

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

October 6, 2015

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 TUESDAY, OCTOBER 6, 2015, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, AND CHAIR MICHAEL B. WHITE.

EXCUSED: VICE-CHAIR DONALD S. GUZMAN.

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 this morning's opening remarks, I'd like to call upon Member Stacy Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

OPENING REMARKS

The opening remarks were offered by Councilmember Stacy Crivello.

CHAIR WHITE: Thank you very much, Member Crivello.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And, just a friendly reminder, please turn off your cellphones or other noisemaking devices so we can keep order in the chambers.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on ceremonial resolutions. We have received one request from an individual who has signed up to testify in the Council chamber. First person to testify in the chamber is Mercer Vicens testifying on the ceremonial resolution.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. MERCER "CHUBBY" VICENS:

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. VICENS: Members of the Council. I just heard Ms. Crivello say the community survives when aloha is shared. And, that goes for the heart of recognizing the month of October as Domestic Violence Awareness Month. Everywhere we look, any page you pick up of the newspaper, any TV news is filled, filled with violence. Why not Hawaii take the lead? Why not Maui take the lead? One at a time, one step at a time, can prevent what's happening out there.

If we think, as we raise our hand to pa`i a child, an adult, male or female, if we think of aloha, and lower our hand for that moment, we've survived one more test. I think

it's important for us to remember that we are human, and we make mistakes. Let's work on it as a community so that we can all end this horrible, horrible thing that happens every day behind closed doors.

With the Council's help talking to the community, we can achieve this. This is not an impossible dream. This is something that we can share, and we can share it with aloha. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Vicens.

Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 15-122

RECOGNIZING THE MONTH OF OCTOBER
AS DOMESTIC VIOLENCE AWARENESS
MONTH IN MAUI COUNTY

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC
VIOLENCE AWARENESS MONTH IN MAUI COUNTY".

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you.

We have a motion from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. May we have the resolution read in its entirety?

CHAIR WHITE: So ordered.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I would like to add my voice to the thousands of individuals across America in recognizing October 2015 as Domestic Violence Awareness Month. All across this country, we pause to remember the victims of domestic violence; those that have passed, those who have survived, and those who are in the midst of this deadly plague. The statistics are alarming to say the least. But, statistics don't put a face to the countless victims of abuse.

All of you here working hard to end the violence help to put a face on the victims while offering the hope of a new life free of violence. I want to commend Hale Hoomalu on Molokai, Women Helping Women, the various State and County agencies, task forces, on their tremendous efforts on behalf of the many women and children who have sheltered, you have sheltered and protected. You have been a true Godsend to those touched by domestic violence, helping the victims and families, and educating our community on this disease that must be wiped out.

This year's candlelight vigils, again, honor of those victims who have passed. Let us all work diligently to end the violence. It is incumbent upon all of us to bring it out of the shadows where it feeds, and into the light where it starves and cannot survive.

I ask my fellow Members for their support in adopting this resolution. Mahalo, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And, I'd like to thank Member Crivello for this resolution today. It's a very important one. You know, this is one of those problems that tends to grow because people are embarrassed. They're, women are embarrassed to say that they're in this situation. Oftentimes, they see no way out of it. They are concerned about their children. They're concerned about

their safety, where they're going to live, how they're going to, you know, support themselves when they leave.

And, so I think that I'm very proud that the County of Maui has decided that we want to support programs that help women that are in this situation, and that we provide the resources for place for them to go, and services for them to be helped. I think this is crucial, because to know about this and to do nothing, in my opinion, is an excuse.

You know, these women are desperate; many of them so afraid to say what's going on because they fear for their safety of that and their children. And, I speak from experience. As a very young wife, I went through this. And, thank God that I had the family with me to get me out of it, so that I could start my life over and have not had to deal with this. And, this was over 50 years ago. So, nothing has changed. It was that way 50 years, more than 50 years ago, and it's still going on today. So, we have to do everything we can.

And, I want to thank the agencies that are helping people change their lives. And, again, I think it really behooves us to do more than just talk about this.

You know, we were asked today, when we came on the floor to take pictures, to fill in a card. And, I chose no more excuses, because there are many excuses about why this is going on, and we've got to stop it. Thank you very much.

CHAIR WHITE: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I have had family members, friends, associates, and people that I've worked with over the years, all suffering from abuse; some extreme, some so bad that you don't even want to think about it sometime. It's a really terrible thing.

I can't stress how much that we really need each one of us to do everything we can to try to stop this ourselves. We can't look to anyone else. We need to look to ourselves. I worked with families over the years in different positions I've had, and it was the most rewarding thing in the world to have made a difference with a family that has suffered family abuse.

It's just, it's very emotional for me because I've seen the results when nothing good did happen. And, I would hope each one of us can work and strive when we see

something wrong, and we see this happening, that we can step in, and that we can have a positive result. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any other discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I think Ms. Baisa put it very eloquently, and just giving thanks to all the services that we do have here, and Ms. Crivello for bringing up this, this very, very important issue that we all are very, very well aware of. And, a lot of us, perhaps personally, you know, have experienced, or at least know family or friends who have been through this type of suffering.

And, having been laid up for a few weeks and watching Dr. Phil, there was a woman on there that it was, her excuses were that if I had shut my mouth and didn't mouth off so much, he wouldn't have hit me. And, because I'm not going to answer back anymore and be a good girl, he's not going to lift his hand on me anymore, so everything is going to be okay. And, that's, that was, it's scary to think that people feel like it was my fault, because I opened my mouth and made him mad, it was okay for him to hit me. Well, to me, no, no excuses. That is not right.

And, another sad situation happened just out in the boonies where I live in Nakalele, where a woman, a couple had come over here to get away to mend their relationship back together, and that's not what happened. He ended up killing her; beating her, leaving her out at Nakalele. And, a friend of mine found them, tried to stop them, and it was, it's just very ugly. So, things can get so out of control.

And, I just want to thank our community for pulling it together to have places for women to go, safe place, feeling comfortable, wanted and cared for.

So, appreciate the time today to acknowledge this. But, not just today, but every day is when we need to pay attention. So, thank you for that time, Chair.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Couch, followed by Mr. Victorino.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, you know, it, it is sad that we even have to have this type of program out there. It's unfortunate. That being said, I'm glad we do have the program. I am glad to be able to contribute to the awareness.

And, hopefully enough people, I mean they, you've heard the stories already so I'm not going to repeat that, hopefully enough people will get the message, and listen, and spread the word themselves too, about that this is not okay, at all, ever. Hopefully, we get the word out. That's what this whole program is about.

And, of course, fully support the unfortunate need for places like Women Helping Women, etc. Hopefully, no offense, I would love to be able to get rid of that program someday, saying we don't need it anymore. So, thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, I think my colleagues have most eloquently put together what needs to be said. And, the public has to understand that my hope was no more acceptance. We cannot accept this anymore. We've got to stand up.

Like other diseases that exist in our community, this disease of violence has to stop. It is a disease. It is perpetuated. And, I think if you watch TV enough, videogames, violence is perpetuated. And, this is the sad chronology of our society. The responsibilities and consequences are not, in many cases, severe enough and enforced enough. And, this is why we have what we have today.

Like Ms. Baisa said, 50 years ago, nothing has changed. Well, I think I disagree with that statement. I think things have changed. We are fighting back. We are saying no more. We are not accepted. No more acceptance to this scourge. And, I would hope that we all continue to work hard at it.

But I can also say when tempers flare, and I can be a very guilty one in that respect, sometimes we lose the reality of what's around us. So, I think if we keep our good lord or our creator in our minds and in our heart, that will always be one of the deterring factors from us crossing the line. Anyone of us, it could happen to anyone of us. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Chair would just like to add his thoughts. I, I totally agree with both Ms. Baisa and Mr. Victorino. There should be no acceptance, and there should be no more excuses. You know, unfortunately, violent videogames, I think, probably plays a part in it. I think the violence that we see every day on, on our television sets is an unfortunate focus of the media. And, it, all the things combined seem to provide a level of acceptance that, you know, some of this violence is okay. And, that's just not right.

