

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 22, 2019

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, MARCH 22, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Alright, the Council, Maui County Council meeting of March 22, 2019 will come to order. It's nine o'clock.

And, we have one Councilmember excused; Councilmember Tamara Paltin.

Mr. Clerk, can you do roll call.

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: COUNCILMEMBER TAMARA A.M. PALTIN.

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

CHAIR KING: Okay, thank you.

This morning we have opening remarks by Councilmember Riki Hokama.

OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR KING: Thank you, Mr. Hokama. That was excellent. And so, when you were estimating age, did you err on the side of youth or on the older side?

COUNCILMEMBER HOKAMA: I think Mr. Arisumi would rather be known as the elder statesman--

CHAIR KING: Elder statesman.

COUNCILMEMBER HOKAMA: --so, because I think, you know, if he was still with us he would have been, gone for the magic 100th birthday. So, I like to give him that benefit of the doubt.

CHAIR KING: Nice. Okay, well, would everybody like to 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 KING: Before we proceed, may I request everyone turn off or silence their noisemaking devices, any kind of IT device?

And, Mr. Clerk.

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

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

And, when testifying, please state your name and the name of any organization you represent. Please also identify to the Council if you are a paid lobbyist.

We'll take testimony first from our District Offices. Hana District Office please identify yourself and introduce your first testifier.

MS. MAVIS MEDEIROS: Aloha, Chair. This is Mavis Olivera Medeiros from the Hana Office and I have two people here to testify; Kumu Kamalu Kahookele on item 19-145 and Mapu Kekahuna on the same item, 19-145.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. MAPU KEKAHUNA (testifying on County Communication No. 19-145):

Aloha kakahiaka, Council Chair King and the Councilmembers of the Maui County Council. I am Mapu Kekahuna and I serve as the Vice-Chairman for the Nahiku Community Association. Today I'm testifying on item number 19-145; Planning Director relating to the Community Plan Amendment, State Land Use District Boundary Amendment, Change in Zoning, and Special Management Use Permit for the Nahiku Community Center, Nahiku Road, Hana, Lower Nahiku, Maui, transmitting copies of documents and the following proposed bills.

We are in support of moving these three items for your support and your consideration to get approved today. As some of you may or may not know, this project has been sitting on the wing with the County of Maui since its inception, and the State of Hawaii, in 2006, which we had a complete groundbreaking in 2013, and the building was ready to be built out. Unfortunately, due to the contracts of default with the County of Maui, that project went array.

So, we're hoping that today, as a step moving forward, that the Planning Department gets this measure passed with the County, County Council to move on so that the Planning Department can begin their SMA permit process as well as re-appropriating the budgeting with the County Council for this project. And, like I said, this project has been 13 years in the process, and from Administration to Mayor's and counties, and it's just, I think it's time that we get this project completed cause like I said it's been a long-awaited project that has been sitting in the wings and we are in full support of it to get it completed.

So, we thank you for your consideration today County Council. And, and you know, we'd also like to share that, you know, this benefit to this community in East Maui is very important because, you know, we don't have facilities here in East Maui to, you

know, occu, I mean to, to substantiate a usage here in Maui. As you know that the Hana Community Center in Hana is basically a kitchen for meetings, most of you have been here. So, I think, you know, besides a lot of things that, you know, we need as a community this has been something that will be good for the community and I think this is something that we should, you know, move forward and get completed as soon as we're able to get it passed through all the necessary County-State code, etc. So, again, thank you for your support regarding these ordinances before you today. And if you have any questions, feel free to ask them. Thank you.

CHAIR KING: Okay. Thank you. Councilmembers, any questions for the testifier? No questions? Okay, thank you for your testimony.

COUNTY CLERK: Hana District Office, please introduce your next testifier.

MS. MEDEIROS: I have Auntie Dottie Kamalu, Kumu Kamalu Kahookele.

KUMU DOTTIE KAMALU KAHOOKELE (testifying on County Communication No. 19-145):

Aloha kakahiaka. . . . Aloha. I have been with this project since 2006. And my, I'm, I'm for whatever has to be done to have it moving and become a reality for the community, for all those that know Nahiku, come to Nahiku, visit Nahiku. And I think it would be a good project for the needs of the ahupua`a, not only of Lower Nahiku, of Upper Nahiku and all of our other existing ahupua`a's to be there and have something that they can rely on, depend on, and, and be able to be a part of during times of need.

What I'm talking about is torrential rainfalls, road closures on the Hana Highway, visitors that come and may be through landslides, rockslides, whatever we have, and even bridges over filling with water when our waiiele go overflowing. And, I think it's really, really important, I wish we could have a community center for every ahupua`a on the island of Maui, cause we, they need one, be it a small one, be it a big one. The fact remains that we all need somewhere to go in time of disaster. And the way we have been having our weather throughout Hawaii nei, it hasn't been very, very pretty and I'm sure everyone agrees with that.

But, God bless you all and mahalo for letting me share. Mahalo nui loa. If there is anything I can share with anyone of you or the whole County of Maui, I'd be happy to share photos, paperwork, executive order which you all have already, etc., so long and so forth; and I do have it all since 2006. Mahalo again so much and I, I really am so glad that we have an opportunity to come forward, and, and mention the things to all of you.

And may you all be blessed. And, pray for us and we'll do the same that a dream and a vision will possibly become a reality, not only for us of today but for our future generations that are growing and that will be in need of something, somewhere, somehow. And, I know I do have a few more seconds, but I am going to close at this time with God's blessing to all of us. Aloha.

CHAIR KING: Mahalo, Kumu. We do have one question for you. Councilmember Sinenci has a question.

COUNCILMEMBER SINENCI: Yes. Thank you, Chair. Aloha, Auntie Dottie. We just, I was going to ask you if you were available on Friday, April 5, I believe. Some Members wanted to come down and, and possibly look at the site. And so, she, if she was available to--

MS. MEDEIROS: We cannot hear if you guys asking questions. We can only hear the Chair.

CHAIR KING: Okay, the question is, would you be available to do a site visit on April 5 in the early evening?

MS. MEDEIROS: Sorry, we cannot hear you. And if we put the TV loud, you guys cannot hear, yea?

COUNTY CLERK: Hana, Hana District Office, this is the County Clerk. Question from Councilmember Sinenci is related to whether the testifiers would be available on April 5 to attend a site inspection.

MR. KEKAHUNA: April 5, site inspection; sure, we'll make ourselves available, Councilman Sinenci. That'll be fine.

CHAIR KING: Okay.

COUNTY CLERK: Okay, there are no further questions, Hana District Office. Thank you.

MS. MEDEIROS: Thank you.

CHAIR KING: Mahalo.

COUNTY CLERK: Molokai District Office, please introduce yourself and introduce your first testifier.

MS. ZHANTELL LINDO: Aloha and good morning. This is the Molokai District Office. We have one testifier; this is Zhan. We have one testify, actually two testifiers. The first one is Mahina Poepoe on items 19-138 and 19-146.

MS. MAHINA POEPOE (testifying on County Communication Nos. 19-138 and 19-146):

Hi, this is Mahina Poepoe. I'll start with 19-138. This is in regards to the Molokai Planning Commission. I've testified in support before of Lori Buchanan and her appointment. And, I'll probably end up repeating myself a little bit, but I had to come and support her today because I feel so strongly about it. She is an advocate for the people and for our community. She does her homework, you know, she knows her stuff. And, and like, when an issue comes up, like the Navy, for example, wanting to come and train here. She is like the first person a lot of people call because they, or we trust that, you know, she'll be able to break it down and explain it to us and that we know that she read the whole document.

You know, so she's like the go-to pillar of knowledge in our community and when it comes to understanding the process and processes that can be really complicated and take a long time to understand. As it relates to the commission, she shows up which is the first very important thing. Her discussion is evidently knowledgeable, and she knows and uses our community plan. And so, I just wanted to share that today and I hope that you, you will appoint her to the commission, or reappoint her. Okay, that's all for that.

Now, 19-146, relating to the Kaunakakai Wastewater Reclamation Facility operation and maintenance inspection report. The report found that the facility is already at capacity, that they're not recycling water, and that the data values that they're using, some of them are inaccurate. This is alarming. Being that it's 100 percent capacity, I consider it an emergency. We can't keep building and increasing pressure on this already over-extended and insufficient facility. We need to carefully consider, really, like, how many more toilets can be flushing before this is a disaster. I don't, we're, how are we permitting a new hotel in town without being sure that the wastewater can handle it? You know, we should consider holding off on new uses that will contribute to pushing this beyond its limit until we can accommodate these new uses, you know, without risking disaster.

The wastewater facility needs to be moved to an area that is not in the wetlands, that is not on the shoreline, that is not just barely above sea-level. And, I don't think we should keep spending on repairing, maintaining, improving, or expanding a facility that needs to be moved eventually anyway, which will be sooner rather than later. So, I just wanted to leave you with that. Thank you very much.

CHAIR KING: Okay. Members, any questions for Ms. Poepoe? Any questions? Thank you for your testimony, Mahina.

Mr. Clerk.

COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. LINDO: Yes, our next testifier is Bridget Mowat on item 19-138.

MS. BRIDGET MOWAT (testifying on County Communication No. 19-138):

Good morning, Chairman Kelly King, and Vice-Chair Keani Rawlins, and the rest of the County Councilmembers. I am submitting, or testifying in support of Lori Buchanan, appointment to the commissions. This is on CC 19-138.

I've known her for over 40 years and I know firsthand her passion for Molokai island and, and their people. And is been, she has been passionate for all these years. She's, dives into studies, does all the research, presents her findings and shares information to the community so that we're informed and able to make collective decisions. She seeks solutions and ways to present issues that does involve the community, and, and seeks input. Her support or non-support on issues are based on educated conclusions and not by the influence of others. She is up to date on concerns we face today and tomorrow because she looks for the facts and solutions.

She articulates, and she has the qualities to speak to all individuals at any level, and this is a good quality when receiving and commenting to testimony from various ethnic groups. Lori will be seen at all Molokai community meetings, sitting with mounds of research papers, notes, clippings, and facts to educate the community. Her bag of information, which she carries all the time, has become part of her persona.

