

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 16, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, FEBRUARY 16, 2018, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

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

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

CHAIR WHITE: Thank you, Mr. Clerk.

OPENING REMARKS

The opening remarks were offered by Council Chair Mike White.

(The Council Chair introduced special guests from Prague, Czech Republic and Onomichi City, Hiroshima, Japan.)

CHAIR WHITE: Thank you for being here. And with that, Members, please join me in, please stand 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: And, if we can all remember to please turn our phones to silent mode before we proceed.

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

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

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with 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.

(Councilmember Guzman was excused from the meeting at 9:11 a.m.)

DEPUTY COUNTY CLERK: When testifying, please state your name and the name of any organization you represent.

Mr. Chair, currently we have one individual who has signed up to testify in the Council chamber. The first person to testify in the chamber is Rosemary Robbins, testifying on Committee Report 18-26 and County Communications 18-71 and 18-72.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 18-71 and 18-72, and Committee Report 18-26):

Good morning, everyone, including our guests. Thank you for being here. I'd like to start out this morning with best wishes to Mr. Carroll. And, he's going to be

representing the seniors in particular. You and I both have some track record on that, so thank you for doing that.

Okay, so I'm working from today's agenda, from the County of Maui, County Council. These are all elected folks. So, on page 3, please, 18-71, referring to the Community Development Block Grant Program Manager transmitting, having transmitted a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM". Plan ahead, go after the monies, go after the talent. Soon we'll be able to pull that off. Thank you for having filed for that.

Right underneath that also, on page 3, on item 18-72, titled, reading from this now, County Auditor, relating to Resolution No. 17-174, "REQUESTING THE COUNTY AUDITOR TO INCLUDE A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC WORKS RELATING TO THREE LOTS OR LESS SUBDIVISION DEFERRAL AGREEMENTS IN THE FISCAL YEAR 2019 LIST OF AUDITOR'S SELF-INITIATED PROJECTS". I stopped in at his office yesterday, he had nothing to add to this. No decision has he made yet, so he's going to be interested in hearing what comes out of this body this morning I'm sure.

(Councilmember Guzman returned to the meeting at 9:13 a.m.)

MS. ROBBINS: Okay, and then on over to Committee Report 18-26, that's going to be on page 6. And, I'll read that for us too. It's a Policy, Economic Development, and Agriculture Committee item recommending adoption of resolution authorizing the Council Chair to contract for a performance audit of the Department of Liquor Control, pursuant to Section 3-6 of the Revised Charter of the County of Maui from 1983, as amended.

There's been a lot of attention given to that. I'm so pleased with the youth that have stepped up to be able to address this, and so hurray to them. And, if we can get some reasonable good stuff continuing, and the evolution from where it was, to where it went, to, to where it's back and now forward. So, thank you very much for your attention to those issues. They are very much with an impact on our community. Thank you.

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

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber.

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

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

DEPUTY COUNTY CLERK: Thank you.

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

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

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce any testifiers.

Mr. Chair, we were notified previously that there were no testifiers in the District Offices. And, we don't have any further in the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we are in receipt of, of written testimony. Without objection, the Chair would like to add it to the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM LLOYD FISCHER WAS MADE A PART OF THE RECORD OF THIS MEETING.

CHAIR WHITE: Thank you. And, without objection, Chair would like to close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Public testimony is closed.

Mr. Clerk, please proceed.

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

COUNTY COMMUNICATIONS

NO. 18-60 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated January 22, 2018)

Informing of the intent to expend approximately \$50,000 in Federal Forfeiture Funds to partially pay for the transition to Glock 9mm firearms.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request the Clerk to bring up Communication 18-61 and 62.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 18-61 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated January 30, 2018)

Transmitting two reports on the settlement of claims as of December 31, 2017.