I've had a situation in my family. Thankfully, my daughter was able to get out of the situation unharmed. But, it's a very pervasive thing which just seems to be, well, I think it's generated by some of the things I just mentioned.

I'm thankful that we have groups like Women Helping Women who are there to provide a safety net for, for women and children who get caught in these situations. And, and, I'm certainly happy to provide assistance on an ongoing basis, but like Mr. Couch, I wish it would just go away. But, reality is not going to.

So, any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, Chair. I just want to clarify my statement about nothing has changed. What I meant is that that violence is still going on, and it's still hidden, and it's still underground. And, yes, we have programs now which I didn't have when I was involved. But, really, it's still happening and it should go away permanently. Thank you.

CHAIR WHITE: I think you were pretty clear when you made your comments?

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure carries; eight "ayes", zero "noes", one "excused", Mr. Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, I believe Member Crivello.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. Mr. Chair, with your permission, I'd like to call on Ms. Sharon Samonte, Executive Director of Hale Hoomalu, the women's shelter on Molokai, to receive the resolution via our video interactive communication.

And, I guess we're going to . . . So, Ella is going to present the resolution to the Molokai Hale Hoomalu.

Mahalo, Ella.

Sharon.

MS. SHARON SAMONTE: Thank you. Good morning, Chair Mike White, and Councilmembers.

CHAIR WHITE: Good morning.

MS. SAMONTE: On behalf of the women, or the victims and their families whom we serve, we thank you from the bottom of our hearts.

Forty-two years ago, I was also affected by domestic violence, so I am a survivor. This resolution is not just a piece of paper. It, it is very emotional, and I want to thank every one of you for partnering with us as we go along and we have successes. You are alongside with us, keeping a family safe for one more day.

We opened our shelter in 1991 and you have, the County of Maui has been there for us since 1991. And, so I wanted to thank you. I can't thank you enough for the resolution, for the funds, in supporting our programs.

And, sometimes, the work is hard, it's tiring, and sometimes discouraging. But, I get up in the morning as, as the rest of the staff, and we keep on going, because if we can keep one person safe and their families, then it's all worth it. We, we're putting a lot of energy, also, in the battering program, because I believe that our, what we do is not in vain. And we hope to see changes in, you know, as we continue our work.

So, thank you for caring, for acknowledging, for recognizing. And, thank you, Tina, for putting up with us cause we always are so last minute in requesting the resolution. So, thank you, Stacy. Thank you all for all that you do. Aloha.

CHAIR WHITE: Aloha. Thank you.

Members, any need for clarification, or.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Again, with your permission, I'm not sure if Hana and Lanai have their representatives there in the office.

Hana.

CHAIR WHITE: Lanai is not available today.

COUNCILMEMBER CRIVELLO: Oh, Lanai's not available. Okay.

Do we have anyone in Hana.

MS. DAWN LONO: There is no one in Hana.

COUNCILMEMBER CRIVELLO: Okay, thank you.

And, finally, I would like to recognize here in chambers, Ms. Stacey Moniz, Executive Director of Women Helping Women. And, I'd like to ask if she could step forward.

CHAIR WHITE: Yes.

MS. STACEY MONIZ: Thank you so much. I'm going to share these leis with the Task Force members shortly. Thank you all so very, very much.

We have with us today, some members of the Central Maui Domestic Violence Taskforce. I love when our police unit shows up in uniform. It really lends the level of seriousness. They just look, they make it look so formal and, and beautiful, you know. And, I also love seeing all the purple today. So, I want to thank you all for doing this, Councilmember Crivello and your office, for pulling it all together.

I wanted to say hi to Sharon. But, it looks like they left already. But, oh hi Sharon. We work with them very, very often. So, thank you. You made us all cry in the audience. We're all so touched by the, by your sentiments. So, let me, do you guys want to introduce yourselves?

MS. MONIQUE YAMASHITA: Hi, I'm Monique Yamashita, Deputy Director of Women Helping Women.

MS. VAL CHING-JOHNSON: Hi, I'm Val Ching-Johnson, Transitions Program at Women Helping Women.

MS. JENY BISSELL: Good morning. I'm Jeny Bissell with Department of Health. I'm a nurse with the Family Health Services Division. Thank you.

OFFICER CLEMENT ANTONIO: Hi, Clement Antonio, Maui Police Department's Domestic Violence Unit.

SERGEANT MARY-LEE SAGAWINIT: Good morning, Sergeant Mary-Lee Sagawinit, in charge of the Domestic Violence Unit.

OFFICER ERIK LOSVAR: Good morning, Officer Erik Losvar, the Maui Police Department Domestic Violence Unit.

MS. MONIZ: I also want to recognize Sheila Kelley, who's sitting in the audience. She's with the County Commission on the Status of Women. And, I wanted to mention that there was a little mistake on the, the Domestic Violence Expo. It was actually this weekend, on Saturday, October 10, at the Queen Kaahumanu Shopping Center. Sheila and the County Committee helped put that together, and all of our agencies will be there, so please come down.

I wanted to take one minute to explain what the "No More Campaign" is all about. Thank you all for pulling your signs together, I think they're very powerful. The "No

More Campaign" has been started nationwide as a result of the, there's a, coming together of domestic violence and sexual assault programs across the country. And, Hawaii started our own, Hawaii says No More, about almost two years ago. So, we're rolling out this campaign, and this blue donut, as we affectionately call it, represents the vanishing point of domestic and sexual violence. So, it's a new symbol that's pulling together both domestic violence and sexual assault.

And, I wanted to share a few of the comments. What this, there's public service announcements on television. If you go to the hawaiisaysnomore.org website, you can see them. Even NFL players, after the whole Ray Rice incident happened, some of the NFL players said I have to do a PSA like this; a public service announcement because my mother was killed by domestic violence, I know victims of domestic violence. So, even the NFL has done public service announcements.

So, some of the answers are, we're saying what are we saying no more? No more pretending not to see. This was beautiful, just this morning by Miki. No more beatings. No more bruises. These were made at our Walk a Mile in Her Shoes, some of these by the Lahainaluna football players who came out in force, I was really grateful. No more hitting. No more putdowns. No more tears, I think that's so powerful. No more fighting. No more bad words. Oh, no more tears again, and no more fear.

So, I want to thank you. And, thank you for recognizing the people that work in this field every day. It is, like Sharon said, it's gut-wrenching, but very rewarding work. We want to honor the victims and the survivors, but I also want to thank everybody that does this work every day. And, I want to thank all of you for recognizing this important issue. Mahalo.

CHAIR WHITE: Thank you, Ms. Moniz.

Mr. Clerk, please proceed.

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

Individuals who wish to offer testimony from Hana 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.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

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

MS. DAWN LONO: Good morning, Chair and Councilmembers. This is Dawn Lono in the Hana Office and we have no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

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

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

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have six individuals who have signed up to testify in the Council chamber. First person to testify in the chamber is Lloyd Fischel testifying on County Communication 15-247. He will be followed by Dale Bonar.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. LLOYD FISCHEL (testifying on County Communication 15-247):

Good morning.

CHAIR WHITE: Good morning.

MR. FISCHEL: Thank you very much. I am Lloyd Fischel. And, regarding the resolution, communication, it's good that government reviews itself from time to time. And, this proposed research could be very helpful for Maui.

And, there isn't any funding mechanism in this resolution. And, for this measure or this idea to be successful, we have to start on the right track. Without the funding mechanism, it's really starting on the wrong track.

So, I suggest that this goes back to Committee, the PIA Committee, and work out this and other issues that might, might need to be worked out; including comments from

the public. With a communication as it was sent, a vote today to, to approve this as law would bypass the public notice. Thank you very much.

CHAIR WHITE: Thank you, Mr. Fischel.

Any need for clarification? Seeing none, thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual to testify is Dale Bonar testifying on County Communication 15-247. He will be followed by Marjorie Bonar.