She's a good role model and I know I can learn from her. She does not hold grudges. She can agree to disagree, and does not allow decisions to come between friendships or the communities. She understands her role as a Molokai Planning Commissioner and has not presented herself lofty to any means. She is experienced as she has served in two five-year terms in the past and has currently served a one-year term at the resignation of another commissioner.

Lori has much to contribute to the Molokai Planning Commission. And Lori has the reputation of dedication, public service and carries herself in the highest professional manner. She will continue to be an asset in the Molokai Planning Commission,

especially at this time when there's new appointees who is just going to be learning all these things that are out of the norm. So, I'm asking for your support in, in the appointment of Lori Buchanan. She is the type of person you need on the Molokai Planning Commission. Thank you very much and you folks have a good, good day.

CHAIR KING: Alright, thank you. We will. Mahalo. Any questions for Ms. Mowat? Any questions?

Mr. Clerk.

COUNTY CLERK: Madam Chair, we have four individuals signed up to testify in the Council chamber. First person to testify in the Council chamber is Cranston Kapoi, testifying on Committee Report 19-34. To be followed by Brian Hauser.

CHAIR KING: Mr. Clerk, we have no testifiers from Lanai?

COUNTY CLERK: No, none at this time.

CHAIR KING: Okay. Thank you.

MR. CRANSTON KAPOI (testifying on Committee Report 19-34):

Good morning, Chair. Good morning, Councilmembers. My name is Cranston Kapoi and I'm a retired general contractor; I did remodeling work. A year ago, I retired. But I'm helping with the, represent today the Maui County Commissions with, on Persons with Disabilities and this is in referral to item 19-34.

And, we have a letter, the commissioner put together a letter. The letter that I passed out is, was addressed to Mayor Arakawa, but we have a new letter that is coming up and the commissioner Faraz Azizsoltani, he was putting together the letter. He couldn't make it here, his mom got sick so he had to go up to the mainland; he's up there right now. So, I'm, I was going to join him on testimony, but since he's not here I'll read the letter from Alan Arakawa. And, it's about reinstatement of monthly paratransit bus passes and closed captioning of County meetings at Akaku.

Aloha Mayor Arakawa:

The Commission on Persons with Disabilities is respectfully requesting your consideration to reinstate the monthly paratransit bus pass. From the feedback that we received at our recent Commission on Persons with Disabilities meetings, the current program presents a potential

financial hardship for paratransit riders that rely on their fixed incomes. The previous monthly pass was \$45, but the current fare policy could potentially cost a paratransit rider \$120 per month. Your time and consideration on this matter is much needed, and any assistance to lower the current fee would greatly be appreciated.

Additionally, we are also requesting closed captioning on Akaku for County meetings. This is not only necessary for people who are deaf, but it is also useful for people who cannot hear as well as our older population.

We greatly appreciate you, and thank you for your time, your consideration regarding these concerns.

Mahalo,
Faraz Azizsoltani
Commissioner for Maui County Persons on Commission Disabilities.

I, I just wanted to say something about disabled people. I get the privilege of taking care of a disabled person. And he is a relative and I take care of him for two weeks out of the year. And one thing I have noticed that every time he comes, oh, one thing, I only watch him for the two weeks because the relatives, he's a wife's cousin, he's a disabled veteran and my wife's relatives that take care of him need a break. So, for two weeks every year, he comes to stay with me and he's really hard to handle. I mean, he needs help all the, when you live with a disabled person, you understand how they have to struggle.

And just to get around, it's like half the time in that two weeks, I just, at the beginning it's so impatient. And after I have to realize, just take it easy and just go slowly. And I'm a person, I just like to get things, go, go, go and he's just so slow, but that's how they are. Even when I take him to the doctor or different appointments, they are just really, really slow. Transportation for them is so, so needed, you know, they need help.

CHAIR KING: Mr.--

MR. KAPOI: And a lot of our meetings at the Commissions--

CHAIR KING: Mr. Kapoi, can I ask you just, if you can wrap it up cause the three minutes is up, but I think we might have a question for you on the Council as well.

MR. KAPOI: Okay.

CHAIR KING: So, do you have a closing statement?

MR. KAPOI: Closing statement is these people really need help, and as far as our Commission meetings, as I was saying, they don't come anymore. They haven't, it's probably because they can't afford it. But, they use to show up at our meetings all the time and to share with us what they needed. So, if you can help, consider helping them. Thank you very much.

CHAIR KING: Okay. Thank you.

MR. KAPOI: God bless you folks.

CHAIR KING: Thank you. And, Councilmember Hokama, did you have a question or a comment? Oh, okay, I saw your microphone on, so--

COUNCILMEMBER HOKAMA: Oh, sorry, Chair.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Mr. Kapoi, do you know how many people, aside from the members on the disabilities council that need to attend these meetings, ride the bus, paratransit and are in need of, or how many people there are aside from the number of people at your meetings?

MR. KAPOI: Well, we had about six wheelchair people coming to our meetings at one time. Now, nobody, nobody shows up anymore. So, I, we, we kind of blame the rise in the cost.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Kapoi.

CHAIR KING: Okay, thank you. Thank you for being here. I have just a quick question. Do you think we could enlist, I've been discussing with our Council Services about the potential for closed captioning. And one of the first things we'd like to do is a survey to see what the need is in the County. So do you think the Commission on Persons with Disabilities would be able to help us do a survey like that?

MR. KAPOI: Can you repeat the question?

CHAIR KING: Would the Commission on Persons with Disabilities be able to help us do a survey on the need, you know, how widespread the need is for closed captioning for covering our Council meetings?

MR. KAPOI: Yes. We're investigating all the different costs right now. And I guess by next month we should be able to come up with what we have gathered together, results of what we can find.

CHAIR KING: Okay, great. Then you can share that with us and our Council Services Office.

MR. KAPOI: Yes. Okay.

CHAIR KING: Okay. Thank you. Any other questions?

COUNCILMEMBER KAMA: Chair.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Just let me know if this is appropriate or not. I noticed that Ms. Debbie Cabebe is in the audience and I don't know if she's a resource person for the Council, but I would like to ask her a question if it's possible?

CHAIR KING: Well, not at the testimony.

COUNCILMEMBER KAMA: Okay.

CHAIR KING: It's not appropriate. But, if we get to that item and we have deliberations--

COUNCILMEMBER KAMA: Okay.

CHAIR KING: --if she's still here we can ask her.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR KING: Okay. Thank you. Thank you for being here, Mr. Cranston.

MR. KAPOI: Thank you. God bless you.

COUNTY CLERK: Next testifier is Brian Hauser, testifying on Committee Report 19-34. To be followed by Patricia Hunt.

MR. BRIAN HAUSER (testifying on Committee Report 19-34):

Aloha. Good morning, Chair. Good morning, Councilmembers. I'm here in support of 19-34, specifically the monthly paratransit bus passes. And I'm here both on behalf of

the clients of Aloha Independent Living Hawaii, as well as the Maui Disability Alliance. And, you know, the, it's very, I think the message that we want to send out to our, our community members with disabilities is that they should be able to be part of the community and not have to make choices about what they, you know, what they're able to attend or not attend based on their finance.

So, you know, I had a little bit of information in regard to the program that was, that was cut, that, you know, the, that originally when they were monthly bus passes for paratransit, the general pass, between 12 and 48 monthly bus passes were, were sold. And since MEO has picked up the subsidized program that they do for low-income, there are currently 15 passes that are sold in low-income. So, I just wanted to, you know, although it's a very few people that we're talking about who use these monthly bus passes, I think that's just all the more reason that as a community we should include them. So, I thank you very much for allowing me to testify.

CHAIR KING: Thank you, Mr. Hauser. Any questions for the testifier? Seeing none, thank you for being here. Appreciate the input.

MR. HAUSER: Okay.

COUNTY CLERK: Next testifier is Patricia Hunt, testifying on County Communication 19-138 and County Communication 19-143. To be followed by further testimony from our Molokai District Office.

MS. PATRICIA HUNT (testifying on County Communication Nos. 19-138 and 19-143):

Good morning. I still have a cold, sorry, and my voice is still pretty bad. Thank you for hearing me today, Council Kelly, Chair Kelly, and Councilmembers. My name is Patricia Hunt and I am here to speak about, unfortunately, I didn't get all the information that I needed to speak regarding on the agenda 256070 *[sic]* on Board of Ethics opinion which I'm going to, from what I understand you guys are going to update that for 30 days, the calendar, to be posted online. Am I understanding that correctly?

CHAIR KING: Item number 19-143 is an item that's for referral.

MS. HUNT: Okay. When you, when you guys vote on this I just would like to say first and foremost, I'm in the community a lot, I hear a lot about what's going on in this County from a lot of working-class families and wealthy families who come here from the mainland who have property. And I want to tell each and every one of you, you are making a big difference in this community.

Women in this community, and the men, and Mr. Molina, a lot of people are listening because you're, you're from here and it makes a big difference. You're giving young people hope again, especially women. And I'm not trying to slam men cause in, in aviation school they taught us that, Harvard did a study with men and women that when you study and work together as a team, actually because men and women think differently, they, they actually accomplish a lot more.

So, not only have you guys made history right now with the women that are in Council, but I want to let you know with the limited budget that you have and what you're doing, you are making a difference. Now, I know there's been some things that haven't been positive that just came out in the news and everything, but, and I'm not going to focus on the, the negative, I'm going to focus on the positive, but you are, each and every one of guys, people are looking up to you. They're actually, they're believing and making a change and a difference.

And I'm hoping, and I pray for each and everyone of you guys every single day, that Council Chair, I called your office and I told your secretary I was very thankful for how you spoke on the 15th and the 22nd in those meetings. It meant a lot to me and because I've been through a lot with public records requests. But, I'm going to tell you right now, I appreciate everything, and I have no issues with this County Council whatsoever.

But, I think it's important for ethics to be, we have a reason why we have laws in this country and ethics in this country, and they have to be uphold. And I think this rule that you're going to vote on in 30 days, I think you should seriously think about what the word "ethics" means, and doing what's right in this community. And I believe that each and every one of you were put in office to do what's right in this community.

I still do not have my public records and I'm still going to request them on the record. And I'm not doing this for any other issue with any of you. But, you are making a difference here. Young girls are actually looking up to you whether you believe it or not. I'm hearing this in the gyms, I'm hearing it in colleges here on, on campus here, I'm hearing it in the public. And the men too; you're giving hope. Break the chains of the past and show this County what each and every one of you are made of and what you can do to make the change for this County.

