty-day grace period just for human nature, just in case they forget, or something happens in the family. So, I, I think it's more, it seems more reasonable.

COUNCILMEMBER KING: Chair, can I have a question to follow-up?

CHAIR WHITE: Ms. King.

(Councilmember Crivello returned to the meeting at 10:30 a.m.)

COUNCILMEMBER KING: Because I still have concerns about, I don't, I don't object to the thirty-day period, I just figure, I just don't understand how the logistics because if you forget that the expiration days, how are you going to know to stop taking reservations? And, if you have reservations after that, after that expiration date, then do you, are you meant to cancel them? Are you, are you, if you don't remember for a week, then, is that when you, I mean, that's what, there's a lot of arbitrary assumptions there that

people are just going to, I mean, obviously you don't know when the expiration date is, and that's why you missed it. So, how are you going to know to stop taking reservations? So, that's the part I'm trying to work out. It doesn't make sense to me in this format.

(Councilmember Cochran was excused from the meeting at 10:30 a.m.)

CHAIR WHITE: Okay. I think it's safe to say that it's, this is going to be based on the date of realization, either by the Department saying something to you, or you realizing you missed the date, and then--

COUNCILMEMBER KING: Okay, so if you realize it two weeks later, then you only have two weeks left to realize the 15 days, that you only have 15 days, but you can still honor those reservations? Is that the intent?

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: That's a good question. But, the, but the intent was really to have that thirty-day grace period.

COUNCILMEMBER KING: Right.

COUNCILMEMBER GUZMAN: So, whether they, they realize that they have, you know, they have passed the expiration date, and it's the 28th day, and it's going to, you know, basically the grace period is over, they should at least, they got to cancel all their reservations, they got to make sure that they don't operate without a permit. Because at that point, it's not a renewed permit. It's, they don't have a permit. So, it, or the, the Department notifies them and says, look, you can't be operating anymore.

COUNCILMEMBER KING: So, yea, so Chair, that's, you know--

COUNCILMEMBER GUZMAN: And then at that point, they could--

COUNCILMEMBER KING: Yea, and I, and I don't oppose of the . . .

COUNCILMEMBER GUZMAN: I still have the floor please.

COUNCILMEMBER KING: Oh, I thought you were answer my question. I had the--

COUNCILMEMBER GUZMAN: Why would I be answering--

CHAIR WHITE: Oh, I thought you were done too.

COUNCILMEMBER GUZMAN: Oh, okay. Okay.

CHAIR WHITE: Please go ahead.

COUNCILMEMBER GUZMAN: I'm fine.

COUNCILMEMBER KING: Okay, so that, that's my, my concern is, you know, so if you, if you've been operating for three weeks cause you didn't realize it, what happens to that, you know the business that you've been doing in three weeks, those three weeks?

CHAIR WHITE: I think, I think we have reasonably put forth our intent, is to give somebody a grace period, and they can't operate during the time between their application to renew and the actual, the time that they get their permit renewed. So, I think, I think we've given them enough, enough latitude to make a reasonable determination.

COUNCILMEMBER SUGIMURA: Chair. If I could after?

CHAIR WHITE: Ms. King still has the floor.

COUNCILMEMBER KING: Yea, okay, well, yea, I just, I just didn't want to get into a situation where, you know, if you don't realize that you are operating without a permit. So, this, I just wanted to make it clear that this is allowing folks to operate within that grace period without a permit, because they may not realize that their permit expired.

CHAIR WHITE: Yea, I'm not sure how we fix that. So, but I think it's something that we can leave to the Department's discretion.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want to support this. And, I want to say, that I think, like our driver's license, we know when we need to renew it, and if we don't, you know, we know what the consequences are. And, I think that people who have this kind of business, I think they're responsible enough to know, and I think this gives them the grace period that we heard in testimony which would be appreciated. And, I don't think we need to make any special what if's and whatever, because it is a business. It is not something that, you know, these people who have gone through the, the permitting process and who understand what it takes, I'm sure they're going to remember, cause I don't think they want to do it again. So, I support this motion.