MR. DALE BONAR (testifying on County Communication 15-247):

Aloha, Council Chair, Members of the Committee. I'm in strong support of this resolution. The proposed function of a special committee on County governance reviews to do exactly what every successful, efficient, and effective organization does, whether they're a commercial organization, a nonprofit organization, governmental organization, or any other types. Those things are to conduct regular evaluations and analysis of the organizations structure, functions, and effectiveness; including a three, a thorough SWOT Analysis which looks at strengths, weaknesses, opportunities, and threats.

. . . gather stakeholder input into the effectiveness and efficiency of the organization. They are to evaluate alternative methods of organizational operations, and fourth, to recommend a strategic plan for implementing any desired changes.

This special committee is formed to help with these functions and address the preamble to our County Charter, which is to, and I quote, "secure the benefits of the best possible form of County governance".

Please support establishment of this committee. Thank you.

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Marjorie Bonar testifying on County Communication 15-247. She will be followed by Mark Hyde.

MS. MARJORIE BONAR (testifying on County Communication 15-247):

Thank you, aloha, Council--

CHAIR WHITE: Aloha.

MR. BONAR: --Chair. I have not been coerced into giving testimony. This seems to be something that we have talked about for a long time. I am strongly in support of the resolution, mostly because I look at this as kind of moving from a Selectric typewriter to a computer; that we need to look at what the new options, not new, but what those options are out there.

And, any possibility of making government more efficient, spending our tax dollars a little better, I think it's worth at least exploring every facet that we can find. And, that's all. I think that an exploratory committee is a really important thing at this time, no matter how people feel, may feel about the issue. Aloha.

CHAIR WHITE: Thank you, Ms. Bonar.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mark Hyde, testifying on County Communication 15-247. He will be followed by Mike Moran.

MR. MARK HYDE (testifying on County Communication 15-247):

Thank you, Chair and Members of the Council. Like my predecessors, I strongly support this item in establishing a special committee on County governance.

You know, normally this kind of thing would be addressed when the Charter Commission comes together every 10 years. And, speaking to a couple of members of the most recent Charter Commission, I understand that, you know, they had an awful lot on their plate as it was. This issue came up, but it's just too large to tackle in that environment.

And, so for that reason, I believe that a special committee, as is proposed by the Chair, is exactly the solution that's needed. I think it will take about six months to digest the information, and to assemble it in a way that we can, it could be brought back to the Council in some form to be acted upon.

We, as a community, I think, need to understand why it is that the majority of cities and counties across America, the size of Maui County, have engaged a professional management form of government to execute the operational functions of their cities and counties. And, I'm really interested in that issue, personally.

And, so I urge you to adopt the resolution. And, let's be curious and let's find out what it's all about. Thank you very much.

CHAIR WHITE: Thank you, Mr. Hyde.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mike Moran, testifying on County Communication 15-247. He'll be followed by Mercer "Chubby" Vicens.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication 15-247):

Aloha, excuse me, aloha, Chair and Councilmembers. Mike Moran for the Kihei Community Association.

While there are countless points of view on many items, seemingly, everyone agrees our island home continues to undergo unending changes, and we all have to make adjustments. Things that were appropriate 50 years ago, no longer are a reasonable fit, so it becomes necessary for all entities to examine potential change, and explore what is the best direction to take.

Is the governmental system put into place a half century ago still appropriate? It's certainly reasonable to examine as to see if it is time for something newer. And, at KCA, we believe going in the direction of this measure is a practicable process. Establishing a committee to explore what changes are possible and how they may be achieved is a sound action, so we are in favor of this measure.

KCA is making plans for our first community meeting of the new year, establishing a panel discussion to examine this very issue as our way of stimulating interest and discussion among our members and guests.

The simpler life and needs of a half century have been replaced with complexities hardly envisioned then. Population has exploded, as has the built environment. While this ain't the mainland, it is prudent to examine forms of government used there to see what might, may be most appropriate for our County.

Please support 15-247. Mahalo.

CHAIR WHITE: Thank you, Mr. Moran.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mercer "Chubby" Vicens, testifying on County Communication 15-247. He will be followed by Rosemary Robbins.

MR. MERCER "CHUBBY" VICENS (testifying on County Communication 15-247):

Good morning, Chair, again.

CHAIR WHITE: Good morning.

MR. VICENS: Mercer "Chubby" Vicens, speaking as an individual on 15-247. Mr. Chair, I, I believe that the bill establishing a special committee on County governance can be a good one, if it's all inclusive.

I don't know how many Members are intended to be in it, but I think every Member should have input to, to where we're going. I think we've got to think outside the box. We no longer can stay in the box, because things are changing minute by minute in our lives. And, I think good government, good government should be expressive. It should be one that's innovative. It should be one that's, includes the community.

So, all I'm asking by testifying is that we have transparency, we have community input, and last but not least, we have the input of all of the Councilmembers. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Vicens.

Any clarification needed, Members? Seeing none, thank you very much for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins testifying on Committee Reports 15-142, 15-144, and County Communications 15-244 and 15-247. She will be followed by Madge Schaefer.

MS. ROSEMARY ROBBINS (testifying on Committee Report Nos. 15-142 and 15-144, and County Communications 15-244 and 15-247):

Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: I'd like to do that 15-247 first in my comments this morning, backing up everything that has been said so far about this issue.

Maui is the fastest growing County in Hawaii, and one of the fastest growing in the U.S., in fact. And, we know that we have a need to grow with that in order to handle the growing needs.

(Councilmember Crivello was excused from the meeting at 9:44 a.m.)

MS. ROBBINS: When we look at the old adage about don't throw out the baby with the bathwater, we also need to take a look at the fact that we don't want to drown in the bathwater of old. So, we need to employ highly qualified folks to move us forward on here, taking the best of the past and growing it in from the best to the better than best, that we have right now. So, thank you.

Okay, wonderful education institutions that prepare people through multiple tracks to handle things, especially the environmental stuff.

Okay, and then over to 15-142. I strongly support the adoption of the resolution requesting Maui County's congressional delegation to support amending the United States Constitution to regulate campaign contributions by corporations.

You know, down in the lobby of this building, and a number of places around town, you might have seen those little sort of checkbook size documents called, about the United States Constitution. It's very well put together. Feel free to pick one up and go through it.

We hear a lot in today's political environment about the Founding Fathers. The U.S. Constitution has been amended at least 27 times. So, they didn't get it right the first time. And, as changes came along in the needs of society, there were changes in the Constitution. So, let's not get bogged down in what was originally done way back when. Let's take it to where it has come, and to move forward with that.

When we look at what happened, especially with Citizens United, on the Federal level, we need that, we need to do something about that. We're drowning in debt on all of the levels. And, we need to know that Citizens United is not the only one that we need to address.

I would also like to say, on 15-144, I support adopting the resolution approving acquisition of acreage related to easements for expansion in the Iao Water Treatment Facility and development of Wailuku Well No. 1. And, here's to greater quality and quantity of development of water throughout the County, not just down here.

(Councilmember Crivello returned to the meeting at 9:47 a.m.)

MS. ROBBINS: Also, one last one, and I did put that in on my registration sheet this morning. Improving in the 2016 Hawaii State Association of Counties Legislative package a State bill prohibiting smoking in motor vehicles occupied by minors. Child endangerment is against the law. First and second-hand smoke are child endangering, and for those of us who have been a long time since we've been children. We're all free to not endanger; enjoy that freedom. Thank you.

CHAIR WHITE: Thank you.

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Madge Schaefer, testifying on County Communication 15-247. She will be followed by Dick Mayer.

MS. MADGE SCHAEFER (testifying on County Communication 15-247):

Good morning. You all look so nice in your purple; very handsome. My name is Madge Schaefer, and I'm testifying in favor of 15-247.

In 1967, there was a changeover to the current government system of the Mayor and Council. I went back and looked up some numbers. The population in 1967, for Maui County, was 38,000 and there were less than 2,000 visitors. Sorry, can you hear me now? I'm so used to. There were less than 2,000 visitors. That just stunned me. I was here in 1969, and I know there, there, the population was pretty small and there weren't any visitors. There was only one hotel in Kaanapali.