And I'm just saying, as far as ethics, if we continue to do what's right and what's honest; and that's what I've been praying for every single one of you because if you do what's right and get rid of, there's only one or few, two bad apples and get rid of the spoiled one, and then keep the rest. And you guys are not attorneys, I don't expect you to know law. It's not, but it's your job--

CHAIR KING: Ms. Hunt.

MS. HUNT: --that if the lawyers aren't doing their job--

CHAIR KING: --can you close with your closing statement?

MS. HUNT: Yes. So, I would just, I don't know if I can submit this request on the record or not, but I'd like to document this record on the record if I can. I don't know if it's, I want to make sure I do everything ethically.

CHAIR KING: That should probably go directly to Corp. Counsel as well. It's not, the Council doesn't take action on this.

MS. HUNT: I understand. And I want to let you guys know my issue isn't with any of the Councilmembers here. I'm bringing this to your attention, so you know what's going on, so you guys can make the decision what's going on with County Council and their office. And, I will send this to them. I did meet with them yesterday and I got, I didn't get very far.

CHAIR KING: Thank you. Thank you, Ms. Hunt.

MS. HUNT: So, thank you so much.

CHAIR KING: Any questions, Councilmembers? Any questions? Okay, thank you for your.

MS. HUNT: And I'm going to continue to pray for you guys, cause you are making a difference on a limited budget that you have and people are noticing, so keep up the good work.

CHAIR KING: Thank you.

COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. LINDO: Aloha, this is Zhan at the Molokai District Office, and we have one testifier; Liko Wallace on item 19-138 and 19-146.

MS. LIKO WALLACE (testifying on County Communication Nos. 19-138 and 19-146):

Aloha. My name is Liko Wallace and I am testifying on item 19-138. I am in support of Lori Buchanan for our, hold on, Molokai Planning. She has been a voice for our community. I am in support of her being selected to be on our board.

I also would like to speak on behalf of 19-146, our Molokai wastewater report. Right now, the way it is running is unacceptable and I am in support of financial resource, and resources to address our urgent situation on Molokai, immediate, excuse me, situation on Molokai. I thank you so much for letting me speak today. I appreciate your vote. Mahalo.

CHAIR KING: Mahalo, Ms. Wallace. Any questions for the testifier? Okay, seeing none, thank you for your input.

COUNTY CLERK: The next testifier in the chamber is Steve Brown, testifying on Committee Report 19-34. Mr. Brown is the last individual who has signed up to testify.

MR. STEVE BROWN (testifying on Committee Report 19-34):

Aloha and good morning. Thanks for allowing me to testify. I'm here on behalf of ARC of Maui and as a member of the MDA, Maui Disability Alliance, and as a community member. I'm testifying on 19-34, which is about the monthly paratransit passes. And I just kind of want to express, cause it affects the guys that I serve directly. So, it would financially put a significant burden on them from, you know, two to three times the cost of what they have when they're dealing with maybe a \$50 monthly budget from social security.

I know it's not a huge amount of people, but it is, so that's always been hard for me to understand is it's not a huge amount of people that we're supporting, why is it getting cut because of budgetary reasons? So, maybe the math, you guys can work out that math for me at some point. But, it really does affect these guys how they can access their community, how they can . . . And you know, they're having to decide whether to go to doctor's appointments, or come to their day program, or go to a Council meeting. So, I just want to kind of express how important it is for them to be a part of this community and how it affects them.

Really want to say thank you for MEO because they supported it this year when we weren't going to have anything. And so, there was a bit of a stop-gap there that really allowed us to manage this year, but I know it's not a permanent fix and would really like to see the Council work on a permanent fix if you're able to. I think that's it. Thank you, guys.

CHAIR KING: Okay. Thank you, Mr. Brown. Any questions for the testifier? Alright, thank you for being here.

MR. BROWN: Appreciate it.

COUNTY CLERK: Next testifier is Jasee Lau. Mr. Lau is the last individual who has signed up to testify in the chamber.

MR. JASEE LAU (testifying on County Communication No. 19-137):

Good morning, everybody.

CHAIR KING: Good morning.

MR. LAU: I just, 19-137, I support my Councilmember Yuki Lei Sugimura.

CHAIR KING: Any questions?

COUNTY CLERK: Madam Chair--

COUNCILMEMBER SUGIMURA: Thank you, Jasee.

COUNTY CLERK: Madam Chair, there are no other individuals in the district offices nor the chamber who wish to offer testimony. And we have received written testimony for this meeting.

CHAIR KING: Okay, Members, any objections to receiving written testimony into the record?

MEMBERS VOICED NO OBJECTION.

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

1. Bridget Mowat;
2. Maui County Commission on Persons with Disabilities;
3. Seraph D'Alerta;
4. Jeffrey Mikulina, Blue Planet Foundation;
5. Roxann Kehus; and
5. Anuhea Patoc, Office of Hawaiian Affairs.

CHAIR KING: Okay, and since there's no further testifiers, any objections to closing testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, testimony is closed.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-129 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 7, 2019)

Transmitting 56 contracts/grants for February 2019.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 19-129.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Member Rawlins-Fernandez, seconded by Member Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: This communication is for informational purposes only and does not require Council action. Nothing further, Chair.

CHAIR KING: Okay. Any questions?

Councilmember, oh, Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, just want to comment on, in my observations of reviewing the contracts. If we notice, there is a large amount of time-extensions. I think maybe when we hit budget, we should maybe ask the departments what is the issues with delays, especially if we are paying timely? I expect the contractors then to do timely work and not ask for extensions. Thank you.

CHAIR KING: Thank you for that comment, Mr. Hokama.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. If there's no objections, I would like to ask the consultant professional services for Contract No. C6399-1, and it's for the MPO Long Range Transportation Plan, to be referred to my Committee.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: For Multimodal.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Did we get that? Okay. Any other referrals. If not, all those in favor of filing the rest of the report, the contracts, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Okay, measure passes by eight to zero; one excused, Ms. Paltin.

Mr. Clerk.

NO. 19-130 - MICHAEL P. VICTORINO, MAYOR,
(dated March 4, 2019)

Informing of a vacancy on the Fire and Public Safety Commission due to the resignation of William Kennison on February 26, 2019.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 19-130.

CHAIR KING: Okay. And would you like to also include 131?

COUNCILMEMBER MOLINA: If there are no objections, yes, if we could incorporate those two communication items in one motion.

CHAIR KING: Okay, Mr. Clerk, can you read 131 as well?

NO. 19-131 - MICHAEL P. VICTORINO, MAYOR,
(dated March 14, 2019)

Informing of a vacancy on the Real Property Tax Review Board due to the resignation of Michael Gurat on March 12, 2019.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Okay, been moved by Councilmember Molina, seconded by Councilmember Lee, to file 19-30, 30 and 19-31.

Any questions, comments?

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR KING: Oh.

COUNCILMEMBER MOLINA: I'd just like to--

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: --make comments to both of these individuals. First of all, thank you, Mr. Kennison for his service on the Fire Commission, and also Mr. Gurat on the Real Property Tax Review Board. And, Mr. Gurat, though, will be continuing his service to the community in the role as a member of the Affirmative Action Advisory Council which we previously approved. Thank you.

CHAIR KING: Okay. Thank you. Alright, any other questions or discussion? Otherwise, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero, with one "excused"; Ms. Paltin.

Mr. Clerk.

NO. 19-132 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated March 4, 2019)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending February 2019.

The recommended action is that County Communication No. 19-132 be referred to the Water and Infrastructure Committee.

(COUNTY COMMUNICATION NO. 19-132 WAS FILED LATER
IN THIS MEETING. See pages 59 and 60 for discussion and
action.)

CHAIR KING: Councilmember Lee.

COUNCILMEMBER MOLINA: No objection to referring all of these items; 132, 133, 134, 135,
136.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

NO. 19-133 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated March 8, 2019)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for January 2019 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 19-133 be referred to the Water and Infrastructure Committee.

NO. 19-134 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 5, 2019)

Informing of the acceptance of Sewerline Easement 2, T. Oda Subdivision, Wailuku, TMK: (2) 3-4-003:030 por.

The recommended action is that County Communication No. 19-134 be referred to the Water and Infrastructure Committee.

NO. 19-135 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 6, 2019)

Informing of the acceptance of Sewerline Easement S-1, Kaanapali Vista Subdivision, TMK: (2) 4-4-009:011 por.

The recommended action is that County Communication No. 19-135 be referred to the Water and Infrastructure Committee.

NO. 19-136 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 12, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 17-E, Puuomalei Tract, TMK: (2) 2-7-002:010 por.

The recommended action is that County Communication No. 19-136 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay, Mr. Clerk.

COUNTY CLERK: For the record, County Communications 19-132 through 19-136 will be referred to the WAI Committee.

CHAIR KING: I think these are, did you make a motion to file or refer?

COUNCILMEMBER LEE: Refer.

CHAIR KING: Okay.

COUNCILMEMBER LEE: These are new communications, right?

CHAIR KING: Okay, they're just listed--

COUNCILMEMBER LEE: Yea, so just refer to Committee.

CHAIR KING: Okay. How come it's listed on my notes as file? Okay.

COUNTY CLERK: Yea, Madam Chair, the recommendation was to file, but Committee Chair Lee is requesting that that be referred to Committee.

CHAIR KING: Oh okay.

NO. 19-137 - KELLY T. KING, COUNCIL CHAIR,
(dated March 14, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER YUKI LEI K. SUGIMURA AS A MEMBER OF THE COUNCIL ON AGING".

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA:

WAIVE THE REQUIREMENT OF COMMITTEE REFFERAL
AND REPORT PURSUANT TO RULE 7(G) OF THE RULES OF
THE COUNCIL.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Pursuant to Section 13-2(16) *[sic]* of the Revised Charter of the County of Maui, as amended, and Section 2.41.050 of the Maui County Code, the deadline for the Council to approve or disapprove the nomination of Yuki Lei Sugimura as a member on the Council on Aging is April 2, 2019. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

CHAIR KING: Okay. Thank you. Any questions? Okay, if not, all those in favor of waiving the Council Rules say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Okay, measure passes eight to zero. One member "excused"; Member Paltin.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you again, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-137, AND TO
FILE COUNTY COMMUNICATION 19-137.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Council Chair Rawlins-Fernandez *[sic]*.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Council on Aging requires at least one Member to be a local elected official. Councilmember Sugimura is filling a vacancy due to Councilmember Robert Carroll's term on the Council expiring on January 2, 2019. Councilmember Sugimura meets the requirements to fill this seat and will be a fine addition to the Council on Aging, especially with her enthusiasm and energy. So, I ask for the Members full support of Ms. Sugimura. Thank you.