NO. 18-62 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated January 31, 2018)

Transmitting a copy of the notice of apportionment for the Federal Fiscal Year 2017, 49 U.S.C. Section 5307 Urbanized Area Formula Program Grant in the amount of \$1,040,679.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, these are just required communications to inform Council of various departmental transactions. I would just take note 18-62, the million plus dollars that is to, for the County to purchase two 40-foot accessibility buses for our transit program. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-63 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated January 30, 2018)

Informing of the acceptance of Sewerline Easement B-1, Kaialulu at Kaanapali
Subdivision, TMK: (2) 4-4-006:056.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-63.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

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

And, this dedication is for a sewerline easement for the project entitled Kaiaulu at Kaanapali Subdivision. It is located on property identified for real property tax purposes as TMK: (2) 4-4-006:056.

No County funds were used to acquire the property.

And, according to the information provided in this communication, the easement location and width is acceptable to the Department of Environmental Management, Wastewater Reclamation Division, and is in conformance with County standards. So, therefore, I am asking for filing of this communication.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-64 - KEITH A. REGAN, ACTING MAYOR,
(dated January 26, 2018)

Informing of the appointment of Alison Cohan to the Maui County Arborist Committee.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, may I ask that the Clerk also bring up County Communications 18-65 through 18-67.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: No objections. So ordered.

NO. 18-65 - KEITH A. REGAN, ACTING MAYOR,
(dated January 26, 2018)

Informing of the appointment of Kate Griffiths (Reappointment), Christy Kahooohanohano, and J. Nalani Kiananu to the Committee on the Status of Women.

NO. 18-66 - KEITH A. REGAN, ACTING MAYOR,
(dated January 26, 2018)

Informing of a vacancy on the Salary Commission due to the resignation of Artemio Baxa on January 26, 2018.

NO. 18-67 - KEITH A. REGAN, ACTING MAYOR,
(dated January 26, 2018)

Informing of a vacancy on the Lanai Planning Commission due to the resignation of Marlene Baltero on January 25, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATIONS 18-64,
65, 66, AND 67.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. In County Communications 18-64 and 65, the Acting Mayor has informed the Council of recent appointments of the Maui County Arborist Committee, Alison Cohan; and the Committee on the Status of Women, Katie Griffith *[sic]*, Christy Kahooohanohano, and J. Nalani Kaniau *[sic]*. For the appointments of the Maui County Arborist Committee and the Committee on the Status of Women, the Mayor is required to notify the Council, but no Council approval is required. We thank these women for their willingness to participate in local government, and volunteering their time for our community.

In County Communication 18-66 and 67, the Acting Mayor informed the Council of the recent resignation to the Salary Commission and Lanai Planning Commission. We would like to thank retired Judge Artemio Baxa for his time served on the Salary Commission, and Marlene Baltero for her time served on the Lanai Planning Commission. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-68 - MIKE WHITE, COUNCIL CHAIR,
(dated February 8, 2018)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER ROBERT CARROLL AS A MEMBER OF THE COUNCIL ON AGING".

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

ON BEHALF OF THE COUNCIL CHAIR, I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE REFERRALS AND REPORTS PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

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

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
18-68, AND TO FILE COUNTY COMMUNICATION 18-68.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Council on Aging requires the Board consist of one individual, including a local elected official. So, in the past, Councilmember Crivello served in this capacity, and her term will end March 31, 2018. And, I want to thank her for her service on this Committee.

And, I also would like to nominate Councilmember Robert Carroll to fill her vacancy beginning April 1, 2018. On behalf of the Chair, I respectfully ask for the Council's support of the motion.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, thank you for service Ms. Crivello, and then having Mr. Carroll stepping into the role. So, is, am I to understand that Mr. Carroll will be fulfilling the position of government, I think, what does it say an elected official?

COUNCILMEMBER SUGIMURA: Elected official.

COUNCILMEMBER COCHRAN: Is he going to be? So, even though he will be retiring at the end of this year, but the term goes for five years, how does that work?

CHAIR WHITE: I'm not sure about that.

COUNCILMEMBER COCHRAN: Probably, okay.

COUNCILMEMBER SUGIMURA: We will reappoint, right?

COUNCILMEMBER COCHRAN: So, I guess maybe at the end of the year, we'll have to re-elect, reappoint.

CHAIR WHITE: If necessary, we would, we would reappoint.

COUNCILMEMBER COCHRAN: Okay. Alright. Was just a question. Thank you very much.