CHAIR WHITE: Yea, I think it's important for us to remember too, that for the majority of other permits that the Planning Department deals with, you have to apply ninety days. If you

want an extension, you have to apply ninety days prior to the expiration. So, this is really giving a very gracious amount of, of slack to these operators.

So, any further discussion on this part of the amendment?

(Councilmember King was excused from the meeting at 10:35 a.m.)

CHAIR WHITE: Mr. Guzman, would you please give us your thoughts on the 24-hour notice? Because I think many of us feel that, or at least, I won't say many of us, I feel that the, I would rather vote on this separately because I don't support the 24-hours.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: My, my sense is the only time that this is likely to be used, or there will be times when it's, it's better for us to give the Department the ability to do an inspection on shorter notice than 24-hours. And, I'm, because my view is that they're only going to use this provision if they suspect something going on that shouldn't be going on.

And, I use the example of, of an inspection that the Planning Department and Corp. Counsel, and a few other departments did on one operator. And, as they walked through, the majority of the people moved on. One of the zoning inspectors held back, and as soon as the people thought that the group had moved on, the furniture was changed in, from a, an operating guest room back to office furniture.

So, we're not, you know, I'm just feeling like we're, if we're giving bad actors, I have no problem giving people that are doing all the right things the 24 hours' notice. But, I think there's a reason why we need to give something closer to maybe three or four hours' notice at the, at the max. I just throw that out. If you can share your thoughts with us.

COUNCILMEMBER GUZMAN: Okay, thank you, Chair. Well, when I looked at this language initially, I first had to look at what is notice. And so, that was the, the first prong that really bogged me down; was what is the notice? Like, in comparison to the previous provisions where we're saying the expiration date of, of your permit, that's the point of reference. But, in this, in this Section, there is no point of reference except for a notice.

So, from the time that the notice, what is the notice, the notice is either you call them up or you send them a letter. And so, when you call them up, you can say you're providing them, okay, a range. Okay, I'm going to do the inspection 24 hours from the time of notice, and that could be like a full week and they can just pop in. But, at least you're giving them, from the time of notice, 24 hours' notice so that they can, you know, at least be there on site to accommodate the inspection. Or if its, if the notice is via

letter, then they can give a range as to when, like this week, during this month, we're going to do an inspection. So, at least there's a 24-hour notice that there is going to be an inspection.

And, that was just, just hearing from the testimony that day was like, oh, how do I get from my work and I'm given, they call me up and I've got an hour to get to my, my place? Because the original language only gives from the time of inspect, from the time of notice, one, one hour of notice. That's the language that has been deleted or crossed out in the original language. So, as you can see, my amendment is crossing out one hour of notice. So, that was my, my issue. I was like, okay, what does that mean? Does that mean you call them up and say I'm coming in one hour? Or, I send a letter? And, how do, how does the Department know that they've received a letter and they're going to come there in one hour? So, I needed a time reference from when it starts.

(Councilmember Cochran returned to the meeting at 10:39 a.m.)

CHAIR WHITE: No, I understand. The notice, notice is a different issue than the amount of time you have to, to respond. So, I don't know if anyone else would like to have the two; cause you basically made two different motions on two different items. And, Chair would like to bifurcate the, the two items.

COUNCILMEMBER GUZMAN: I can do that, Chair. It's, if we would accept the friendly amendment to bifurcate the second half of the motion.

CHAIR WHITE: So we'll take a vote on, take a vote on the first, the portion on the first page first. Any further discussion on the item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yea, I'm speaking against the amendments. I was in favor of the original, and I continue to be in favor of the original. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBERS ATAY AND KING.

CHAIR WHITE: Okay, we have, we have six "ayes", one "no", and two "excused"; Mr. Atay and Ms. King. Measure passes.

And, we'll take the vote on the second item, which is just the discussion of the 24-hour notice.