Now, 48 years later, the population is 163,000. And, this visitor number, I'm still stunned at, because according to the Tourism Bureau, as of just this year on Maui, and that's Maui County, 1.76 million visitors. So, we've gone from 2,000 to 1.7 million. I would say the time is ripe for review of our government.

First of all, we have a Council that's very independent. And, I like that. The plantation mentality is gone from this Council chamber, these Council chambers and I think that's a good think for the citizens of Maui.

I think we have a wonderful connection that would be very helpful for this study, and that is Councilmember Hokama, past distinguished President at the National Association of Counties, has certainly made some friends at the national level, and probably could get us just to the right people with just one phone call. That is, as you know, a priceless asset. So, we, you are essential to the success of, of this study going forward.

The third point is, it keeps a promise that has been made to the community.

And, the fourth is, an independent committee makes an academic study rather than a political study. And, I think that's really important. I agree with all the points that have been, been made. But, to have this done in a non, well, as non-political as it can get is, is a good thing. And, then the politics can take over once the study is done.

So, I thank you for this opportunity. And, I thank you for your, your continued leadership.

CHAIR WHITE: Thank you, Ms. Schaefer.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Dick Mayer, testifying on County Communication 15-247. Mr. Mayer is the last individual who has signed up to testify in the Council chamber.

MR. DICK MAYER (testifying on County Communication 15-247):

Thank you, Mr. Chair.

CHAIR WHITE: Good morning.

MR. MAYER: Good morning. As a teacher, I have to just correct the last speaker. We had 2,000 tourists back then, but that was 2,000 per day. And now the 1.7 million is the number per year. So, I think there's a, but the growth has been astounding. We now average around 60,000 at any one time on the, in the County.

With regard to the resolution on governance, I think that the Countywide Policy Plan, which you all adopted and which is contained in this resolution, says it very well; "evaluate and, if necessary, recommend modifications to the County Charter that could result in a possible change in the form of guidance of Maui County". And, I think that's very important, that we have to do this.

As Ms., Ms. Schaefer did say, we've gone now almost a half century, five decades be, since we really examined our County governments and County government structure. And, it's about time that we did that. Even if there wasn't any particular crisis at this point, just at that long a period of time, we should say are we doing things the best way we can. It's not a question of blaming anybody for doing something wrong, we just should examine our present structure.

And, you might say, well let's give it to the Charter Commission the next time around as a job for them to do. And this resolution also makes it very clear that the past Charter Commission urged in their report that "The Commission recommends that a task force be established to thoroughly review the structure of the County of Maui

government, research other models of county governments and prepare a report." And that's exactly what this resolution is asking to be done.

And, I urge you strongly, do not wait for the next Charter Review Commission to examine this issue. Please set up this committee that can focus on this very, very important matter and let's get the job done. And, whatever they come up with, I think we should give the public a chance to vote on it at the next election, if there's a Charter amendment needed. And, I urge that we examine ourselves, and make sure that we have the best County government possible. Thank you.

CHAIR WHITE: Thank you, Mr. Mayer.

Any need for clarification, Members? Seeing none.

MR. MAYER: Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

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

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

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

DEPUTY COUNTY CLERK: Thank you.

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

CHAIR WHITE: Thank you, Mr. Clerk.

I see that we've received written testimony. Without objection, Members, we will put that on the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

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

1. Dale B. Bonar;
2. Mark Hyde;
3. Daniel Grantham;
4. Gary Passon;
5. Ray Phillips;
6. Mark Sheehan;
7. Paul Janes-Brown;
8. Nell Woods;
9. John Blumer-Buell;
10. Kelly King, Pacific Biodiesel;
11. Diane E. Shepherd;
12. Paul Kailiponi;
13. James R. Smith; and
14. Brad Edwards.

CHAIR WHITE: And since we have no further testimony, without objection, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Thank you, ladies.

Mr. Clerk.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes.

COUNCILMEMBER HOKAMA: Recess.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: May I ask for the morning recess?

CHAIR WHITE: Yes. We'll be in recess for five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:55 A.M., AND WAS RECONVENED AT 10:04 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED.)

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

Mr. Clerk, may we proceed.

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

MINUTES

The minutes of the Council of the County of Maui's regular meeting of August 7, 2015 was presented at this time.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes. Thank you, Chair. I move the minutes of August 17 *[sic]*, sorry, I lost my page, excuse me, Mr. Chair.

CHAIR WHITE: That'll be August 7.

COUNCILMEMBER VICTORINO: August 7. I apologize.

CHAIR WHITE: No problem.

COUNCILMEMBER VICTORINO: I turned the page, okay.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING
OF AUGUST 7, 2015, BE APPROVED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No, no comments.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-139 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. That Bill 71 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN

INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill 72 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI WASTEWATER TREATMENT FACILITY," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE OF THE WHOLE COMMITTEE REPORT 15-139.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. On September 23, 2015, your Committee met to consider the proposed bills read by the Clerk.

A representative of the Department of Environmental Management informed your Committee the alleged violations at the Wailuku-Kahului facility arose when sand was being excavated from a shoreline area to install a wall. Workers noticed feathers in the machinery, discovered that birds were burrowed in the area, and called the USFWS, the Fish and Wildlife Service.

The representative said the alleged violations at the Lanai facility involved an oxidation pond that had been drained to investigate problems with the pond liner. When the pond was drained, botulism toxin and maggots infected with the toxin were in the exposed sludge, which were in turn eaten by the birds, causing the birds to die.

Your Committee discussed steps taken to rehabilitate two injured birds, training sessions the County is participating in, and standard operating procedures developed to address these concerns.

Following an executive meeting on the matter, your Committee voted 5-0 to recommend passage of the proposed bills on first reading.

I ask for the Council's support of your Committee's recommendations.

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

COUNTY CLERK: For the record, BILLS 71 and 72 (2015), respectively.

COMMITTEE REPORT

NO. 15-140 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending that the Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1), be REFERRED to the Committee of the Whole.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-140.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: That was a motion from Ms. Cochran, with a second from Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on September 15, 2015, to consider the matter of the proposed Nahiku Community Center.

And, your Committee notes on March 27, 2008, by Executive Order 4220, the State of Hawaii conveyed to the County, for community center purposes, the former Nahiku School lot at Makapipi, Nahiku, Maui. The property consists of 1.9 acres at 0 Nahiku Road, Nahiku, Maui.

Since Fiscal Year, FY 2011, the Council has appropriated funds in various amounts to build a community center on the property, including, most recently, an appropriation of \$600,000 in FY 2014.

Your Committee further notes on September 28, 2012, the County executed a contract with Maui Kupono Builders LLC ("Contractor") to construct the community center building for \$641,206, with deductions, to be completed 180 days after issuance of a Notice to Proceed. Subsequently, the contract was amended to provide for completion of the project by April 1, 2014, among other things.

As its, at its meeting of September 15, 2015, your Committee received a status report from representatives of Nahiku Community Association, observing that nothing has been done at the construction site and expressing frustration about the long delay in construction of the community center.

Your Committee is in receipt of a Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1).

Because the case involves ongoing litigation, your Committee noted the Complaint is more appropriately reviewed by your Committee of the Whole, and recommended the Complaint be referred to that Committee.

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

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS BAISA CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 15-141 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-123, entitled "RELATING TO THE APPOINTMENT OF IVY WALLER TO THE CIVIL SERVICE COMMISSION," be ADOPTED.

Approve the appointment of Ivy Waller to the Civil Service Commission, for a term expiring March 31, 2020.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-141.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, at the meeting of September 14, 2015, your Policy and Intergovernmental Affairs Committee voted 6-0 to recommend the approval of the Mayor's nomination of Ivy Waller to the Civil Service Commission, for a term expiring March 31, 2020.

Your Committee noted Ms., Ms. Waller's qualifications and educational backgrounds would be very helpful to this Commission, whose responsibilities, pursuant to Charter Section 8-4., oh no, excuse me, 8-9.4, includes hearing certain employee appeals.