CHAIR WHITE: Any further discussion?

I want to thank Mr. Carroll for his willingness to serve. And, with that, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Thank you, Mr. Carroll. And, thank you for your time on the Commission, Ms. Crivello.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-11.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 18-69 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated January 26, 2018)

Transmitting the County of Maui Retiree Health Care Plan Actuarial Valuation Report as of July 31, 2017 as prepared by GRS Retirement Consulting.

The recommended action is that County Communication No. 18-69 be referred to the Budget and Finance Committee.

NO. 18-70 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 30, 2018)

Transmitting the Budget Implementation Report as of December 31, 2017 (Fiscal Year 2018 Second Quarter).

The recommended action is that County Communication No. 18-70 be referred to the Budget and Finance Committee.

NO. 18-71 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated January 30, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.

The recommended action is that County Communication No. 18-71 be referred to the Budget and Finance Committee.

NO. 18-72 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated February 7, 2018)

Relating to Resolution No. 17-174, "REQUESTING THE COUNTY AUDITOR TO INCLUDE A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC WORKS RELATING TO THREE (3) LOTS OR LESS SUBDIVISION DEFERRAL AGREEMENTS IN THE FISCAL YEAR 2019 LIST OF AUDITOR'S SELF-INITIATED PROJECTS".

The recommended action is that County Communication No. 18-72 be referred to the Infrastructure and Environmental Management Committee.

(Councilmember Hokama was excused from the meeting at 9:26 a.m.)

NO. 18-73 - MIKE WHITE, COUNCIL CHAIR,
(dated February 9, 2018)

Relating to the settlement agreement for the Anuhea Water Project in Kula.

The recommended action is that County Communication No. 18-73 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 18-74 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated January 24, 2018)

Transmitting the 2017 Annual Status Report on the Implementation of the Countywide Policy Plan and Maui Island Plan.

The recommended action is that County Communication No. 18-74 be referred to the Planning Committee.

NO. 18-75 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated January 24, 2018)

Transmitting the 2017 Annual Status Report on the Implementation of the Maui County Community Plans.

The recommended action is that County Communication No. 18-75 be referred to the Planning Committee.

NO. 18-76 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated January 30, 2018)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for November and December 2017 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 18-76 be referred to the Water Resources Committee.

NO. 18-77 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated February 5, 2018)

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

The recommended action is that County Communication No. 18-77 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

(Councilmember Hokama returned to the meeting at 9:28 a.m.)

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-16 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 10 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 12.24A AND 18.20, MAUI COUNTY CODE, RELATING TO LANDSCAPE PLANTING AND BEAUTIFICATION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-444, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would ask the Clerk also to bring up 18-17 and 18-18.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So, ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-17 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 11 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, LANAI FIRE STATION IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS

(OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 12 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, LANAI FIRE STATION IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-8, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-18 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 13 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-487, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 18-16, 17, AND 18, ALONG WITH ITS RECOMMENDATIONS BE ADOPTED, AND THOSE ATTACHED BILL FOR AN ORDINANCE PASS FIRST READING, BE ORDERED TO PRINT.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I think the Clerk, in his narrative, was very clear on what action we're taking this morning, so thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: I had the, if I, if you don't mind asking clarification of Mr. Hokama in reference to the Fire Station.

COUNCILMEMBER HOKAMA: Sure.

COUNCILMEMBER COCHRAN: This is to add 10,000 to the existing 100 that they have appropriated?

COUNCILMEMBER HOKAMA: What happened was they ran into some issues, and then the funds lapsed. So, they're just asking us to re-appropriate the lapsed funding portion to complete their project.

COUNCILMEMBER COCHRAN: Okay, and Chair--

COUNCILMEMBER HOKAMA: So, it's, so what they're asking for is this \$10,000 adjustment at this time.

COUNCILMEMBER COCHRAN: Okay. Thank you. Sorry, Chair, and then reading, and I know the need definitely, but I think the land is to come from Pulama, and currently there's no--

COUNCILMEMBER HOKAMA: We are following up on that concern, Ms. Cochran, so thank you for asking. We have had some conflicting understanding of status between the Department and the landowner, so we are working on that to bring clarification. And, that we all will be on the same page, and will move forward, which is to create the improvements. Thank you.