COUNCILMEMBER GUZMAN: Chair, did you want me to renew this motion?

CHAIR WHITE: Yea, if you don't mind. Thank you.

(Councilmember King returned to the meeting at 10:41 a.m.)

COUNCILMEMBER GUZMAN: Okay. Chair, I'd like to move to amend the language on page two. That would be Section, wait, excuse me, Chair, I'm going to have to, because the lettering is now changed. So, let me do that first.

CHAIR WHITE: Well, the, staff can make that technical correction.

COUNCILMEMBER GUZMAN: Okay.

SO, SO, I MOVE TO ESTABLISH A NEW SECTION "C" BEGINNING WITH "PERMIT RENEWAL MAY BE GRANTED BY THE DIRECTOR FOR TERMS OF UP TO FIVE YEARS ON LANA'I AND MAUI AND UP TO ONE YEAR ON MOLOKA'I," AND RE-LETTERING THE SECTIONS, PREVIOUSLY LABELED "C" THROUGH "G" TO READ "D" THROUGH "H,"

AND, FURTHER, TO AMEND SECTION 19.64.060(D) TO READ AS FOLLOWS: "COMPLIANCE INSPECTIONS MAY BE CONDUCTED PRIOR TO GRANTING A PERMIT RENEWAL OR DURING THE PERMIT PERIOD. THE OWNER-PROPRIETOR SHALL ALLOW COMPLIANCE INSPECTIONS TO BE CONDUCTED AT THE TIME SPECIFIED BY NOTICE PROVIDED AT LEAST TWENTY-FOUR HOURS PRIOR TO THE INSPECTION. REFUSAL TO ALLOW ACCESS MAY RESULT IN PERMIT REVOCATION".

COUNCILMEMBER SUGIMURA:

SECOND.

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

Any further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Just a question, so we're adding this Section "C". Is it a section that was already in there, or we're just renumbering it? The one that starts with permit renewals. Those were already there, you just change the letters, there's nothing new in that that was?

COUNCILMEMBER GUZMAN: What was that now?

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: No, that, the reason why is because we had to, from the 19.64.060, the original, the, the previous motion that I presented, we had to add a "C" to extend it, so it's actually from the permit. It's just numbering, I mean it's lettering.

COUNCILMEMBER KING: It's just a lettering? Okay, that's--

COUNCILMEMBER GUZMAN: Yea, it's the lettering. It's just moving, it's just reformatting it. It's just a technical reformat, and adding a letter instead of combining--

CHAIR WHITE: Right.

COUNCILMEMBER GUZMAN: --the new amendment.

COUNCILMEMBER KING: Okay, so the only new content is what is in the newly proposed "D"?

COUNCILMEMBER GUZMAN: Yes, the newly proposed "D".

COUNCILMEMBER KING: Okay.

COUNCILMEMBER GUZMAN: Yea, because, I believe the, Mr. Carroll's original motion, no, original, the primary motion was to delete Section "B" above on page 2. So, I did not include Mr. Carroll's primary motions of re-lettering. So, I'm just re-lettering his primary motion.

CHAIR WHITE: Yea, I, I'm sorry, I was under the impression that the new "C", with the respect to the renewal application, was part of the first motion, and that we were, that this motion was going to include just the new, the new paragraph "D".

COUNCILMEMBER KING: Yea, that's what I thought.

COUNCILMEMBER GUZMAN: Yea, that's correct, Chair.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER GUZMAN: It's just the new paragraph "D". And, I had to renumber, re-letter the "C".

CHAIR WHITE: Okay, so, can we be sure that this, this vote is on just the new letter "D"?

COUNCILMEMBER GUZMAN: Yes, the new letter "D".

CHAIR WHITE: Okay, so you're adjusting the motion to that.

Is the seconder comfortable with that?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: Okay. Thank you.

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

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER GUZMAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER KING: No.