I want to thank Ms. Ivy for her, for volunteering. And, I respectfully ask my Members to pass this today. Thank you.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion on the?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, sorry, I was not here on the day this was discussed in Committee, but do know of the applicant nominee, and long, long time resident of West Maui, their entire family. So, I have every confidence that Ms. Ivy Waller will do a wonderful job for this County. And, I'm in full support of the nominee. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-123.

COMMITTEE REPORT

NO. 15-142 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-124, entitled "REQUESTING MAUI COUNTY'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM," be ADOPTED; and
2. That County Communication 15-126, from Presiding Officer Pro Tempore Michael P. Victorino, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-142.

COUNCILMEMBER COUCH:

I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At its meeting of September 14, 2015, your Policy and Intergovernmental Affairs Committee voted 5-0 to recommend the approval of the resolution requesting Maui County's congressional delegation to support an amendment to the United States Constitution to permit Congress and the States to regulate the influence of corporate power on the political system.

The three other Counties, Councils in Hawaii, and the State Legislature have adopted similar resolutions.

If the revision, if the revised proposed resolution is adopted, all legislative bodies in Hawaii would have been on record urging the State Congress, State's congressional delegation to support the constitutional amendment overturning, overturning Citizens United.

I respectfully request the Council consideration on this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I speak in support of the motion on the floor before the body. I thank Mr. Victorino for his leadership in bringing this subject to the Council's floor this morning.

I would tell you that I'm in great support because one of the few things that freshmen Congressman learn upon entering the District of Columbia is two things: how to get re-elected, and how to raise money for campaign re-elections. That is interesting that

that is the farthest thing of what should be their top priorities, which is serving their constituents, their district, and their states. But, that's the top of reality we deal with . . . influence in Washington D.C., as well as the power of large super PAC's, with their ability to raise tremendous amounts of money for a specific point of view.

I would say, Mr. Chairman, that at this time, I think it is Maui County's time to step up. And, I think we can continue to be with other counties taking a leadership role in expressing that our County, this Council, supports the people's rights before corporate rights. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-124.

COMMITTEE REPORT

NO. 15-143 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-125, entitled "AUTHORIZING THE GRANT AND DISPOSITION OF REAL PROPERTY TO HAWAII HEALTH SYSTEMS CORPORATION FOR MAUI MEMORIAL MEDICAL CENTER," be ADOPTED; and
2. That County Communication 15-172, from the Director of Finance, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-143.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of September 14, 2015, your Policy and Intergovernmental Affairs Committee voted 6-0 to recommend the approval of the resolution authorizing the grant of, and disposition of two portions of parcel of real property to the Maui Regional Health, Hawaii Health System Corporation for the Maui Memorial Medical Center.

During the survey process of the master plan, the hospital by the Hawaii Health System Corporation, it was discovered that two portions of a parking lot had encroached into County property and that was being leased by the J. Walter Cameron Center.

The Mayor recommended the grant and disposition of the property to the Hawaii Health System Corporation at no charge.

I respectfully request the Council's consideration of this motion. Thank you, Mr. Chair.

Thank you, Mr. Victorino.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, while I'm in support of the motion before the Council, I would say I have a couple of issues with the proposal. And, I had hoped that, again, you would consider how we prepare committee reports to be a little bit

more specific, and additional detailed so that anyone who reads it can have a sense of what occurred within our Committee meetings.

On page 2, it states that our, one of our Corporation Counsel's recommended that this be a transition of no charge. So, I'm assuming there is a charge someplace and that we're eating the whole cost. And so I wish that that would be reported, that if the County is assuming cost, what that cost truly is to be reflective in our decision to have the Health System incur no cost.

It is also stated by our Deputy, again, that it is the Administration's position, which I can be very open to, that this needs to be conducted prior to the transfer from the Health System to a new operating and management firm. What is the advantage of that for us? If there is, I would love to have it be declared in the report and stated, so we all know what's the advantage of why we're doing this prior, and why not waiting is not to our advantage.

For me, Mr. Chairman, if we talk about transparency, then let's put the right information on our reports, so everybody knows why we're taking a certain decision.

Other than that, I support it. I find it interesting, again, that there are no old plans to justify this construction. I find it interesting that it was done on government land. And, again, I just give fair notice that in this type of corrections, Mr. Chairman, we should make sure that we clean up all of these others, what I would call, troublesome past that needs to be rectified in the sunlight. So, thank you so much.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-125

COMMITTEE REPORT

NO. 15-144 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Resolution 15-126, entitled "APPROVING THE ACQUISITION OF 4.31879 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-5-001:067 (POR.), (2) 3-5-001:091 (POR.), AND (2) 3-5-001:106, AND RELATED EASEMENTS, WAILUKU, MAUI, HAWAII," be ADOPTED; and
2. That County Communication 15-228, from the Director of Water Supply, be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT NO. 15-144.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa, with a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. At its meeting of September 16, 2015, your Water Resources Committee voted 5-0 to recommend approval of a resolution to approve three agreements with RCFC Kehalani, LLC for the County's acquisition of approximately 4.3 acres and two easements for waterlines and drainage, respectively, in Wailuku, Maui, Hawaii, for 943,984. The acquisition of land and

easements are intended to facilitate the expansion of the Iao Water Treatment Facility and development of Wailuku Well 1.

Approval of the agreements will help increase production at the existing Iao Surface Water Treatment Plant from 1.5 million gallons per day to 3.2 million gallons per day within approximately two years.

I respectfully request my colleagues' full support of the motion. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly, thank you, Mr. Chair. And, thank you Ms. Baisa for all your hard work, and the Department's hard work in getting this finally, after how many years of working on this in our Committee.

Mr. Chair, I would like to ask our, my colleagues to truly and wholeheartedly support this because this will also ensure that the Shaft 33, which is coming to its end as a useful facility can be changed over with no, hopefully with no adverse effect to the community, especially since the vast majority of Central and South Maui's water sources come from this Iao Aquifer.

So, it is my hope that today will be the final step in getting this completed. And that in the not too distant future, when Shaft 33 is finally closed, we would have a reliable and safe facility to continue to produce water, not only by the surface method, but also by underground method. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-126.

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 15-243 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated September 22, 2015)

Transmitting 83 contracts/grants for the month ending August 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if there are any requests by the Members to have any contract referred to Committee for finance responsibilities, to please make their request known.

SO, AT THIS TIME, I AM GOING TO OMIT FROM THE MOTION TO FILE CONTRACT C5806, CONTRACT C5826, CONTRACT M1020. ALL THREE CONTRACTS ARE ON PAGE 4 OF 7, FROM THE DIRECTOR'S REPORT. OTHER THAN THAT, MR. CHAIRMAN, ALL OTHER CONTRACTS ATTACHED TO COUNTY COMMUNICATION 15-243, TO BE FILED.

COUNCILMEMBER VICTORINO:

I SECOND, MR. CHAIR.

CHAIR WHITE: Thank you.

Members, are there any other requests for items to be referred to Committee on the contracts list? Seeing none, any clarification needed on Mr. Hokama's motion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

NO. 15-244 - ELLE COCHRAN, COUNCILMEMBER,
(dated September 17, 2015)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROHIBITING SMOKING IN MOTOR VEHICLES OCCUPIED BY MINORS".

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. May I also request the Clerk to bring up County Communications 15-245 and 15-246 please?

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 15-245 - ELLE COCHRAN, COUNCILMEMBER,
(dated September 18, 2015)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE TO \$15.00 PER HOUR IN 2019".

NO. 15-246 - ELLE COCHRAN, COUNCILMEMBER,
(dated September 25, 2015)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY".

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO POSTPONE ACTION ON THESE BILLS UNTIL
THE OCTOBER 16 COUNCIL MEETING.

COUNCILMEMBER COUCH:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you, Chair. I submitted the same three bills for consideration in the Maui County Legislative Package which will be on Policy and Intergovernmental Affairs Committee meeting agenda on Monday, October 12.