COUNCILMEMBER COCHRAN: Okay, excellent. Very good. Thank you very much for those comments, Mr. Hokama.

Thank you, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, relative to Committee Report 18-16, BILL 10 (2018). Relative to Committee Report 18-17, BILLS 11 and 12 (2018), respectively. Relative to Committee Report 18-18, BILL 13 (2018).

COMMITTEE REPORT

NO. 18-19 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 14 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, EMERGENCY FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-486, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 18-19
ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED,
ALONG WITH ATTACHED BILL FOR AN ORDINANCE PASS
FIRST READING, BE ORDERED TO PRINT.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee vetted this request. We had some very good discussions on the differences between private and public property. However, we are moving this forward, and I can tell you that through our discussions on, at this time, I would like to recognize and commend Piihola Ranch for their participation and their willingness.

All I can tell the Members is we have been able to reduce the project cost by about another \$100,000. So, we will get this job done, Chairman. We will do it with a reasonable amount of public funds, and in cooperation with the Ranch, we will take care of this emergency request. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

And before I ask for any other discussion, let me correct the, I believe the seconder was Ms. Crivello.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I just want to add that I did get text messages after the press release went out about the resolution with the cooperation of Piihola Ranch and helping the community. So, the residents, some of them who testified here, sent me text messages said to thank the Council. So, I just want to pass on their appreciation. And, I just look forward to resolving this.

And, I think what sticks in my mind is a question that Budget Chair kept on saying, something's up with these trees. And, there, there is a bug or a beetle of some sort that's eating those trees. And, I guess it's, I asked MISC about it, and they are also evident in other locations. So, I wonder if maybe we can do something in terms of asking UH to look into it or something like that. But, just thank you everybody. I just wanted to express the appreciation from the residents.

CHAIR WHITE: Thank you. And, I think we all appreciate Piiholo Ranch stepping up and handling a significant portion of the cost to help out with this.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 14 (2018).

COMMITTEE REPORT
NO. 18-20 - LAND USE COMMITTEE:

Recommending that General Communication 17-7, from Grant Y.M. Chun, Vice-President, A&B Properties Hawaii, LLC, submitting the 2017 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. If there's no objections, may I request that the Clerk call Committee Report 18-21.

MEMBERS VOICED NO OBJECTION.

COMMITTEE REPORT
NO. 18-21 - LAND USE COMMITTEE:

Recommending that General Communication 17-8, from Sharon M. Suzuki, President, Maui Electric Company, Limited, transmitting the "SEVENTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORTS 18-20 AND 18-21.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Committee Reports 18-20 and 18-21 relate to annual compliance report submitted by the respective landowners pursuant to conditions of zoning.

Your Committee received updates from each landowner, then voted to recommend filing of the communications. I ask for the Members support of my motion. Thank you, Chair.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT
NO. 18-22 - LAND USE COMMITTEE:

Recommending that County Communication 17-476, from the Planning Director, transmitting a Conditional Permit Application submitted by Wireless Resources, Inc. for Verizon Wireless, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING CELLCO PARTNERSHIP, DBA VERIZON WIRELESS A CONDITIONAL PERMIT TO ALLOW THE MODIFICATION OF AN EXISTING TELECOMMUNICATIONS SITE ATOP HI2 PUUONE TERRACE TO INCLUDE A REPLACEMENT OF ANTENNAS AND EQUIPMENT CABINET, AND INSTALLATION OF ACCESSORY EQUIPMENT WITHIN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 493 PIO DRIVE AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-8-037:039, WAILUKU, MAUI, HAWAII", be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-22.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The Planning Director advised your Committee he had determined that the proposed rooftop telecommunications site modifications

are a necessary accessory use with the A-2 Apartment District, and, therefore, conditional permitting is not required.

Accordingly, your Committee recommended that the communication be filed. I ask for support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT
NO. 18-23 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that the correspondence dated April 4, 2013, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)," be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-23.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on January 30, 2018 to consider the proposed resolution to authorize the Department of Corporation Counsel to settle this case read by the Clerk.