CHAIR WHITE: Okay, let's take a roll call. Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Alike Atay.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS GUZMAN AND SUGIMURA.

NOES: COUNCILMEMBERS COCHRAN, CRIVELLO,
HOKAMA, KING, VICE-CHAIR CARROLL AND
CHAIR WHITE.

EXCUSED: COUNCILMEMBER ATAY.

DEPUTY COUNTY CLERK: Mr. Chair, that is two "ayes", seven "noes", I mean six "noes",
and one "excused".

CHAIR WHITE: Okay, so we're onto your next, your next motion.

COUNCILMEMBER GUZMAN: Okay, thank you, Chair.

THE NEXT AMENDMENT I HAVE IS I MOVE TO AMEND
SECTION 19.64.065(E) TO READ AS FOLLOWS: THE
"OPERATING A BED AND BREAKFAST HOME WITHOUT A
VALID PERMIT IS PROHIBITED. EVIDENCE OF OPERATION
MAY INCLUDE: ADVERTISING, GUEST TESTIMONY, ONLINE
REVIEWS, RENTAL AGREEMENTS, RECEIPTS, OR ANY
OTHER INFORMATION DEEMED RELEVANT BY THE
DEPARTMENT. OPERATING WITHOUT A VALID PERMIT
SHALL RESULT IN A PROPERTY OWNER BEING INELIGIBLE
TO APPLY FOR A PERMIT FOR TWO YEARS. THIS TWO-
YEAR PERIOD OF INELIGIBILITY SHALL NOT PROHIBIT AN
OWNER-PROPRIETOR FROM APPLYING FOR A LATE
PERMIT RENEWAL PURSUANT TO SECTION 19.64.060(B) OF
THIS CHAPTER."

And so, Chair, in the amendment summary, it gives the reason why. Do you want me
to read that on the record? Or do you want me to just go through a kind of informal
rationale?

CHAIR WHITE: Well, I think you made the motion. Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

I think the purpose of this is just to make it consistent with an earlier change.

COUNCILMEMBER GUZMAN: Yes. Yes, yes, and if you can recall, I brought up that, that issue in the last reading; was that that Section didn't clarify whether it applied for straight out a new, a new permit versus a renewal permit. So, basically, what happened in the original version is that if you failed to renew it by the expiration date, then you'd have to go through the entire process.

What this does now in this new amendment is that since we passed the 30 days grace period on the, the previous amendment, this now says that if you apply within that 30-day grace period, then you don't have to go through the entire process. It gives you that 30-day grace, where, where you, if you don't reapply within 30 days, then you got to go through the whole process. You know, it's just like a driver's license; you don't do it in 90 days, you got to take the practical, and the exam, and the eye test all over again. So, that, it's just making it consistent. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Mr. Hokama, followed by Ms. King.

COUNCILMEMBER HOKAMA: I thank the, my colleague Mr. Guzman for proposing this. I can see some of the merits he's advocating for. I'm open to it Chair. I, and again, these are for those that have worked hard to become legal permitted properties. So, I understand some of the efforts we're going through this morning. But, I still believe in the good ol' guava stick. And, I'm, I want to make sure that under fines and penalties for the illegal use during that period of time, there's a financial penalty involved. So, I'll be proposing something for Budget Committee to consider for placement under Appendix B, Rates and Fees, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. King, followed by Ms. Cochran.

COUNCILMEMBER KING: Yea, Chair, I just was looking at the language that's being deleted. So, we don't need to have language in there that has those same stipulations for folks who have had, now passed the 30-day period, the grace period?

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: So, basically, the language that has been deleted from your amendment, Chair, is basically summarized in the, in the first amendment that was passed which was under Section 19.64.060. So, that same language is tracked. So, we're just moving that language that you had previously in, on page 5, that you had proposed, Chair, and summarized it and basically, not basically, implemented it in Section 19.64.060, where it's more easily read.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER GUZMAN: And, more easily understood.