So, I would like to allow for a meaningful discussion among ourselves, the Members, before the October 16 full Council meeting. And, that's my justification. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

COUNCILMEMBER COCHRAN: Thank you, Members.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 15-247 - MIKE WHITE, COUNCIL CHAIR,
(dated September 28, 2015)

Transmitting a proposed resolution entitled "ESTABLISHING A SPECIAL COMMITTEE ON COUNTY GOVERNANCE".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

ON BEHALF OF CHAIR WHITE, I MOVE THAT THE
RESOLUTION ENTITLED "ESTABLISHING A SPECIAL
COMMITTEE ON COUNTY GOVERNANCE", BE ADOPTED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Without objections, and at the request of Chair White, may I please request the resolution to be read in its entirety, so everyone understands its purpose?

CHAIR WHITE: So, ordered.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. As stated in the resolution, there are many reasons why it is appropriate to evaluate whether our County government is as effective and efficient as possible.

The formation of this Committee will also allow the Council to capitalize on the knowledge of community members, while also obtaining assistance in researching and analyzing this complex issue.

I believe this group has a relatively short period of time for their work, which is why this needs to get moving quickly. It is also prudent that we also leave enough time for the Council to appropriately review its findings.

Finally, it is my feeling that without the due diligence that is being done by this Committee, it would take the Council a substantial amount of time on our own to make a fair assessment of this issue.

I look forward to the work and the results produced by this Committee.

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

And, let me just provide a little bit of additional context to this. The reso notes that the Chair appoints. And the reason for that is that I think it's, it's got a, it's got to happen relatively quickly. And, my plan is, if this reso passes today, to bring back a slate of proposed members of this commission, this Committee, for the October 16 meeting.

I would be happy to take, take everybody's recommendations as to individuals from the community that, that our Members would like to see take part in this and then I'll bring that back on the 16.

My intention is also to name two to three Members from the Council, as members of this special committee. And, I'm open to suggestions if you have any there as well.

The other thing that I think is important for us to do with this Committee is to name all, if you're not one of the two or three that is on the Committee, then all the remainder of the Council will be named as non-voting members. That allows all of us that are not on the Committee to attend the sessions without there being a, a Sunshine Law violation.

So, that is the context within which this was drafted, and the context within which I will proceed if the, if this measure passes out.

Again, I think it's important to point out that this simply allows for discussion, which I think is a responsible thing for, for us to do. It is not a vote for or against the change of government, or on a, on a specific Charter amendment.

This review may result in a recommendation of no change. This review may result in a recommendation of a County Manager form of government with a Mayor. There are all kinds. I believe there's somewhere in the neighborhood of 140 or so different forms.

So, the focus of this reso is simply to start the discussion, to take a look at the various forms of County Manager or County, other types of County governance, and decide whether or not one of them is good enough for us to put forth as a budget amendment. I mean, not budget amendment.

COUNCILMEMBER COUCH: Charter

CHAIR WHITE: Charter. Thank you.

And, I also would note the Committee's work will come back to the Council once again and, and go through the process. So, with that, I see Mr. Couch raising his hand to, to comment.

Mr. Couch.

COUNCILMEMBER COUCH: What? Okay. I thought the seconder was going to do. So, yea, Mr. Chair, I am fully supportive of getting a committee, or committee to deal with this.

My biggest concern is the, the need for rushing it through. This is something that's going to, if, if something were to happen, it's a complete Charter change. It's not just one section of the Charter. It's the whole Charter, and potentially Hawaii State Statutes as well, potentially. So, to rush it through might be, I, I don't know that that's a prudent thing to do.

If, that being said, if we decide to go through, pass this now, I also have a concern that, where it says the Council Chair shall select the membership of the special committee. I would like to add something about, with the approval of the Council, or something along those lines, so that we have a chance to discuss it, that's, you know.

CHAIR WHITE: What I just mentioned is that I'm willing to bring the, the slate back to Council as a reso. So it would, it would be with the approval. So, I, I don't think we need to change that.

COUNCILMEMBER COUCH: No as long as, as long as we have it on record, I'm fine.

CHAIR WHITE: Yea. Mr. Vic, did--

COUNCILMEMBER VICTORINO: Mr. Hokama.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER VICTORINO: I'll allow the others to speak first.

COUNCILMEMBER HOKAMA: Chairman, thank you. I understand what is before us and so for me I'm in a quandary, because the rule regarding referral is something I had insisted in 1998 because Council did not have a requirement of referral of subject matter that I thought needed to go through a process; especially for public review and public comment opportunities.

I think it's a healthy review on our part. It's something Charter lists as part of our responsibilities in our annual review, especially of financial requests. So, I think this is the time too. But, I don't see why this doesn't go to Committee for referral. That's my position.

So, I'm going to vote no on the motion, because I think this needs to go to Committee. I think a Committee needs to give a recommendation to the Chairman and the Council on what it expects regarding this subject matter.

My colleague on the far right of me continually, always is consistent on not doing Committee work at Council. I would agree with him on this at this time. And, so, I'm going to vote no. Thank you.

CHAIR WHITE: The, the Chair would just point out that special committees have been formed at the Council level before. And, the Council Rules do not require referral to a Committee for the formation of a committee.

COUNCILMEMBER COUCH: Mr., Mr. Chair, point of order for a second. I realize, you know, you're chairing this meeting, but this is one of your proposals. I'm, I'm wondering if you, it would be a situation where you would sit down over here so you can discuss it more, cause the Chair technically is not supposed to be debated from the Chair side.

CHAIR WHITE: Well, I've certainly heard all of you do the exact same thing.

COUNCILMEMBER COUCH: I'm just--

CHAIR WHITE: I'll try to, I'll try to button my lip as much as, as you or Mr. Victorino tend to button theirs.

Okay, Mr. Victorino, or is there anyone else that?

COUNCILMEMBER VICTORINO: Ms. Baisa is raising her hand.

CHAIR WHITE: Okay. Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. As always, fascinating to listen to my colleagues. And, some of the things that I have been concerned about have already been mentioned. And, I have the concerns that Mr. Hokama has about referral to a Committee. I also share some concerns about rushing such a huge change.

However, I understand, and I want everybody to know that I have no problem with looking at this. This might be a better, better way for us to govern ourselves. I don't really know. I haven't looked into it. I, what I, I've heard a few things good and bad. And, so my mind is very open to having somebody or some group really take a good look at this.

But, there's a couple of things that I need settled in my mind, and you took care of one of them by saying, also, Mr. Couch mentioned bringing the recommendations back to us for confirmation. And, that settles one of my concerns.

The other is, I'm aware of Corp. Counsel's written opinion on this. And, I'd like Mr., if possible, if Mr. Kushi could share that with us. I think it's important.

CHAIR WHITE: Happy to do that.

Mr. Kushi.

And, we have copies available of Mr. Kushi's note.

COUNCILMEMBER VICTORINO: Could we have a copy, Mr. Chair.

COUNCILMEMBER BAISA: I think we should make those available, Chair.

COUNCILMEMBER VICTORINO: Yes, please.

COUNCILMEMBER BAISA: I was kind of dismayed to get it from somebody in the public.

CHAIR WHITE: I want you to also pass out the list of committees that were formed as a, that include non-members and members as well.

Let's take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:44 A.M., AND WAS RECONVENED AT 10:45 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This Council will come back to order.

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I was hoping Mr. Kushi could comment.

CHAIR WHITE: Oh, I'm sorry, yes.

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI, JR.: Yea, Mr. Chair, if I may. You're referring to my memo to Chair White, dated September 28, 2015?

CHAIR WHITE: Right.

COUNCILMEMBER BAISA: Yes, correct.

FIRST DEPUTY CORPORATION COUNSEL: Yea, I'm assuming you've read it already, or. Anyway, this was, the memo was created in response to Chair White's request of our Office to sign off on this resolution.

The resolution that was submitted to our Office is the same one that's in your binder. As you note, the one in your binder, there's no place for us to sign off because basically we, we refused to sign off on this one. And for the reasons stated, again, not to the merits of the issue.

COUNCILMEMBER BAISA: Right.