The complaint alleges, among other things, retaliation against Mr. Dobbs, a County employee, for reporting allegedly illegal behavior by employees of the Department of Liquor Control, constitutional violations, wrongful termination of employment, and damages.

By correspondence dated January 24, 2018, the Deputy Corporation Counsel informed your Committee that the case has been dismissed by the Court, which was granted by the County's Motion to Summary Judgement on June 24, 2016. The Department no longer is seeking settlement authority.

Your Committee voted 5-0 to recommend filing of the correspondence. Requesting the Council's support of your Committee's recommendation. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT

NO. 18-24 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-12, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL., CIVIL NO. 15-1-0476(2)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-24.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on January 30, 2018 to consider the proposed resolution. The complaint alleges the Defendant Lanai Waste Removal, Inc.; Lanai Trucking Inc.; Charlene Amoral; and Manuel Amoral, Jr., as of the date of the filing of the complaint, that was accumulated at \$321,019.22 in past-due tipping, or commercial landfill disposal fees owed to the County for the disposal of the waste at the Lanai Landfill. The complaint also alleges that the Defendants are in breach of the Repayment Agreement previously entered into the County.

The Deputy Corporation Counsel provided a brief overview of the case. She then did describe and explain the collection action for the delinquent payments to the County's Department of Environmental Management, Solid Waste Division.

Following the meeting, your Committed voted 7-0 to recommend adoption of the proposed resolution authorizing settlement of this case. I ask the court, the Council's support for your Committee's resolution.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-12.

COMMITTEE REPORT

NO. 18-25 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Resolution _____, entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HALEAKALA HIGHWAY KULA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 17-483, from the Director of Water Supply, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-25.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, and Agriculture Committee met on January 29, 2018 to consider a resolution "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HALEAKALA HIGHWAY KULA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".

The purpose of the resolution is to authorize County real property identified for real property tax purposes as TMK: (2) 2-3-005:012 and comprised of approximately 6,577 square feet, to be exchanged for real property owned by Haleakala Ranch Company, identified for real property tax purposes as TMK: (2) 2-3-005:026 and comprised of approximately 4,869 square feet, and related access and waterline easements.

The Department of Water Supply's Haleakala Ranch access *[sic]* tank and adjacent water line are an, are essential for the County water system, and is located on the Haleakala Ranch parcel. Haleakala Ranch and the County settled on an even exchange of the subject properties for no financial considerations.

Mr. Chair, I would note that Section 3.44.060, Maui County Code, requires that the resolution be approved by at least two-thirds of the membership of the Council. And, I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And, if you'll note that the testimony that we voted into record applies to this, this item, 18-25. I have a question for Corp. Counsel, because while I sat in the Committee meeting with, on this issue and I understand the

need for this exchange, the testifier brings up a good point that the request was signed by Gladys Baisa for David Taylor, P.E. And, we currently have a lawsuit against the Mayor for the Department using Mr. Taylor's name as the engineer. So, what is our liability by accepting transmittals from somebody who the, you know, the, using the name of somebody who is now suing, to prevent the use of their name?

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, if I may. Ms. Baisa would have been signing on behalf of herself as the Deputy Director of Water, as authorized by the Rules of the Department. I'm not sure whether or not there's any engineering requirement in the receipt of that property as a easement transfer.

COUNCILMEMBER KING: Okay. But, there is a, an engineering requirement in the Charter for the Department, one of the Department Heads. And so, are you saying that this is, this testimony is not correct; she did not sign for David Taylor, P.E.?

CORPORATION COUNSEL: Well--

COUNCILMEMBER KING: She did not sign Deputy Director for David Taylor?

CORPORATION COUNSEL: I wasn't in her mind at the time she signed the document. We can go back and look at it if you wish. I prefer not to discuss an open litigated matter on the floor and the allegations contained in the complaint that you previously heard.

COUNCILMEMBER KING: Okay. So, you know, I'm just, I'm uncomfortable, Chair. I, if you want, if you wish to go ahead, I'll probably vote no on this just because I don't, I would like to understand what the liability is. You know, just, that's kind of where I am with that situation. Thank you.