COUNCILMEMBER KING: Okay. Thank you, Mr. Guzman.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And so, yea, I mean, I didn't support the first amendment, so I'm not supporting this amendment or the whole thing. So, I, you know, I look at this whole entire type of practice or permitting as it's not a right, it's a privilege. It's a special asking of a type of permitted, sort of unpermitted use of a certain zoning of residential areas and what have you. So, you know, by golly, when you get this special privileged permit, I would think that you would have it highlighted to renew, to be on it. As a business person, we have lots of deadlines and dates to meet, and this is one of them via this County.

So, to continue to just give leeways and little, you know, oh it's okay and this and that, we have a huge housing crisis. And, this is probably, I get it, this is the permitted people, but, you know, we get, I get calls and issues with the permitted ones too. So, should someone fail to renew and act on their responsibilities, they need to abide by, for this privilege, then yea, as Mr. Hokama says, you know, it needs to, we need to have some heavier hammers to make sure they abide and, and, by the rules. So, just my comments at this time, Chair. Thank you very much.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion? Seeing none, oh, Mr. Guzman.

COUNCILMEMBER GUZMAN: Oh, thank you. And, I can appreciate my colleagues position. But, one of the things that, that's distinguishable is that the short-term rentals versus the B&B's; the B&B's they are required to live there. So, we're really talking about our local residents. And sometimes human nature, there's things that happen. And, and just like a driver's license, like our Bar, our Bar license, Chair, things happen, you know, someone passes away.

You know, and to at least allow this 30 days, you know, I think it's reasonable. And, we've got to be reasonable. Can't find a bright line in all law. You know, there has to be at least some reason for human nature, for us to consider human nature. So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

No further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. So, I think, isn't there a legal type language? I read, I can't remember what newspaper I was reading or something, to a HRS or something, where, I mean, under reasonable, not reasonable doubt, but you know, what I mean, like reasonable, for reasonable reasons, I guess; like a death or, you know, you had, I mean, you got into an accident and now you're in, you know, ICU. I mean, of course, you cannot get to this renewal process because some unforeseen circumstance or something. Isn't there, is that like a automatic in our, you know, language; just by the nature of those types of unforeseen circumstances? Or is that something that could be written here, versus, you know this grace period per se, type of language?

CHAIR WHITE: Is that a question for Corp. Counsel?

COUNCILMEMBER COCHRAN: Yea, this is a language for Mr. Wong, if he understands what I was trying to reach at.

CORPORATION COUNSEL PATRICK WONG: Thank you, Chair. I believe I do, but I also see Member Guzman motioning. He may have some proposed language. But, what I'm hearing you suggest is that whether or not there's a, what we typically refer to as good cause provision. In the event someone is able to establish that there is an unforeseen circumstance like a loss in the family, or a reasonable basis for them to

have missed the deadline, typically we refer to that as, you know, the need for some good cause; to excuse the neglect in failing to meet the deadline.

Now, in court filings, there are, there is a provision in there referred to as excusable neglect. And, the courts would look at what were your actions during the period of time that you failed to meet the deadline. And, if it's excusable neglect, and there's a good cause for it, then the court can typically set aside or forgive the failure. So, I believe that's what you're referring to.

COUNCILMEMBER COCHRAN: Yes.

CORPORATION COUNSEL: And, yes, there is language that can be proposed for that.

COUNCILMEMBER COCHRAN: Thank you, Mr. Wong. Yes, that was what I was trying to get at. Thank you.

COUNCILMEMBER GUZMAN: So, Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Thank you. Yes, originally, when I proposed the amendments, to show cause was the language in there, and then I changed it to excusable neglect. And, when we sent it over to the Planning Department, we received a response back saying that they didn't want to be the ones to determine what that was, and have, you know, initially my first amendment was to have the Director determine whether or not there was good cause.

So, I, so I just basically took that out and said, you know what, just keep it as a 30-day grace period. There's no determination as to excuse or not. You have 30 days. If you miss that window, you've got to reapply, go through the entire process again. So, I didn't want to bog it down by having the Director determine good cause or excusable neglect. So, that's the reason why that language wasn't in there.