FIRST DEPUTY CORPORATION COUNSEL: It's mainly procedure; the establishment of the committee, the ramifications, etc. And, we looked at your Rules. And, unless somebody can point out something else, and we also looked at the HRS Sunshine Law too, Chapter 92.

Your Rules, as existing, you know, you can create standing committees and subcommittees, but there's no provisions for appointment of non-Councilmembers to these committees as I read it, along with the Sunshine Law too.

However, as just handed out to me, in the past there were some special blue ribbon committees. Example, on youth center, center fundings, affordable housing, childcare subcommittees. I may have been there, I may have not. But, I don't recall the creation of these subcommittees, and I don't know the details of these things.

But, again, I stand by our memo, that this is no authority in your Rules as they exist now. And, that being the case, unless you do some maneuvering, which I'll get into, these, your establishment, this resolution may be deemed void, or voidable. The end result is that whatever report they come up with, may not be a report presentable to the full Council.

We do provide an alternative in my memo in lieu of a standing committee of non-members, establish a temporary interactive group of members only. And, non-members could be resource persons, and do your investigations accordingly. And, if

you establish a TIG, as they call it, they're not subject to the Sunshine Law, so you could meet as often as you want. But, again, that's just an alternative.

However, being informed and reviewing your Rules as I understand it, and maybe Council Services may chime in on this, but there are ways you could get around it. Your Rules do provide for waiver of your Rules.

And, if you don't waive your Rules, well, let me first point out. Under your Rules, Rules, "Rule 16. Rules of Procedure". These rules shall govern, unless if they are not, if there's no rule addressing an issue and, then Robert's Rules would take effect, unless they're inconsistent.

Okay, so, and I was, I was alerted yesterday at 5, 5:17 p.m., by Mr. Raatz, that Robert's Rules at page 174 of Eleventh Edition, does provide for appointment of standing committees, of non-members including. But, you need to first waive your Rules on standing committees of Councilmembers only. Once you do that, then you can refer to Robert's Rules.

In that rule, Robert's Rules, there is a provision where the Chair could appoint non-members to the standing or special committees. And, if the Chair is going to appoint it himself or herself, then the whole assembly needs to concur with that. Your resolution here, basically says, it's up to the Chair. So, you need to amend that.

Secondly, in terms of referral to a committee, I think it's your rule, Rule 7.E., as in Ed, that appointments of Council officers, Committees, or staff, are not subject to the referral. So, I believe the Chair was right. If it is subject to a referral, then you need a two-thirds majority vote.

So, what I'm, what I'm saying is the resolution as stands, we will not submit, we, we, we think it may be void or voidable. And why waste the time by going through all these motions to find a court action later? However, if you take the steps that I had recommended, that can be defensible.

COUNCILMEMBER BAISA: Thank you very much, Chair.

Thank you, Mr. Kushi.

CHAIR WHITE: Without objection, I'd like to have our Council Services provide their perspective on this, because it, it seems clear to us that there's a, a difference of opinion.

And, the Chair is also a little bit concerned about establishing a temporary investigative group, because that eliminates the ability for non-Councilmembers to participate, other than as resource people. And so I don't think it provides the same level of flexibility or inclusiveness that the special committee provides.

Mr. Raatz.

COUNCIL SERVICES DIRECTOR DAVID RAATZ: Thank you, Mr. Chair. This is David Raatz, Director of Council Services. I appreciate Mr. Kushi's overview and, and we defer to Corporation Counsel's legal advice under the Charter.

Just to note a couple of things, parliamentary procedure is generally deemed to be decided by this body, and, and you can do that independently. And, in the realm of, of parliamentary procedure, again referencing Rule 16, as Mr. Kushi cited, it appears to us that Robert's Rules is, is the default when the rules are silent or, or don't address a particular issue.

So, you might question whether you actually need to waive the Rules before you cite that Robert's provision that, that was referenced, that does appear to authorize the body to establish standing or special committees composed of both members of the body and non-members. And, that, that's a provision that, that we had looked at, that appeared to us the Council could decide justifies this action. But, again, it's the body's will. I'd be happy to answer any questions. Thank you.

CHAIR WHITE: Thank you.

Any questions for Mr. Raatz or Mr. Kushi?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Yea, a question for Mr. Kushi. You, you said to take a look at our Rules on standing committees. And, and, I don't find anywhere in there where it says that they have to be exclusively, the members of the standing committees have to be Councilmembers. So, I'm, I'm just trying to figure out where that was, where you guys got that.

FIRST DEPUTY CORPORATION COUNSEL: Are you referring to Rule 7?

COUNCILMEMBER COUCH: Well, yea, I believe.

FIRST DEPUTY CORPORATION COUNSEL: Committees of the Council?

COUNCILMEMBER COUCH: Yea.

FIRST DEPUTY CORPORATION COUNSEL: Yea. Well, it doesn't say non-members. So, it's, it's assumed or presumed, in my mind, that you're only dealing with the assembly members. Otherwise, the Rules won't cover any Tom, Dick, and Harry.

COUNCILMEMBER COUCH: Okay. I understand where that, where you're coming from on that.

Thank you, Chair.

CHAIR WHITE: Yea, the, the challenge that we face here is that we clearly have, on this list, six precedents where we've had non-Councilmembers included in special committees and other committees.

I think this body has continually stated its in, its focus on inclusiveness. And, I think we've done so for good reason. And, I think we should continue to do so for good reason.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, so we can get back to the main motion of, and the subject of what we're discussing. I would say, procedurally, it is the body's decision . . . and ask Mr. Kushi for advice, but at the end of the day, it's the body's decision on procedure. So, as a body, I would say we need to decide whether or not; one, we want to bring this up now, and if it is, there's procedures we can institute to make it happen, Chairman.

And, I would agree with Mr. Kushi's comment, whether he wants, regarding the sign off or not as it currently states within the Rules of our current procedure, unless we make a decision to waive the Rules, which is an option of this body. And, that is something I would say I would defend the body's right to establish this committee. Cause I would refer to two components that I always do.

Of course, one is under powers of Council. "Without limitation of the foregoing grant or of other powers given by the Charter." Again, without limitation is how the Charter starts off with our powers. You look at overall, what is the County's power, or the beginning of our Charter, then you would also see the component that we can, by our standing, by state constitution, again, but is not prohibited, and this is not, is within the purview of this body to make a decision to allow it. Because it has not either, it has not been prohibited by Charter or State law.

So, we get two components for the right, for this body to exercise its authority. But, we need to do it within the appropriate procedures. And, I think that is the concern of Corporation Counsel; make sure we can defend our action. The current Rules do not allow it, Chairman, the way I understand it. And, so I don't have a problem entertaining a motion to waive the Rules, and depends on the body's desire. If you truly want to waive all Rules and make it just by the decision of the Chair, this body can make that call too. It is what the body decides to follow for its procedure, Chairman, by majority rule.

So, we can say it's default, but that's the body's decision to make Robert's the default factor. It was a decision. It's not just plain automatic default. It's a decision by the body to make that the default Rules for us to abide by.

CHAIR WHITE: Right, and--

COUNCILMEMBER HOKAMA: That's the body's choice again. My thing is, the body will make its own determination upon legal Counsel. And, so I think, regarding the establishment, it's not even in my mind whether we have the authority. It's not prohibited.

It's in with our authority without foregoing limitations of our powers. And, that's how I see it. It's black and white to me, and I'm ready to go forward, Chairman.

CHAIR WHITE: Okay. We're going to take a five minute recess. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:58 A.M., AND WAS RECONVENED AT 11:14 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order. Thank you for the recess, Members.

The, the Chair is feeling, at this point, is rather than to get into waiver of the Rules which, which we could do, but I think if I'm getting the sense of the body's feelings, the sense is that you all would prefer that it go to Committee.

Mr. Victorino has assured me that he will make it a priority to schedule it. And in the meantime, I would appreciate your input as to who you would like to have on the committee. And we will put to Mr. Victorino's Committee a slate based on your recommendations. And, then we'll, we'll put the, we'll put this reso and this slate up for a vote in Mr. Victorino's Committee.