CHAIR WHITE: Thank you, Ms. King.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I can appreciate the comments from my colleague. I will say though in our years of experience and what we have, the County has done in the past, we've had directors who were not engineers. We have deputies who was the engineer. There was a reversal of this situation, and the director was signing. He's not an engineer, but he was signing? So, what, what all those past decisions and past approvals by an engine, a chief water director who was not the engineer, but whose deputy was to satisfy the Charter's requirement.

I agree with Mr. Wong. This might, may not be able to be discussed as best we can on this open floor, Chairman. But, I would ask maybe you'd like to take a short recess, confer with our standing Committee Chair, and decide whether or not your recommendations would be to defer this item. Thank you.

CHAIR WHITE: Mr. Guzman, you had a, okay.

Let's take a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:46 A.M., AND WAS RECONVENED AT 9:51 A.M., WITH ALL MEMBERS PRESENT.)

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

And, Members, without objection, I'd like to ask the maker of the motion to withdraw the motion and move this item to the end of calendar.

MEMBERS VOICED NO OBJECTION.

(See pages 37 through 41 for discussion and action.)

CHAIR WHITE: Thank you. And, Mr. Clerk, let's move on to the next item.

COMMITTEE REPORT

NO. 18-26 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-13, entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF LIQUOR CONTROL," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-26.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, and Agriculture Committee met on January 29, 2018 to consider a resolution "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF LIQUOR CONTROL", pursuant to Section 3-6, Revised Charter of the County of Maui (1983), as amended, which authorizes the Council to conduct investigations of the operation of any department or function of the County.

Your Committee discussed two drafts, discussed the draft scope of the audit, including: 1) obtaining confidential feedback on Department operations from various groups, including County departments and employees, liquor licensees, and business advisory groups; 2) analyzing Department staffing needs; 3) analyzing interpretation of State law and its implementation by the Department for the past five years; 4) determining whether the license application process can be streamlined and changes recommendation; and 5) reviewing the internal structure and responsibilities of the licensing and enforcing sections.

I respectfully ask for the Council's approval of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-13.

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 7 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
(AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. With no objections from the Members,
I would request the Clerk to also bring up at this time Bill No. 8.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 8 (2018)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018,
OCEAN RECREATIONAL ACTIVITY FUND

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL 7 AND 8 (2018) PASS
SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we are in final consideration on these two proposed ordinances. Number 7, basically, we are providing additional financial resources regarding the ADRC, Aging and Disability Resource Center Expansion. And, the second bill is for us to authorize the Parks Department to use special funds, or CORA funds, for the use of maintenance and operations of the CORA Program.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 9 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, THE CITY AND COUNTY OF HONOLULU, THE COUNTY OF KAUAI, AND THE COUNTY OF HAWAII TO SHARE THE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO PASS BILL 9 (2018) ON SECOND AND FINAL READING, CHAIR.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Bill No. 9 (2018) authorizes the Mayor to enter into an intergovernmental agreement with the State of Hawaii, the City and County of Honolulu, and the County of Hawaii, and the County of Kauai, collectively, referred to as the Public Employer Group, to share the costs and expenses of professional services to include expert witnesses, arbitrators, and court reporters as they directly relate to the interest arbitration hearing for Bargaining Unit 14.

Cost and expenses will be equally distributed among the five entities in the Public Employer Group, with each responsible for 20 percent of the total cost.

I respectfully ask for the Council's full support of Bill 9 (2018). Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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

UNFINISHED BUSINESS
ORDINANCES

ORDINANCE NO. _____
BILL NO. 3 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WASTEWATER OPERATIONS PROGRAM – SEWER FUND,
WEST MAUI COMMUNITY PLAN AREA, SEWER;
TOTAL OPERATING APPROPRIATIONS;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, I will ask the Members if they have no objections, for the Clerk to bring up Bills 4 and 5 of 2018.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

ORDINANCE NO. _____
BILL NO. 4 (2018)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018,
COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND

ORDINANCE NO. _____
BILL NO. 5 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WEST MAUI COMMUNITY PLAN AREA,
LAHAINA WASTEWATER RECLAMATION FACILITY (WWRF)
PRIMARY ELECTRICAL SYSTEM REPLACEMENT

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS 3, 4, AND 5 OF 2018 PASS
SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, this is for final consideration of Council of proposed bills for an ordinance to adjust the estimated budget requirements for West

Maui, capital improvement district. This is supposed to be with the Department of Environmental Management. The key concern is, of course, the switchgear requirements to provide the backup as well as resiliency to ensure West Maui users that our system can perform 24/7/365, Chairman. So, this will put forth the resources for the Department to move forward.

And, with Bill No. 4, Members, out of the Emergency Fund, by our own requirements of our ordinance, there is a minimum of seven votes to approve this request. Thank you, Chairman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

DISCUSSION AND ACTION RELATING TO COMMITTEE REPORT NO. 18-25

COMMITTEE REPORT
NO. 18-25 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Resolution 18-14, entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HALEAKALA HIGHWAY KULA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 17-483, from the Director of Water Supply, be FILED.

CHAIR WHITE: And, Members, we are back to item 18, Committee Report 18-25. The Chair's feeling is that, well, we'll hear from Corp. Counsel. But, you know, the Chair's feeling is that this, this Department can't be slowed down. This is just one item, but if, if we are going to be holding off on other items because of a signature, the Chair's concern is that we can't allow this Department to be brought to a standstill because of the lawsuit.

So, I know Mr. Wong has been looking into the matter, and if you wouldn't mind sharing your thoughts on what you've been able to find out. Mr. Wong.

CORPORATION COUNSEL: Thank you, Chair. If I may, the quick answer in my review, quick review of this is that the transmittal is a ministerial function. I have made sufficient copies for the Members of the transmittal letter, and I will read the highlights.

It is available on Granicus, so the general public can access that information. But, I'm, at the moment, I'd like to, if you don't mind, take a real brief recess so I can hand it out to the Members, and then we can go through the letter. Essentially, it's a ministerial function of, a secretarial staff could have signed off on this letter to transmit the documents.

CHAIR WHITE: Okay. We'll take a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:01 A.M., AND WAS RECONVENED AT 10:04 A.M., WITH ALL MEMBERS PRESENT.)

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

Mr. Wong.

CORPORATION COUNSEL: Chair, thank you. During the recess, I handed out copies of the transmittal letter dated, and for the benefit of the viewing public, a letter dated November 20, 2017, which transmits a resolution along with the Stipulated Final Judgement and Decree as documents. And it is signed by Ms. Baisa for Dave Taylor.

And, the question is whether or not this is a use of the engineering license. And, my opinion at this moment would be no it is not. And, if you look at the documents itself that are attached, that are part of the record, the Stipulated Final Judgement and Decree is dated October 9, 2000. And, it's simply, the resolution is simply complying with the Haleakala Ranch, is simply complying with their obligations under the October 9, 2000 Stipulated Judgement and Decree.

In my opinion, actually anyone from the Department of Water Supply could have transmitted these documents for today's current action. I don't see an engineering license being necessary to transmit documents that consummate a deal that occurred back in 2000.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Then why did she use it?

CORPORATION COUNSEL: I don't know why. I don't have an answer for you.

COUNCILMEMBER KING: Okay.

CORPORATION COUNSEL: And it may be, if you look at the date of the transmittal letter, November 20, this was shortly after the removal prior to this body taking action on the Mayor's removal request. So, this was early on in the removal of Mr. Taylor. And, I'm not sure, I can ask her later, why it was that way. But, you know, typically people sign documents, even in my absence on my behalf. It doesn't necessarily mean, you know, that the transmittal has any different meaning. I'm going to suggest maybe the letter was drafted prior to Mr. Taylor's removal.

COUNCILMEMBER KING: Oh okay, so--

CORPORATION COUNSEL: That would have been pro forma for someone in that position to sign off on it merely to continue the operations of the Department. So, moving forward, I do understand that Ms. Baisa is signing in her capacity as Deputy Director of the Department.