CHAIR WHITE: So, so you went through that--

COUNCILMEMBER GUZMAN: Yes.

CHAIR WHITE: --that determinative process.

COUNCILMEMBER GUZMAN: Yea, and we did get a response back from the Department. Thank you.

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

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER GUZMAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alike Atay.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS GUZMAN, KING, SUGIMURA,
AND CHAIR WHITE.

NOES: COUNCILMEMBERS COCHRAN, CRIVELLO,
HOKAMA, AND VICE-CHAIR CARROLL.

EXCUSED: COUNCILMEMBER ATAY.

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

CHAIR WHITE: Okay.

COUNCILMEMBER GUZMAN: Chair, we have problems now. Because, now we passed the first motion, which actually gives the 30-day. And so, now we're saying that it did, the language doesn't fit now.

CHAIR WHITE: I, I understand. But, that's the dilemma that we live with from time to time.

COUNCILMEMBER GUZMAN: Okay.

COUNCILMEMBER KING: Chair, just, can I just make a comment that--

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: You know, I wasn't necessarily in favor of the first motion, but once it passed, I figure this was the follow-up part of it that needed to pass along with it. So, if we're going to pass the first, so anyway, that's why I voted yes on the second one, because I think it follows. But, I guess we'll see what happens.

CHAIR WHITE: Okay. Well, we're back to the main motion.

Mr. Carroll. Turn on your microphone.

VICE-CHAIR CARROLL: That helps. Thank you, Chair. Referring to the Members to the Amendment Summary Form distributed at today's meeting.

I MOVE TO STRIKE THE ENTIRE PROPOSED SECTION
19.64.065(D)(5), MAUI COUNTY CODE.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The amendment proposed at the Land Use Committee meeting of May 16, 2018, replaced Section 19.64.065(D) in the revised proposed bill with the language currently in the bill attached to the committee report. As shown on Exhibit "2" attached hereto, when the amendment was proposed, the timeframes "within thirty days" and "within sixty days" in Section 19.64.065(D)(2) and 19.64.065(D)(3), respectively, were stricken. Because the timeframes have been stricken, there's no need for 19.64.065(D)(5) any longer. As such, language should be removed. Thank you, Chair.

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

VICE-CHAIR CARROLL: Would you like me to repeat the motion?

CHAIR WHITE: If everybody else heard it, that's fine. Do we have a second?

COUNCILMEMBER HOKAMA:

SECOND.

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

VICE-CHAIR CARROLL: And this was the discussion. I had the motion and the second, and this was the discussion and my explaining the reason for the motion.

CHAIR WHITE: Okay. Thank you.

Any further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: So, I'm a little confused now. So, this came out of, this came out of Committee as a deferral to the Council?

CHAIR WHITE: What happened in Committee was we, we had reinserted language that the Department had taken out, that put, we put back all the enforcement. So, what this does is it basically just takes out Section 5, because it's no longer reflected, or no longer necessary.

COUNCILMEMBER KING: Okay, so if we're making changes from how it came out of Committee, is, they're still considered nonsubstantive so it doesn't have to go back to Committee? Is that where we're at right now? Cause I'm not sure about, I mean, we made further changes from how it came out of Committee. So, I'm just wondering if, if now does this need to go back to Committee to address, are these considered major changes?

CHAIR WHITE: This is, like Mr. Guzman's last one, this is just simply to make this consistent with the changes that were made in Committee.

COUNCILMEMBER KING: Right. But, we made an additional change with the 30-day period that wasn't made prior. So, I, that's my, I guess question is, is that substantive?

CHAIR WHITE: So, your question is not on this one. It's on the previous, on the overall.

COUNCILMEMBER KING: Right. The overall document that we're approving today.

CHAIR WHITE: We, this should not, without waiving the rules, we've made substantive enough changes that this would require a second reading, coming back to Council at the next meeting.