CHAIR KING: Okay. Thank you for that, Mr. Molina.

Any, Ms. Sugimura, would you like to--

COUNCILMEMBER SUGIMURA: So, thank you. I, I really appreciate this, as I think that this is the, our kupuna really provides important legacy for us all to appreciate. I was wondering if I got nominated for this because of my age, but I'm, I'm seeing that it's because we need Council representation.

Appreciate Jasee Lau for coming to support me. He is here at almost every meeting. And he, I tell you, he catches the bus to get here so it's kind of an effort. But, thank you very much, Council. And I will represent you well.

CHAIR KING: Okay, thank you. I think it was more your enthusiasm as was spoken about earlier, not your age. Okay, so all those in favor of adopting the resolution to, to approve the appointment of Councilmember Yuki Lei Sugimura as a member of the Council on Aging say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero; one "excused", Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-61.

NO. 19-138 - MIKE MOLINA, CHAIR, GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE, (dated March 15, 2019)

Transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE
APPOINTMENT OF LORI BUCHANAN TO THE MOLOKAI PLANNING
COMMISSION".

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO DISCHARGE THE GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE FROM FURTHER
CONSIDERATION OF THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-138.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Pursuant to Section 13-2(16) of the Revised Charter of the County of Maui, as amended, and Section 2.41.050 of the Maui County Code, the deadline for the Council to approve or disapprove the nomination of Ms. Lori Buchanan to the Molokai Planning Commission is April 3, 2019. Discharge is needed in able to allow the Council to consider action today on the proposed resolution.

CHAIR KING: Okay. Alright. Alright, any questions? And if not, all those in favor of the discharge say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: None opposed. Eight to zero, Member Paltin "excused".

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you again, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE
RULES OF THE COUNCIL.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Do you have any additional words or is it pretty well understood?

COUNCILMEMBER MOLINA: Yea, just brief words. I know, I'm kind of long-winded today. But, the approval of this motion by two-thirds of the entire membership of the Council will allow the Council to consider the proposed resolution today. Thank you.

CHAIR KING: Okay. Thank you, Mr. Molina. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero; one "excused", Member Paltin.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you again, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-138, AND TO
FILE COUNTY COMMUNICATION 19-138.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, thank you. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Your GET Committee meeting met yesterday to discuss Ms. Buchanan's nomination yesterday. And, I'd like to thank my colleague from Molokai, Ms. Rawlins-Fernandez, for submitting Ms. Buchanan's name. As we know, the Administration missed their deadline to submit a nominee, so now it is under the purview of the Council.

And, at this time, I'd like to yield the floor to Ms. Rawlins-Fernandez for further comments.

CHAIR KING: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And, mahalo, Mr. Molina. Again, I, I'd like to mahalo Ms. Lori Buchanan for her willingness to serve on the Molokai Planning Commission. We're, we as a community are so fortunate to have her. Like you heard from the testifiers, both in person and in writing, she shows up to the meetings which is really important because a lot of times attendance is an issue.

She's diligent. She reads all the reading materials, all the meeting materials, which is a lot of reading. She's a critical thinker. She asks thoughtful questions. She truly understands and promotes process. She's knowledgeable on the laws and of the issues affecting our community now and has a tremendous historical knowledge on issues that affected us before and generally come back again.

And like one testifier described her, she's a, a pillar of knowledge and a champion of our Molokai Community Plan. She, she loves our community and is a passionate advocate. And our community in turn loves, loves her and appreciates all the work that she does. So, I, I ask the Members to join me in supporting Ms. Lori Buchanan to the Molokai Planning Commission. Mahalo, Chair.

CHAIR KING: Mahalo. Any other comments? Okay, I just, I'll echo all your words knowing Ms. Buchanan. I know not only will she show up, but she'll make sure everybody else shows up too. So, any, okay with that, all those in favor of approving Ms. Lori Buchanan for the Molokai Planning Commission say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero; one "excused", Councilmember Paltin, Paltin.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-62.

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

NO. 19-139 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated March 5, 2019)

Transmitting the County of Maui Single Audit Report, Management Advisory Report, and required Communication Letter for the Fiscal Year Ended June 30, 2018, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 19-139 be referred to the Economic Development and Budget Committee.

NO. 19-140 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated March 14, 2019)

Transmitting a proposed resolution entitled "APPROVING THE DIRECTOR OF FINANCE TO COMPROMISE A CLAIM RELATING TO REAL PROPERTY TAXES FOR TMK NO. (2) 2-1-013-079".

The recommended action is that County Communication No. 19-140 be referred to the Economic Development and Budget Committee.

NO. 19-141 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated March 14, 2019)

Relating to the Kahana Bay Coastal Erosion Project.

The recommended action is that County Communication No. 19-141 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

(See pages 31 and 33 for discussion.)

NO. 19-142 - SHANE M. SINENCI, COUNCILMEMBER,
(dated March 15, 2019)

Transmitting a proposed resolution entitled "SUPPORTING STEWARDSHIP OF EAST MAUI STREAMS (OLA I KA WAI)".

The recommended action is that County Communication No. 19-142 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-143 - KELLY T. KING, COUNCIL CHAIR,
(dated March 14, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS".

The recommended action is that County Communication No. 19-143 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-144 - RIKI HOKAMA, COUNCILMEMBER,
(dated March 15, 2019)

Relating to the Fiscal Year 2020 Budget for the Department of Parks and Recreation and the Department of Housing and Human Concerns, Human Concerns Program.

The recommended action is that County Communication No. 19-144 be referred to the Healthy Families and Communities Committee.

NO. 19-145 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated March 11, 2019)

Relating to the Community Plan Amendment, State Land Use District Boundary Amendment, Change in Zoning, and Special Management Area Use Permit for the Nahiku Community Center, Nahiku Road, Hana, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE HANA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023"; and

3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT NAHIKU ROAD, HANA, MAUI, HAWAII, TAX MAP KEY (2) 1-2-002:023".

The recommended action is that County Communication No. 19-145 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-146 - ALICE L. LEE, COUNCILMEMBER,
(dated March 4, 2019)

Relating to the Kaunakakai Wastewater Reclamation Facility Operation and Maintenance Inspection Report – SFY19.

The recommended action is that County Communication No. 19-146 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay. Thank you, Clerk. Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Oh, Councilmember Sugimura.

DISCUSSION RELATING TO COUNTY COMMUNICATION NO. 19-141

COUNCILMEMBER SUGIMURA: So, I just have a question and it may be referred to the correct Committee. But, on item 19-141 which is being referred to Shane Sinenci's Committee, and I wonder, because this is Kahana Bay Coastal Erosion Project and it's being tied to the community facilities district discussion right now.

And as you know we have had presentations in the past from Tara Owens and Mr. Buika from Planning just about for background knowledge. And from my knowledge of talking to this, these organizations and the Planning Department, there's an EIS currently in progress which will become available ending of this year. And then they'll be coming back to Council to see if they can, the Kahana Bay organizations and properties, to see if there could be some assistance with the financial assistance that they're asking for.

So, I wonder if this should go to actually Keani Rawlins' Committee versus the current assignment. I mean, I look towards, maybe, Clerk to letting me know or is this correct, we still need to get more information on it, or what is the process?

CHAIR KING: Right, that was the thought that we, I mean, it could go to Planning. But, it needs to--

COUNCILMEMBER SUGIMURA: Oh, Planning.

CHAIR KING: --be vetted out before we, before we put it into a, you know, as a budget issue.

COUNCILMEMBER SUGIMURA: A financial? Okay, if this is just a process, then it's a step. I just thought, or GET because it's for more--

CHAIR KING: Yea, we could, I mean, if Ms. Paltin were here we could ask her if she, but I'll leave it up to Councilmember Sinenci whether he wants to--

COUNCILMEMBER SINENCI: Yes, Chair, we can forward it to the EACP Committee; that's fine.

CHAIR KING: Okay. Would you, would you rather have it in the Planning Committee or would you rather have it in your Committee?

COUNCILMEMBER SINENCI: I would want to wait till Ms. Paltin--

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: --is present to address that.

CHAIR KING: Okay. So, we'll keep it as is and if the, if the Chairs can work it out and we'd rather see it in Planning, we can move it to the Planning and Land Use.

COUNCILMEMBER SUGIMURA: Or, or maybe GET since it's, you know, all the nine Members. And if it's, if you have a double kind of reference, then it usually goes to that GET Committee.

CHAIR KING: Yea, I'm not, I'm not really a fan of that, Ms. Sugimura. I'd rather have it go to one or the other subject, subject matter committees. And, and we have so much in GET right now. So, but we'll leave it as is for now.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: And then discuss, I'll discuss it with Member Paltin. Thank you for bringing that up.

Okay, so if no objections, we'll go ahead and refer as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Mr. Clerk, continue please.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 19-31 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 19-66, entitled "AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO WAIVE THE REQUIREMENTS OF CHAPTER 2.96, MAUI COUNTY CODE, IN RELATION TO THE COUNTY'S PURCHASE OPTIONS FOR THE KAIWAHINE PROJECT AND ACKNOWLEDGING THAT TWO OF THE UNITS IN THE PROJECT WILL BE MANAGER'S UNITS," be ADOPTED; and
2. That County Communication 19-56, from the Acting Director of Housing and Human Concerns, be FILED.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 19-31.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Kama, seconded by Councilmember Molina.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you. The proposed resolution authorizes the Director of Housing and Human Concerns to waive the requirements of Chapter 2.96, Maui County Code, relating to the County's purchase rights for the 120-unit Kaiwahine Village affordable-housing project in Kihei and to authorize two of the project's units be for resident managers.

Your Committee voted 6 to 0 to recommend adoption of the proposed resolution. Thank you, Chair.