COUNCILMEMBER KING: Okay. I guess I'm still uneasy, Chair, on this whole issue of whether we have an engineer, whether we're in violation of the Charter because somebody's on leave. And so, I just, you know, I've learned from being on other boards and commissions that eventually did get sued to go with my gut. So, you know, I, I personally hope this does pass, because I think, you know, I sat through the, the, the actual discussion on this issue. But, the, the lawsuit makes me very uneasy. And, I think if, if I'm not comfortable with the issue of liability, a potential liability, I just, you know, need to protect my position and my vote, so.

CHAIR WHITE: Any further discussion, Members?

I'll go to Ms. Sugimura, whether you would like to recommend deferral or make a motion to pass today.

COUNCILMEMBER SUGIMURA: I'll make a motion if I could.

I'D LIKE TO MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 18-25, CHAIR.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I read my description of my Committee Report. But, I just want to add, I think when we had Haleakala Ranch before us as, I think was Member Hokama who brought up how wonderful it was in those days where you could do business by a handshake. So, that was 1948.

And, Haleakala Ranch and the County of Maui, in their communication and discussion with us and my Committee meeting, was talking about how they've been trying to resolve this issue, right? And, I just find it kind of ironic that here we are in 2018, I mean years later, community has changed and we're getting stuck on something that is related to possible litigation. And, I think it's unfortunate.

But, I strongly recommend that we do this. It is exchange of property of which I think we're getting the better end of the deal. It's nice of Haleakala Ranch to still keep their word after all these years. And, I really ask for the Members support to pass this.

CHAIR WHITE: Thank you, Ms. Sugimura.

And, I totally respect Ms. King's perspective on this. But at the same time, I believe that, as a Council, we need to allow the Department to continue to move forward. And, it's not a time-sensitive item, but I believe that there may be other things coming to us that we're going to want to take action on. And, we can't allow the presence of the lawsuit to bring the, the Department to a halt.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS COCHRAN AND KING.

CHAIR WHITE: I heard two, Ms. Cochran and Ms. King. Is that correct? Anybody else?
Measure passes with seven "ayes", and two "noes"; Ms. Cochran and Ms. King.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-14.

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

CHAIR WHITE: Thank you, Mr. Clerk. And, thank you all for being here this morning. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of January 19, 2018 was adjourned by the Chair at 10:10 a.m.



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

Fwd: Committee Report 18-25 Exchange of Property

Lloyd Fischel <info@lsfischel.info>

Thu 2/15/2018 4:08 PM

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

RECEIVED
2018 FEB 16 AM 7:31
OFFICE OF THE
COUNTY CLERK

Clerk: Please distribute to Council Members today. Thank you.

Council member White and Other Council Members:

The exchange of the property that contains a water tank has not taken into consideration many issues. Because of the issues of adequate pressure, water purity, availability, sustainability, et.al. the Charter requires the Director of Water Supply to be an engineer.

The Nov. 20, 2017 transmittal is signed by G. Baisa "for David Taylor, P.E.", and Mayor Arakawa. Words mean something. Further, it is impossible for G. Baisa (or Mayor Arakawa) to understand the complicated issues involved with the proposed transfer. This is true even if she and he had attended night college and become engineers in the last ten years most of which they served as an elected officials.

Accepting the recommendation without proper engineer vetting sets a dangerous precedent. Furthermore, the fact that there is a subdivision application that can only be approved if this transfer is approved casts a dark cloud over this matter, and sheds light on the Administration's continued misuse and abuse of power.

Lloyd Fischel
20 N. Lanikai Place
Haiku, HI 96708
808-572-2269
www.lsfischel.info

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Rather than provide knowledge itself, we much encourage the joy and excitement that arise from learning. Tsunesaburo Makiguchi

The life that goes though our veins at this very moment will certainly evaporate before time. Bumper Sticker

Success ~ To laugh often and much, to win the respect of intelligent people and the affection of children, to earn the appreciation of honest critics, and endure the betrayal of false friends. To appreciate beauty. To find the best in others. To leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition. To know even one life has breathed easier, because you have lived. This to have succeeded. ~ Ralph Waldo Emerson

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