COUNCILMEMBER KING: Oh okay. So, it'll come back to Council for a second reading.

CHAIR WHITE: Right. Right.

COUNCILMEMBER KING: Okay.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY.

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

And, we're back to the main motion. But, before we proceed, Chair's going to take a recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:03 A.M., AND WAS RECONVENED AT 11:14 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS ATAY, COCHRAN, AND HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order. And, we'll go back to Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO RECONSIDER MEMBER GUZMAN'S PROPOSED
AMENDMENT TO SECTION 19.64.065(E).

COUNCILMEMBER GUZMAN:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. May I ask Mr. Guzman to restate his amendment?

COUNCILMEMBER GUZMAN: Thank you, Chair.

I'D LIKE TO MOVE TO AMEND SECTION, ON PAGE 5, SECTION "E" TO READ AS FOLLOWS: "OPERATING A BED AND BREAKFAST HOME WITHOUT A VALID PERMIT IS PROHIBITED. EVIDENCE OF OPERATION MAY INCLUDE: ADVERTISING, GUEST TESTIMONY, ONLINE REVIEWS, RENTAL AGREEMENTS, RECEIPTS, OR ANY OTHER INFORMATION DEEMED RELEVANT BY THE DEPARTMENT. OPERATING WITHOUT A VALID PERMIT SHALL RESULT IN A PROPERTY OWNER BEING INELIGIBLE TO APPLY FOR A PERMIT FOR TWO YEARS. THIS TWO-YEAR PERIOD OF INELIGIBILITY SHALL NOT PROHIBIT AN OWNER-PROPRIETOR FROM APPLYING FOR A LATE PERMIT RENEWAL PURSUANT TO SECTION 19.64.060(B) OF THIS CHAPTER." AND, STRIKING THE REST OF THE LANGUAGE ON PAGE, THE END PART OF PAGE 5 AND THE FRONT, THE BEGINNING PAGE OF PAGE 6.

And, Chair, if I may explain what's going on here, is when we first passed the amendment that allowed a thirty-day grace period, and if the permittee has expired their, the expiration date has expired, we were given, they were given thirty days to apply for a renewal of the permit. And, by doing so, they would have to pay a late fee. So, that was passed.

Now, what was the, in the original bill, what I have stricken, was that in the original bill says that, look if you are caught without a valid permit, there's a two-year ban on you immediately; without a valid permit. So, what I was doing was putting an exemption into this language, part "E", that says, the two-year ban doesn't apply for those who are just renewing their permit within the thirty days. So, they can renew it within the thirty days. The two-year ban does not apply to them. So, if they don't renew it within the thirty days, the two-year ban applies because they have to apply for an entirely new permit. So, it's giving an exemption for those who are just renewing it for that thirty days. The two-year ban won't apply to them. But, after the thirty days, it will.

CHAIR WHITE: So, this makes it consistent--

COUNCILMEMBER GUZMAN: Yes.

CHAIR WHITE: --with the changes we made in the other Section?

COUNCILMEMBER GUZMAN: Yes, yes.

(Councilmember Cochran returned to the meeting at 11:17 a.m.)

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY AND HOKAMA.

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

COUNCILMEMBER KING: And, Ms. Cochran.

CHAIR WHITE: Back to the mo--

COUNCILMEMBER KING: Three excused. Chair.

CHAIR WHITE: I, I didn't hear a vote.

COUNCILMEMBER KING: Right. No, but I was just saying weren't there three excused when we took the vote?

CHAIR WHITE: She was right here.

COUNCILMEMBER KING: Oh.

CHAIR WHITE: She was in the room. Anyway, it stands as I called it.

We're back to the main motion. And, by the way--

DEPUTY COUNTY CLERK: Mr. Chair, I apologize. The vote was just taken on the reconsideration. So, now, the vote taken previously on Councilmember Guzman's amendment that was seconded by Councilmember Sugimura is now under consideration for vote.