CHAIR KING: Okay. Thank you, Ms. Kama. Any comments or questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I had one question. And I'm sorry, I tried to watch the video to see what we had concluded in the Committee when we talked about waiving 2.96.07B(2)(a), where the County gets the first right after the deed restriction ends. I was hoping someone could remind me what it was that we decided. Because the deed restriction is longer than required, so it's, it's not the 30 years. It's the 65, its 65 years, and so that's why we're waiving that, that rule for them.

CHAIR KING: I'm going to guess that it had something to do with the fact that this used to be, this project was originally a housing project for sale and now it's a rental project. So, these units are going to be rented out. That way there's not going to be a sale, sale of house.

COUNCILMEMBER KAMA: Right.

CHAIR KING: Member Kama.

COUNCILMEMBER KAMA: That was my understanding also, Chair. Thank you.

CHAIR KING: When it was bought by the current developer, it was changed from a housing project with houses for sale to a, an affordable rental project.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, after the 65 years, if the landowner wanted to sell, we wouldn't, the County wouldn't have first right to purchase?

CHAIR KING: To sell the, the rental units?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR KING: Yea, I'm not, I don't think so.

COUNCILMEMBER SUGIMURA: Maybe Corp. Counsel.

CHAIR KING: Yea, no they wouldn't.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright.

CHAIR KING: Yea, I don't know that we have that requirement on any of our affordable rentals in, in the County.

Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, I'm sure that Ms. Thieman would be happy to respond to any concerns prior to second and final reading.

CHAIR KING: Okay. We can have her come for second and final reading.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair.

CHAIR KING: Okay. Oh, do we have a second reading on this one? No, there's no second reading. So, this, this is a reso.

COUNCILMEMBER HOKAMA: Oh, sorry. Thank you.

CHAIR KING: But, generally the buyback clause is after 10 years. So, the fact that this, that they're extending this for 65 years I think is pretty generous.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Yea, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I, I'm trying to remember the Committee meeting and I thought it was connected to that, the Kaiwahine Project is rental 120-units, and they were trying to take out the two manager units to not be part of the rental as was the financial agreements. So, in order for the, I think it was Mr. Bigley and his organization, I can't remember his particular organization to, to be in compliance with the funding sources that they received, they needed to take out these two manager units because

it wouldn't be a rental, it would be used for the overall administration. So, I think that was the intent of this. And, maybe Corp. Counsel or you know, your--

CHAIR KING: Well, there's two pieces to this, this one. So, that's one of them, and the other one is removing the requirement, the buyback requirement. Because the buyback requirement usually is attached to our, our 2.96 projects that have a 10-year deed restriction. And we've exercised the, I think that recently with one of the Waikapu Gardens' units where we actually did buyback and then give it to Na Hale O Maui.

COUNCILMEMBER SUGIMURA: And one person withdrew on that particular.

CHAIR KING: Member Hokama.

COUNCILMEMBER HOKAMA: Again, you know, I appreciate my colleagues. I question, cause we should be clear on the approach. So, the way I recall it is as our Chair has stated, Ms. Kama, but I believe the waiver or the exemption that is being granted is just for the two--

COUNCILMEMBER SUGIMURA: Two.

COUNCILMEMBER HOKAMA: --manager units. It doesn't impact all of the remaining units of the project. That is still under the requirements of the Code, as I recall, Chair. The waiver is about the two units and that is why if you look at the results, the first clause is that, we stated is about the two units and the second clause is as it reverts to the two units that will be out of that requirement. That's how I understand it.

CHAIR KING: Okay. Do we have anybody here from Housing and Human Concerns? Well, if you look at the way it's, it's worded, the, the waiving of the requirements of Chapter 2.96 is the first section in relation to the County's purchase options. And then the acknowledgement of the two units for managerial, for managers units is the second piece.

So, we don't have anybody from, you know, we can put this at the end and, and request that somebody from Housing come down and, and give us more detail.

Member Lee.

COUNCILMEMBER LEE: Yes, I agree with you. We can put this at the end of the calendar and meanwhile we can actually call somebody and just straighten this out really quickly over the phone.

CHAIR KING: Alright. Okay, so we'll put this, we'll just defer this to the end of the, end of the agenda. And then if we can get OCS to ask someone from Housing Department to come down.

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. Yea, our Office is contacting somebody right now.

CHAIR KING: Okay. Great. Any objections to moving this to the end of the agenda?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Thank you. We'll continue, Mr. Clerk.

(See pages 56 through 58 for discussion and action.)

COMMITTEE REPORT

NO. 19-32 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Resolution 19-63, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF LIQUOR CONTROL – LIQUOR FUND, FISCAL YEAR 2019 BUDGET," be ADOPTED.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 19-32.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. The purpose of the proposed resolution is to amend the Fiscal Year 2019 Budget within the Department of Liquor Control by transferring \$2,300 from the Liquor Control Program, Category A (Salaries) to Category C (Equipment) to fund a budgetary shortfall for the purchase of three mid-size hybrid four-door sedan. Your Committee voted 7 to 0 to recommend adoption of the proposed resolution.

CHAIR KING: Okay, any questions or comments on this? If not, all those in favor of the proposed motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: None opposed. Measure passes eight to zero; one Member "excused", Member Paltin.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-63.

COMMITTEE REPORT

NO. 19-33 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 21 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, MAUI REDEVELOPMENT PROGRAM; 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 18-391, from the Budget Director, be FILED.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-33.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed bill will amend the Fiscal Year 2019 Budget by adding a, a grant entitled "Grant to Lokahi Pacific" with an, with an appropriation for Category B (Operations) in the amount of \$250,000 under the Department of Management, Maui Redevelopment Program. The funds are to renovate the Harry and Jeanette Weinberg Pono Center at 62 North Market Street, Wailuku, Maui, Hawaii.

Your Committee voted 9-0 to recommend passage of the proposed bill on first reading and filing of the communication. I ask the Members support of this motion.

CHAIR KING: Okay, any comments? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero; one Member "excused", Member Paltin.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 21 (2019).

COMMITTEE REPORT

NO. 19-34 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 22 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSIT 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 19-19, from the Budget Director, be FILED.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-34.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Member Rawlins-Fernandez, seconded by Member Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed bill with, will amend the Fiscal Year 2019 Budget by increasing Carryover/Savings from the Highway Fund by \$352,900, increasing Category B (Operations) and Total appropriations by the same amount for the Department of Transportation, Public Transit Program – Highway Fund, and adjusting the total, totals accordingly. The funds are to cover a projected budgetary shortfall in paratransit services provided by the Maui Economic Opportunity.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. I ask for the Members support of this motion.

CHAIR KING: Okay, thank you. Any comments or questions?

Member Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I am going to support the motion by my colleague with some reservations, Chair. What is being request, I would say it's not about the monthly pass. This . . . is not about the monthly pass. So, I would ask the Disability Alliance to really look at the legislation.

I would say that in Budget we are going to need to review this because the cost level to this program is getting to a point where I get the calls from those that have to pay for the program, not who uses the program, okay. Many of them feel they're paying and getting no benefit, they don't have a problem helping out, but where does it end, okay? So, for me, I speaking up for those on the paying side of the bill instead of the user side of the bill.

And I think in Budget we should be reviewing the entities operations as well as contractual, contracts they have entered in, because I believe improvements can be made on scheduling and manpower, and that, you know, we should again, we can only afford so much. Thank you, Chair.

CHAIR KING: Thank you, Member Hokama.

Member Sugimura, did you have a comment?

COUNCILMEMBER SUGIMURA: Oh no.

CHAIR KING: Okay.

Member Kama.

COUNCILMEMBER KAMA: Yes, thank you, Chair. I wanted to get a clear understanding about how the monthly bus passes work and that's why I asked if Ms. Cabebe was able to explain that. I understand what my colleague, Mr. Hokama, is saying. But as a, I don't know, we are payers, right, all of us are payers. But, many of us at least, I am a user also. So, it's helpful for me to understand both ends of the spectrum as opposed to just the one end. So, if you would indulge me, I'd appreciate it.

CHAIR KING: Let me, let me let Vice-Chair Rawlins-Fernandez try to answer that and if not, we can ask for further support.

COUNCILMEMBER KAMA: Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I'll just, I'll read from Maui Economic Opportunity's description of what the billable hours were and why they project this shortfall. So, the billable hours for October, and I'm sorry, it's for paratransit. Like Mr. Hokama mentioned, it's not a monthly bus pass. So, I wanted to clarify that for our testifiers and for the record.

COUNCILMEMBER KAMA: But there's not, I'm sorry, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Go ahead.

COUNCILMEMBER KAMA: I'm sorry, colleague. But, so, paratransit has bus passes, monthly bus passes, right? Is that, and are we not talking about--

CHAIR KING: This is for the Paratransit Program.

COUNCILMEMBER KAMA: Yes.

CHAIR KING: The, the funding of it.

COUNCILMEMBER KAMA: That also--

CHAIR KING: So, we're not debating right now whether to have a bus pass or not.

COUNCILMEMBER KAMA: Right.

CHAIR KING: We're debating whether to cover the shortfall for the program.

COUNCILMEMBER KAMA: Correct. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: So, some, some of, some of the testifiers in the Committee talked about a \$45 bus pass that they used to get with the, was it the Maui Bus. And so, that's, that's not what we're talking about with this resolution. We're talking about the paratransit service, like Chair King said.

And so, the shortfall that was estimated is based on billable hours of 3,825, based on the, the, sorry. I'll just read it. If we look at the average billable hours for October and, and November, the monthly billable hours were 3,825. Based on the 300, 3,825 for the next seven months, the shortfall be approximately \$352,900. The highest billable hours for the last five months was in November, which was 3,922.13 billable hours. And the lowest was in August, which was 3,517.9 billable hours. And so, that, that's where the \$352,900 comes from. That, does that help to clarify.

CHAIR KING: Member Kama.

COUNCILMEMBER KAMA: Yes, thank you very much.

CHAIR KING: Okay. Any other questions or comments? If not, I'll call for the question, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero, Member Paltin "excused". Thank you.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 22 (2019).

COMMITTEE REPORT

NO. 19-35 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-64, entitled "RELATING TO THE APPOINTMENT OF HENRIETTE 'MEI LANI' AKI TO THE COUNCIL ON AGING," be ADOPTED.