And, so, if you don't mind--

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Withdrawing your motion, Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I WITHDRAW MY MOTION.

CHAIR WHITE: Okay, thank you. And, with that, we'll, we'll defer action on this.

Ms., Ms. Baisa.

COUNCILMEMBER BAISA: Just before we vote, Chair, just want to be clear. The slate that you're talking about would include folks who are not Councilmembers, or could include?

CHAIR WHITE: Yes.

COUNCILMEMBER BAISA: Okay, I just wanted to be sure.

CHAIR WHITE: And if, and I don't believe we need to waive Rules in order to do that. But, in an abundance of caution, we can do that in Mr. Victorino's Committee before acting on the, the resolution.

COUNCILMEMBER BAISA: Thank you, Chair, for the clarification.

CHAIR WHITE: Because I think we all agree that the way these things have been set up in the past is the way we should be able to set them up.

COUNCILMEMBER BAISA: Correct.

CHAIR WHITE: And, it may be appropriate for us to draft a change in the Rules so that we have the ability to do this without having to use the default of, of the Robert's Rules and so forths.

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, thank you for this. I too would like to see, get this discussed ASAP, and get this out. So, I, I hope Mr. Victorino will schedule this posthaste, and we get this out. Okay, thank you, Chair.

CHAIR WHITE: Yea, we need to give the Committee, whoever is on it, as much time as possible.

COUNCILMEMBER COUCH: The other question is, from us, you want the, the representative we want from our district, or a whole slate?

CHAIR WHITE: Well, you know, we want, I want to have it as representative as it can be, geographically and otherwise.

COUNCILMEMBER COUCH: But, what do you want from, from each individual Member?

CHAIR WHITE: But at the same time, what I, what I would like you to do is provide me with suggestions, not necessarily from, from your district, but people that you feel have the background to be a very productive and helpful member of the, of the committee.

COUNCILMEMBER BAISA: Good.

COUNCILMEMBER COUCH: Okay, great.

CHAIR WHITE: This, you know, part of this, part of this process is to try to take the politics out of politics. And, so I'd like to have a, have recommendations that focus on people's ability to look at the situation. Some of those people are going to be people that have been in government.

COUNCILMEMBER BAISA: Right.

CHAIR WHITE: You know, been in County government, cause they see it from the inside. So, it, it's got to be balanced between Council people, administrative people, and members of the public.

COUNCILMEMBER BAISA: Good.

CHAIR WHITE: So, I think this has been a very good discussion. And, and with Mr. Victorino's willingness to move it forward, and without objection, I don't think we need to take a vote on it. Without objection, we'll just, we'll refer it to Mr. Victorino's Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

The recommended action is that County Communication No. 15-247 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Moving on, 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. 15-248 - ROBERT CARROLL, COUNCILMEMBER,
(dated September 23, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO AFFORDABLE RENTAL HOUSING TAX EXEMPTION".

The recommended action is that County Communication No. 15-248 be referred to the Budget and Finance Committee.

NO. 15-249 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated September 25, 2015)

Transmitting the Finance Director's Quarterly Report for the Fiscal Year July 1, 2014 to June 30, 2015 as of June 30, 2015 and the Capital Improvement Project as of June 30, 2015.

The recommended action is that County Communication No. 15-249 be referred to the Budget and Finance Committee.

NO. 15-250 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated September 25, 2015)

Informing of the ratings of the 2015 General Obligation Bonds.

The recommended action is that County Communication No. 15-250 be referred to the Budget and Finance Committee.

NO. 15-251 - RIKI HOKAMA, COUNCILMEMBER,
(dated September 29, 2015)

Relating to contracts for the County's telephone system.

The recommended action is that County Communication No. 15-251 be referred to the Budget and Finance Committee.

NO. 15-252 - STACY CRIVELLO, COUNCILMEMBER,
(dated September 29, 2015)

Relating to building affordable homes.

The recommended action is that County Communication No. 15-252 be referred to the Housing, Human Services, and Transportation Committee.

NO. 15-253 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated September 18, 2015)

Transmitting a proposed resolution entitled, "ADOPTING COUNTRY TOWN DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI-KULA AREA".

The recommended action is that County Communication No. 15-253 be referred to the Planning Committee.

NO. 15-254 - MIKE WHITE, COUNCIL CHAIR,
(dated September 18, 2015)

Relating to the State of Hawaii's Transient Accommodations Tax.

The recommended action is that County Communication No. 15-254 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-255 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,
(dated September 28, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 8.20 AND 13.04, MAUI COUNTY CODE, RELATING TO SMOKING PROHIBITIONS".

The recommended action is that County Communication No. 15-255 be referred to the Policy and Intergovernmental Affairs Committee.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, we'll.

Mr. Clerk, proceed.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 69 (2015)

A BILL FOR AN ORDINANCE GRANTING HE-MAN LANDSCAPING LLC A
CONDITIONAL PERMIT FOR THE USE OF A LANDSCAPING BASEYARD
WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY
SITUATED AT 4260 HINE WAY, LAHAINA, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 69 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Bill 69 would grant a five-year Conditional Permit to allow 2.074 acres within the County Agricultural District to be used as a landscaping baseyard for property situated at 4260 Hine Way, Lahaina, Maui, Hawaii.

Mr. Henchman [*sic*] has used the subject property as a landscaping baseyard for 12 years and would like to continue that use.

I ask the Council for support of Bill 69.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 70 (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13 AND
SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO WATER METER
ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO PASS BILL NO. 70 ON SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. The bill provides that applicants on the Upcountry Priority List who have been offered water meters from the Department of Water Supply and are able to connect to the existing water system shall not be required to make further infrastructure improvements for fire protection or street upgrades, subject to certain conditions.

Your Committee has sought solutions to assist applicants on the Upcountry Priority List to get water meters so they may build a home on their property for themselves or their family for a very long time. This bill will help some of those families. I thank everyone that has been involved in the creation and passage of this very important measure, and ask for the full support of my colleagues. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Baisa.

COUNCILMEMBER VICTORINO: Chair:

CHAIR WHITE: Any further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, again, I would like to thank Ms. Baisa, for all her hard work in this area that the Committee's, the various departments, that put a lot of time and effort to make sure that this came to fruition.

This is one step in the right direction. It's not the final step. Much more needs to be done. But, I think this is a very positive step; something we have worked on for many, many, many years. And, Ms. Baisa knows that it's been a goal of ours since we walked in this Council chair, chambers, I should say, to get the water meter list started, and one day completed. And, so at least this will also enhance that opportunity.

So, I want to thank Ms. Baisa, and the Committee, the agencies that were involved, for all their hard work and getting this finalized. And, again, I hope this will help many of these families who have waited decades for their water meter in the Upcountry area. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

And, I would also like to congratulate Ms. Baisa on the, on the hard work. And, the, and the, it's a great step in a direction that we really need to keep going. So, appreciate all your hard work.

COUNCILMEMBER BAISA: Chair, I'd like to thank you very much, and Mr. Victorino, for those kind comments. But, you know, I'm just one of the people that has been involved in making this happen.

But, I want to tell you how happy I am to have gotten feedback from people who are already lining up, and excited, and waiting for this to pass today because they intend to, and will benefit. And for me, that's the proof of the pudding.

CHAIR WHITE: Yea.

COUNCILMEMBER BAISA: And, it's been really exciting to have these folks contact me, and come and see me. So, thank you very much.

CHAIR WHITE: It's very nice to hear.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR GUZMAN.

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

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Mr. Clerk.

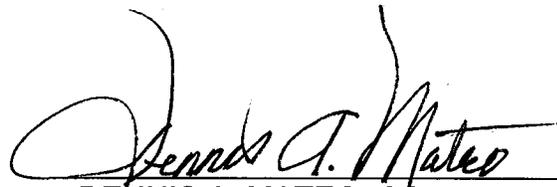
DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members and staff.

With that, we are adjourned.

ADJOURNMENT

The regular meeting of October 6, 2015 was adjourned by the Chair at 11:24 a.m.



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