CHAIR WHITE: Thank you for the reminders. We're back to, excuse me, we're back to the motion that Mr. Guzman just explained. Any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY AND HOKAMA.

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

And, Members, we're going back to the main motion. But, we would like to make it possible for staff to make technical adjustments to the bill since we made some fairly significant changes. And, once this is voted out, it will come back to us at the next meeting. So, this will be considered first reading once again.

Mr. Carroll, back to the main motion.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on February 20, 2018, and May 16, 2018, during which it made reference to County Communication 17-260, from the Planning Director, transmitting findings and recommendations of Lanai, Maui, and Molokai planning commissions on a proposed bill to amend, amending enforcement provisions of Chapter 19.64 and 19.65, Maui County Code, relating to Bed and Breakfast Homes and Short-Term Rentals.

At its meeting of February 20, your Committee decided to remove Section 3 of the proposed bill, relating to the Short-Term Rental Home ordinance, or Chapter 19.65 per the recommendations of the Deputy Planning Director.

Your Committee recommended several additional . . . to be incorporated in the revised proposed bill to address concerns about time limits on advertising related to enforcement and regulating a grace period for an expired permit holders to apply for a new permit rather than be prohibited to do so for two years.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading, and filing of County Communication 17-260. Mahalo.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER ATAY AND HOKAMA.

CHAIR WHITE: Measure passes with six "ayes"; one "no", Ms. Cochran; and two "excused", Mr. Atay and Mr. Hokama.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 62 (2018)

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

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

We will adjourn this meeting, but please stay in your seats and we will convene our special meeting right after this.

ADJOURNMENT

The regular meeting of June 15, 2018 was adjourned by the Chair at 11:22 a.m.

A handwritten signature in black ink, reading "Dennis A. Mateo". The signature is written in a cursive style with a large, looping 'D' and a long horizontal stroke at the end.

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



June 15, 2018

Honorable Mike White, Chair
Maui County Council
200 S. High Street
Wailuku, Hawaii 96793
Subject: CR-18-97

Dear Chair White and Council Members:

Na Hale O Maui (NHOM) is a grass roots, community-based organization formed in 2006, and the only operating community land trust in Maui and the State of Hawaii. We strongly supports all affordable and workforce housing initiatives. It is imperative that we work together in collaboration, as partners, in order to deliver as many affordable and workforce homes as quickly as possible, given the critical need for housing in Maui County.

We commend the Department of Housing and Human Concerns and the County Council Housing, Human Services and Transportation Committee for the decision to exercise the Option to Purchase affordable properties during the deed restricted period. This will ensure that properties will remain affordable for a longer period of time.

We understand that the owners of the two Waikapu Garden homes withdrew their request to sell their properties during the deed restricted period, likely as a result of learning that the sale would be at a deed-restricted price and not at market price.

Act 159, was signed into law by Governor Ige in 2017, to "Authorize the counties to waive their right of first refusal to repurchase certain privately-developed affordable housing units and transfer that right of repurchase to a qualified nonprofit housing trust."

Further, "Notwithstanding any law to the contrary, the authority may authorize a designated qualified nonprofit housing trust to administer the covenants and rules related to the reserved housing and workforce housing programs. Additionally, the authority may waive its right to repurchase a reserved or workforce housing unit during the restriction period and may transfer that right of repurchase to a qualified nonprofit housing trust for the purpose of maintaining the reserved or workforce housing unit as an affordable housing unit...."

The County of Maui was forward thinking many years before the State Legislature passed Act 159. The County of Maui, in 2013, acquired and subsequently deeded a Waikapu Gardens house to Na Hale O Maui. The NHOM home was subsequently sold to an income qualified island family, and will remain affordable in perpetuity. It will never go to market price.

We look forward to continued opportunities to collaborate with the County of Maui and each other, to develop better, more effective and efficient methods to provide affordable housing for our island families.

Sincerely,