Approving the appointment of Henriette "Mei Lani" Aki to the Council on Aging for a term expiring March 31, 2021.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-35.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Committee met on February 26, 2019, and approved Ms. Aki by a 9-0 vote to serve as the Lanai representative on the Council on Aging. Thank you.

CHAIR KING: Okay. Any comments? No questions or comments. All those in favor of the appointment say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Okay, measure passes eight to zero, Member Paltin "excused".

Mr. Chair. I mean, Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-64.

COMMITTEE REPORT

NO. 19-36 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-65, entitled "AUTHORIZING SETTLEMENT OF DAVID J. CHEVALIER AND PATRICIA A. CHEVALIER V. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0353(3)", be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-36.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Moved by Councilmember Molina, seconded by Councilmember Sinenci.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Committee met on February 26, 2019, to discuss this matter. And after an executive session meeting, voted to adopt in open session, 9-0 vote to allow Corporation Counsel to settle this matter. Thank you.

CHAIR KING: Okay. Any comments or questions? No. Okay. If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero, Member Paltin "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-65.

COMMITTEE REPORT

NO. 19-37 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that Resolution , entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," be ADOPTED.

CHAIR KING: Okay. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. If there are no objections, I would like to request that Committee Report 19-37 be postponed to the April 5, 2019 Council meeting to allow the Planning and Sustainable Land Use Committee Chair to be present when the item is considered.

CHAIR KING: Okay. Any object, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, if there's no objections, we will defer this to the April 5 meeting. Thank you, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Mr. Clerk.

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

ORDINANCES

ORDINANCE NO.
BILL NO. 9 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING
PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, FIRE PREVENTION PROGRAM, AND
OCEAN SAFETY PROGRAM;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez. And, feel free to consolidate any of these if you wish to.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I would like to. Will you please request the, the Clerk also call up Bills 10 through 16.

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 10 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT ACT)

ORDINANCE NO. _____
BILL NO. 11 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS)

ORDINANCE NO. _____
BILL NO. 12 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A – PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF FIRE AND PUBLIC SAFETY
(HAWAII TOURISM AUTHORITY)

ORDINANCE NO. _____
BILL NO. 13 (2019)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019,
PLAN REVIEW, PROCESSING, AND INSPECTION REVOLVING FUND (FIRE)

ORDINANCE NO. _____
BILL NO. 14 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
WEST MAUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS,
FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER,
FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 15 (2019)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PUBLIC WORKS – FRONT STREET
IMPROVEMENTS)

ORDINANCE NO. _____
BILL NO. 16 (2019)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PUBLIC WORKS,
WEST MAUI COMMUNITY PLAN AREA,
FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER,
FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 9, 10, 11, 12, 13, 14, 15, AND 16, ON
SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, moved by Councilmember Rawlins-Fernandez. Who was the second?
Alright, seconded by Councilmember Sinenci.

Ms. Rawlins-Fernandez. Do you want to speak to the bills?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. I, I'm--

CHAIR KING: If you have nothing to say, that's fine too.

VICE-CHAIR RAWLINS-FERNANDEZ: Move for the question. Oh okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, I am going to support my Committee Chair. I would just say that, regarding Bill No. 9 I still have some reservations.

CHAIR KING: Which one?

COUNCILMEMBER HOKAMA: Bill 9. Again, I had some concerns earlier.

CHAIR KING: Oh.

COUNCILMEMBER HOKAMA: Some of it was addressed. I still have some reservations, Chair, but I'm happy to have this move forward since the Department is aware of my issues. Thank you.

CHAIR KING: Okay. Thank you. Any other comments? If not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: None. Measure passes eight to zero, Member Paltin "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 17 (2019)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16A, MAUI COUNTY
CODE, AND ESTABLISHING A NEW CHAPTER 16.16B, MAUI COUNTY CODE,
PERTAINING TO THE ENERGY CODE

CHAIR KING: Okay. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes, thank you, Chair.

I MOVE TO PASS BILL NO. 17 ON SECOND AND FINAL
READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Been moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Yes, thank you. The new Chapter 16.16B, Maui County Code, would adopt the 2015 International Energy Conservation Code as amended by the provisions set forth in the new chapter to tailor the energy code to the County's needs. The County has a deadline of March 31, 2019, to adopt its own version of the energy code or the State version will become the County's interim code. Nothing further, Chair.

CHAIR KING: Okay, thank you, Member Sinenci.

And then, Members, just to reiterate from the Committee, there, there are opportunities throughout the year to make changes if you see further changes necessary.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I'd like to thank the Department also, as it was requested by Mr. Sinenci and the Committee to have a public meeting which was held in the Planning Commission. And I think it looked like it was maybe sparsely attended by their report, but I'm glad that they did it so that those that may have wanted to have a

say that that was their opportunity over and beyond our Committee meeting. I think that was the intent. So, thank you, Mr. Sinenci.

CHAIR KING: Right. Thank you for doing that.

Okay, if no other further comments, all those in favor of the resolution, of the Bill No. 17 (2019) say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Measure passes eight to zero, Member Paltin "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 18 (2019)

A BILL FOR AN ORDINANCE TO PROHIBIT PARKING IN A MEDIAL STRIP

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO PASS BILL 18 ON SECOND AND FINAL READING.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sugimura, seconded by Councilmember Lee.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The bill would amend the County's Traffic Code to prohibit vehicles from standing, stopping, or parking in medial strips. I respectfully request our Members support of this motion. And I also want to say that I think there might be sometimes where communication may be needed because of people who are used to just parking on that Maui Lani strip as they, they attend park activities cause it looks like there's not enough parking there. But, that's a whole other issue for Parks. But, thank you.

CHAIR KING: Thank you. Any other comments? Okay, if not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero; Member Paltin "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. ____19____(2019)

A BILL FOR AN ORDINANCE AMENDING
SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO
DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO PASS BILL NO. 19 ON SECOND AND
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Sugimura.

Ms. Lee.

COUNCILMEMBER LEE: This bill will give water meter applicants more time to decide whether to accept water service or not, from 30 to 60 days. I ask for the Members support in passing this bill on second and final reading. Thank you, Chair.

CHAIR KING: Okay, thank you, Ms. Lee. Any questions or comments?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms., Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yes, so I'd like to speak in support of this. As you know, the Upcountry water meter list has been an ongoing concern for many of Mr. Molina and, and myself in terms of our residents. And, this came from a recommendation, I think from the Water Department, because they know the challenges that the water meter list participants are having. So, I support this.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I too will support this, and I want to certainly thank the department and Committee Chair Lee for their expediency in addressing this matter. The additional time allowed for our residents will certainly be helpful. Thank you.

CHAIR KING: Okay. Any other comments? If not, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero, Member Paltin "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 20 (2019)

A BILL FOR AN ORDINANCE AMENDING
SECTION 14.07.090, MAUI COUNTY CODE,
RELATING TO DURATION OF WATER METER RESERVATION

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO PASS BILL NO. 20 ON SECOND AND
FINAL READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER LEE: Chair, this bill will extend the duration of water meter reservations from two years plus two six-month extensions to a total of five years for water meter reservation applications approved by the Director of Water Supply on/or after January 1, 2015. I ask for the Members support in passing this bill on second and final reading. Thank you, Chair.

CHAIR KING: Thank you, Councilmember Lee.

Comments, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. This bill, I would like to thank also Ms. Lee for taking it up expeditiously as it is something that's very important to the Upcountry water meter and our residents. And I think giving this additional time and being clear instead

of having, you know, the two year plus two six-year, two six-month extensions and giving a little bit more time for completion of the project I think will alleviate some of the concerns that the residents are having. And, thank you very much; appreciate this.

CHAIR KING: Okay, any other comments? If not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero, Member Paltin "excused".

Members, we're going to take a ten-minute break, our morning break, and then come back. And hopefully Housing will be here and we can address the last item on our agenda. We're in recess right now at 10:28, we'll see you at 10:40.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:28 A.M., AND WAS RECONVENED AT 10:40 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER PALTIN, EXCUSED.)

DISCUSSION AND ACTION RELATING TO COMMITTEE REPORT NO. 19-31

CHAIR KING: Okay, we're reconvening the March 22 County Council meeting, 2019.

And we are, we have actually two more items before us. The first one we're going back to is Committee Report 19-31. And we have a motion on the floor for the recommendation, the proposed resolution.

We have, we tried to contact the Department of Housing and Human Concerns. Everybody is out of office right now. So, they sent up our Corp. Counsel Jeff Ueoka who is their support. And, Mr. Ueoka, if you can try to clarify for us the two items that this resolution is addressing and whether they're interconnected or not.

Mr. Ueoka.

DEPUTY CORPORATION COUNSEL JEFFREY UEOKA: Thank you, Chair. Apologize for the confusion in the reso; that's on me. The first portion was regarding the rental units. The reason why they were included in this resolution was just to notify the Council that of the, I believe it's 120-units, or of the units in this project, two of them would be dedicated as manager's units, so they will not be subject to the income qualifications. And I would imagine a manager doesn't pay rent, but it won't, it wouldn't be subject to those types of restrictions.

However, the entire project, that whole development, the developer was asking for a waiver from the requirement of the County's first right to purchase the development if the owner decides to sell during the deed restricted period.

And, the second was a waiver from the requirement that after the 30-year deed restricted period expires, they offer to sell to the County. And this is because they're actually doing a 65-year deed restricted period on this project, so not 30-years. So, it's a 65-year restricted period. I don't believe they said in Committee, or I'm fairly certain that during the 65-years, we won't have the right of first refusal because another entity has that. So, we might have the right of second refusal. However, they, it is a restriction for the affordability requirements that run with the land. So, whoever buys it will need to comply with our restrictions in 2.96, and there's a running deed restriction that will be recorded.

CHAIR KING: Okay.

DEPUTY CORPORATION COUNSEL: In regard, oh.

CHAIR KING: Go ahead. No, go ahead finish.

DEPUTY CORPORATION COUNSEL: And, my understanding is at the end of the 65-years, I believe Mr. Bigley did represent in Committee that they would be willing to offer the County to purchase the property at market-rate, however, at that point it's a 65-year old building, so we'll see. And most likely none of us will be here 65-years from now so, we shall see. Thank you, Chair.

CHAIR KING: Okay, thank you, Mr. Ueoka.

Councilmember Hokama.

COUNCILMEMBER HOKAMA: I beg your pardon, Counselor. No, but thank you very much cause you helped shake up our, our memories and I appreciate it, you are very accurate in your recollection. And again, you made a good point. After 65-years, the

County really needs to consider whether we would consider a re-purchase because more than likely we would have to then rehabilitate or rebuild. So, that's another point in time. But, I would agree that within the 65-years, since that's the length of the restriction, correct?

CHAIR KING: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. Yes, Councilmember Hokama, that is the term of the restricted period.

COUNCILMEMBER HOKAMA: Okay. Thank you for that clarification. So, Chair, yea, I am, at this point, I'd be happy to speak in support of the motion that my colleague made. And I would just ask that maybe we can have the Committee staff make a, in their committee report offered to us have a little bit more detailed and more clear explanation so that the report can assist us in a much better way in future meetings. Thank you.

CHAIR KING: Okay. Thank you, Mr. Hokama.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I wanted to thank Mr. Ueoka for that clarification. And I speak in support of the, of the motion. Mahalo, Chair.

CHAIR KING: You're probably the only one that might be around in 65-years.

Okay, if no other comments, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Motion passes eight to zero, Member Paltin "excused".

Okay, and we have one more reconsideration. Councilmember Lee.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 19-132

COUNCILMEMBER LEE: Thank you, Madam Chair. If there are no objections, I would like to ask the Members to reconsider County Communication 19-132, which I originally requested to be sent to Committee, but now I ask for filing. Any objections?

CHAIR KING: Any, well, do you have a, you want to move to, any objections--

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: --to the reconsideration.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNCILMEMBER LEE:

I MOVE TO SEND COUNTY COMMUNICATIONS 19-132 TO
BE, NOT SEND BUT TO, TO HAVE IT FILED, INSTEAD OF
COMING TO THE COMMITTEE.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Hokama.

Ms. Lee.

COUNCILMEMBER LEE: This is an item we'd normally just file. But, I do, I, there, item 19-133 is something I, I'd like to take a look at in depth. So, of the two, I think one of them should come to the Committee. Thank you.

CHAIR KING: Okay, thank you. Appreciate your diligence on that. Any comments? Otherwise, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR KING: Okay, so the motion to file 19-132 passes eight to zero; Member Paltin "excused".

And, Mr. Clerk, I believe that's--

COUNTY CLERK: Madam Chair, just relative to Committee Report 19-31, for the record, RESOLUTION 19-66.

And there's no further business before the Council.

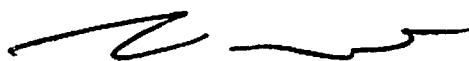
CHAIR KING: Okay, if there's no objections, we will adjourn at 10:46.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, meeting is adjourned.

ADJOURNMENT

The regular meeting of March 22, 2019 was adjourned by the Chair at 10:46 a.m.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

March 20, 2019

RECEIVED

2019 MAR 20 PM 2: 22

Maui County Council

OFFICE OF THE
COUNTY CLERK

From : Bridget A. Mowat
PO Box 315
Kaunakakai, Hi. 96748
molokaimowat@gmail.com

Testifying in support of CC 19-138 Nominating and approving the appointment of Lori Buchanan to the Molokai Planning Commission.

Welina me ke aloha Chairman Kelly King, Vice Chair Keani Rawlins-Fernandez and County Council members.

I am submitting my written testimony in support of Lori Buchanan's appointment to the Molokai Planning Commission. Thank you for allowing me to testify and I hope by sharing my mana'o , you may also conclude that Lori is an excellent person for this position.

I have known Lori for over 40 years now, so I know, first hand, her passion for Molokai island and people. She dives into studies, does the research, presents her findings and shares information so the community is informed and able to make collective decisions. She seeks solutions and ways to present issues that involves community input. Her support or non- support on issues are based on educated conclusions and not by the influence of others. She is up-to-date on concerns we face today and tomorrow because she looks for facts and solutions.

She's articulate and she has a quality to speak to all individuals at any level. This is a good quality when receiving and commenting to testimony from various ethnic groups. Lori will be seen in all Moloka'i's community meetings, sitting with mounds of research, notes, clippings, and facts to educate the community. Her bag of information has become part of her persona.

She is a good role model and I know I can learn from her. She does not hold grudges, she can agree to disagree, and does not allow decisions to come between friendship or business. She understands her role as a Molokai Planning Commissioner and has not presented herself lofty to any means. She is experienced as she has service in 2 five years terms in the past and has currently serviced a one year term at the resignation of another commissioner. Lori has much to contribute to the Molokai Planning Commission.

Lori has a reputation of dedication, public service and carries herself in the highest professional manner. She will continue to be an asset to the Molokai Planning Commission especially at the time of new appointees who will be just learning Maui Codes, Zones, and other things out of the norm.

I am asking for your support in the appointment of Lori Buchanan. She is the type of person you need on the Molokai Planning Commission

Me ka mahalo nui,

Bridget Mowat



MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

J. WALTER CAMERON CENTER • 95 MAHALANI ST., ROOM 20 • WAILUKU, HI 96793 • PHONE (808) 270-7755 • FAX (808) 270-7935

October 4, 2018

Chair:
Kevin Souza

Vice-Chair:
Petrina Castillo

Members:

Faraz Azizsoltani

David Courson

Cranston Kapoi

Ricky Sanches

Sheila Villanueva

Kimberly West

Vacant

Mayor Allen Arakawa
200 South High Street
Kalana O Maui Building, 9th Floor
Wailuku, HI 96793

RE: Reinstatement of monthly paratransit bus passes and closed captioning of county meetings on AKAKU.

Aloha Mayor Arakawa:

The Commission on Persons with Disabilities is respectfully requesting your consideration to reinstate the monthly paratransit bus pass. From the feedback that we received at our recent Commission on Persons with Disabilities meetings, the current program presents a potential financial hardship for paratransit riders that rely on fixed incomes. The previous monthly pass was \$45.00, but the current fare policy could potentially cost a paratransit rider \$120.00 per month. Your time and consideration on this matter is much needed, and any assistance to lower the current fee would be greatly appreciated.

Additionally, we are also requesting closed captioning on AKAKU for county meetings. This is not only a necessity for people who are Deaf, but it is also useful for people who cannot hear well such as the older population.

We greatly appreciate you, and thank you for your time and consideration regarding these concerns.

Mahalo,

Faraz Azizsoltani
Commissioner

Kevin Souza
Chair

Submitted by Cranston Kapoi

From: MT Committee
Sent: Tuesday, March 19, 2019 3:14 PM
To: County Clerk
Subject: FW: General Bus Pass for Paratransit

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2019 MAR 19 PM 3:15
OFFICE OF THE
COUNTY CLERK

-----Original Message-----

From: Seraph D'Alerta <seraphdalerta@gmail.com>
Sent: Tuesday, March 19, 2019 3:02 PM
To: MT Committee <MT.Committee@mauicounty.us>
Cc: EDB Committee <EDB.Committee@mauicounty.us>
Subject: General Bus Pass for Paratransit

Aloha

This is a testimony submission for the hearing on the general bus pass at the county council meeting on Friday this week.

I have been a client of MEO since 2012. I've been enrolled in the Paratransit service for at least 2 years now. I am on a fixed income, I have a social worker through a medical assistance program that procures a monthly general bus pass for me. It used to be sufficient to use for the MEO Paratransit service, since the policy has changed I have to spend \$4 per ride or day that I need to go to medical appointments, running errands & outings. It is not financially realistic for me to have many rides as it cuts into my tight monthly fixed budget.

PLEASE allow the general bus pass to be used on MEO Paratransit again. Please have low income provision attached to general bus pass for riding on MEO Paratransit.

Me ke aloha pumahana! Mālama pono.

Seraph D'Alerta

County Clerk

From: Jeff Mikulina <jeff@blueplanetfoundation.org>
Sent: Wednesday, March 20, 2019 5:13 PM
To: County Clerk
Cc: Michelle Del Rosario
Subject: Blue Planet Foundation's testimony in support of Bill 17 (3/22 Council agenda)
Attachments: Blue Planet testimony on Bill 17, Maui Energy Conservation Code, Mar 22 2019.pdf

Aloha,

Blue Planet Foundation respectfully submits the attached testimony in support of Bill 17 (2019) for its final reading this Friday (3/22) before the Maui County Council. Please let me know if you have any questions or have difficulty reading the attached.

Mahalo,
Jeff

--

Jeffrey Mikulina
Blue Planet Foundation
tel: 808.954.6142
blueplanetfoundation.org



blueplanet
FOUNDATION
► 10 YEARS OF CLEARING THE PATH FOR CLEAN ENERGY

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2019 MAR 21 AM 7:45

OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

March 22, 2019, 9:00 A.M.

Council Chamber

(Testimony is 5 pages long)

TESTIMONY IN SUPPORT OF BILL 17 (2019), WITH SUGGESTED AMENDMENTS

A Bill to establish a new Chapter 16.16B, Maui County Code,
pertaining to the Energy Code

Chair King and County Council Members:

The Blue Planet Foundation strongly supports Bill 17 (2019), a measure to modernize Maui's building energy code. The proposed bill adopts a revised version of the Hawai'i Energy Code for Maui County. These revisions would update Maui's existing building energy code—which is over ten years out of date—to increase occupant health and comfort while reducing energy use. The proposed code revision reflects broad changes in technology, building materials, and best practices, while considering Maui's unique island and building environment. ***We respectfully offer proposed amendments on page 5 of our testimony to strengthen this proposal and ensure that Maui residents receive the same energy benefits as the rest of the state.***

Blue Planet Foundation is a Hawai'i-based nonprofit organization. We work to clear the path for local, clean, renewable power. Through our advocacy for clean energy adoption, we seek to make our communities stronger, our energy more secure, our environment healthier, and our economy more robust. We appreciate Maui's leadership on clean energy issues.

As detailed below, the building energy code update proposed in Bill 17 is:

- enormously cost-effective for residents and business owners on Maui;
- consistent with the state's very strong policy directives in favor of energy conservation; and
- flexible to make compliance easier for builders.

The Code Updates Support the State's Energy Mandates in a Cost-Effective Manner

Energy efficiency is the most cost-effective energy resource available in the state, costing a fraction of fossil fuel-powered electricity.¹ The anticipated energy savings arising from the 2015

¹ Energy savings delivered by the state's Hawaii Energy program in 2014 cost 2.4 cents per kWh. See *Hawaii Energy 2014 Annual Report*, available at https://hawaiienergy.com/images/resources/ProgramYear2014_AnnualReport.pdf.

info@blueplanetfoundation.org

55 Merchant Street 17th Floor • Honolulu, Hawai'i 96813 • 808-954-6142 • blueplanetfoundation.org

IECC (International Energy Conservation Code) were tabulated in a May 2016 Report prepared for the Department of Business, Economic Development & Tourism ("DBEDT").² When translated into dollars, the billions in savings plainly illustrate the enormous benefit of the proposed amendments.

Statewide Annual Savings	2016	2026	2030	2036
MWh per year	12,962	1,083,590	1,991,059	4,702,738
\$ per year	\$4,000,000	\$337,000,000	\$619,000,000	\$1,463,000,000

(Note: energy cost savings calculated here utilize the average retail cost of electricity over the past five years;³ this provides a conservative estimate of cost savings, because it does not factor a potential rise in energy prices.)

Extrapolating the savings for Maui based on the percentage of energy used on the island versus statewide energy use, **the estimated 20-year savings for Maui is over \$166 million under the proposed building energy code revisions.**

The substantial savings resulting from reduced energy use dwarf the associated costs. In its February 2016 report, the Pacific Northwest National Laboratory stated: "The 2015 IECC provides cost-effective savings for residential buildings in Hawai'i. Moving to the 2015 IECC from the 2006 IECC base code is cost-effective for residential buildings in all climate zones in Hawai'i."⁴ Moreover, we understand that this cost-effectiveness may be *even higher* for many residential buildings in Hawai'i, where immediate cost savings can be obtained via lower construction costs *and* lower energy costs by utilizing the particularly important portions of the code applicable to the tropical zone. In such instances, the "payback" period would be immediate.

Energy Conservation is a Bedrock Policy of the State

The energy world has accelerated rapidly in the last decade. In 2015, Hawai'i adopted the nation's first 100% renewable energy mandate. Meanwhile, as Hawai'i and other places around the globe have made smarter energy a priority, technologies for energy efficiency and other demand-side management strategies have progressed rapidly alongside.

Even with today's near-record low oil prices, electricity from oil-fired power plants costs around five times more. See *DBEDT Monthly Energy Trends*, available at <http://dbedt.hawaii.gov/economic/energy-trends-2/>.

² See The Cadmus Group, Inc., *Energy Savings Forecast for the 2015 Int'l Energy Cons. Code with Haw. Amendments* (prep'd for DBEDT, May 2016), available at <https://energy.hawaii.gov/wp-content/uploads/2016/07/Energy-Savings-Forecast.pdf>.

³ See DBEDT Monthly Energy Trends.

⁴ Pac. Northwest Nat'l Lab., *Cost-Effectiveness Analysis of the Residential Provisions of the 2015 IECC for Hawaii* (prep'd for the U.S. Dept. of Energy by, Feb. 2016), available at https://www.energycodes.gov/sites/default/files/documents/HawaiiResidentialCostEffectiveness_2015.pdf

These policy and technical advancements have left a gap between the existing code (based on the IECC of 2009) and today's energy realities. The proposed 2015 update in Bill 17, will take important steps to narrow the gap.

In a state with no indigenous fossil fuels, it makes sense that energy conservation is a core principle. Indeed, the importance of energy stewardship and efficiency is directly embedded within Hawai'i's constitution:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, **including . . . energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.**⁵

Similarly, state lawmakers have stated that planning for the state's infrastructure shall be directed toward the achievement of objectives that include: "Sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045";⁶ and "Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawaii's dependence on imported fuels for electrical generation and ground transportation."⁷

To achieve these objectives, it is the official policy of the state to promote energy conservation through measures such as: "Adoption of energy-efficient practices and technologies" and "Increasing energy efficiency and decreasing energy use in public infrastructure."⁸

These constitutional and legislative policy directives in favor of energy conservation strongly support Bill 17 to modernize the Maui building energy code.

The Code Updates Provide Compliance Flexibility to Builders

Many of the building energy code amendments in the proposed energy code update address Hawai'i's tropical environment. Further, they provide flexibility and options to builders to comply with the code, reducing construction costs and making compliance easier. Specifically:

- Walls of residential and commercial buildings are exempt from expensive exterior insulation requirements when they are shaded or have light-colored exterior coatings.

⁵ Haw. Const. art. X, § 1 (emphasis added).

⁶ See H.R.S. § 225P-3(a).

⁷ *Id.* at § 226-18(a).

⁸ *Id.* at § 226-18(c)(4) (emphasis added).

- Mass walls six inches and thicker in commercial buildings will not be required to have insulation. The national code which requires R-5.7 continuous insulation, which would add substantially to the cost of construction.
- Lighting systems in commercial buildings may be designed to 70% of 2015 IECC lighting power density in lieu of installing complex daylighting and dimming systems which add to design, material and labor costs. The 70% option reaps greater energy savings than would the two control systems.
- Roof replacements in commercial buildings may be done with solar reflectance, attic ventilation or radiant barriers, substantially reducing construction costs compared to national code requirements.
- Homes will not be required to insulate floors to R-13, substantially reducing construction costs.
- Re-roofed homes will be allowed to comply with the options of Energy Star roof coverings, radiant barriers, or attic ventilation in lieu of more expensive insulation requirements.
- The Tropical Code option section is designed for homes with no air conditioning or minimal air conditioning. The design eliminates the requirement for tight home construction and minimizes wall and roof insulation requirements. The point system rewards design promoting cross ventilation and large overhangs over walls and windows and other passive design features, lowering construction costs. An optimized Tropical Code home, compared to an air-conditioned home, reduces energy by as much as 48%.

The Code Makes Sensible Additions to Maui's Building Energy Code

In addition to the myriad energy saving additions incorporated in the updated IECC 2015 building energy code (as proposed for Maui), Blue Planet Foundation appreciates the inclusion of the following energy upgrades in this proposed ordinance:

- Sub-metering is required in commercial tenant spaces, providing more visibility into energy use for tenants and enabling them to take better control of their energy finances.
- Lanai doors in hotel and similar buildings shall include a switch that turns off the air conditioning if the door is not closed. This reduces energy costs and prevents warm moist air from coming into contact with cold surfaces, potentially causing condensation, mold, and health issues.

SUGGESTED AMENDMENTS

Blue Planet Foundation respectfully requests that Councilmembers consider amendments to strengthen Bill 17 to ensure that Maui residents receive the same energy benefits as the rest of the state.

The changes proposed to Maui's building energy code largely mirror the Hawai'i Energy Code adopted by the state in 2017 (and currently being considered by other counties for adoption). But, unfortunately, the proposed Maui code makes some changes to weaken the requirements set in the Hawai'i Energy Code. In four areas, existing requirements in the code ("shall") are *changed* to more permissive language ("may"):

1. Page 10: Commercial air leakage testing.
"C402.5 Air leakage—thermal envelope (Mandatory). The thermal envelope of buildings shall comply with Sections C402.5.1 through C402.5.8, or the building thermal envelope thermal envelope shall [may] be tested in accordance with ASTM E 779 at a pressure differential of 0.3 inch water gauge (75 Pa) and deemed to comply with the provisions of this section when the tested air leakage rate of the building thermal envelope is not greater than 0.40 cfm/ft² (0.2 L/s • m²)."
2. Page 14: Exceptional calculation methods.
"C407.6.3 Exceptional calculation methods. Where the simulation program does not model a design, material or device of the proposed design, an exceptional calculation method shall [may] be used where approved by the code official."
3. Page 25: Residential air leakage testing.
"R402.4.1.2 Testing. The building or dwelling unit shall [may] be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8."
4. Page 27: Electric vehicle charger rough-in.
"R404.3 Electrical vehicle charger power. An electrical rough-in for a future electrical vehicle shall [may] be installed in a garage / carport area."

To ensure that Maui residents and businesses receive the same energy and cost savings benefits as the rest of the state, Blue Planet Foundation requests that these four requirements be reinstated in the proposed Maui building energy code.

The proposed Maui building energy code amendments in Bill 17 are, sensible, cost-effective, and flexible. Blue Planet Foundation strongly supports their adoption with our proposed amendments. We are happy to answer any questions about this proposed bill or our testimony.

Mahalo for this opportunity to provide testimony.

Delfin Yoshida

From: Kehus, Roxann <Roxann.Kehus@doh.hawaii.gov>
Sent: Thursday, March 21, 2019 8:20 AM
To: County Clerk
Subject: Testimony in support to reinstate paratransit monthly pass for income eligible riders

Aloha Maui Council Members,

It was a pleasure meeting with many of you over the last couple of weeks as a member of the Maui Disability Alliance (MDA). Thank you for taking time to meet with us.

I respectfully ask that the paratransit monthly pass for income eligible riders be reinstated. The ADA paratransit service provides curb to curb service for persons with disabilities who are unable to use the regular fixed route Maui Bus.

Many of the people I work with have developmental disabilities and receive Medicaid services. Having a monthly bus pass for paratransit services allows them to attend their day programs, medical appointments, shopping, social outings with friends and family as well meetings in the community. A monthly pass allows them to participate in our community.

Thank you for your attention to this important matter.

Aloha,

Roxann

Roxann Kehus, Maui Program Specialist

Hawaii State Council on Developmental Disabilities

54 High Street, Room #301

Wailuku, HI 96793

Email: Roxann.kehus@doh.hawaii.gov

Phone: (808) 984-8218 Fax: (808) 984-8222

The Mission of the Hawaii DD Council is to support people with intellectual and developmental disabilities to control their destiny and determine the quality of life they desire.

Webpages: DD Council <http://hiddcouncil.org/> & Self-Advocacy Advisory Council <http://hisaac.org/>

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2019 MAR 21 AM 8:29
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COUNTY CLERK

County Clerk

From: Anuheia Patoc <anuheap@oha.org>
Sent: Thursday, March 21, 2019 9:17 AM
To: County Clerk
Cc: Wayne Tanaka; Jocelyn Doane
Subject: OHA Testimony - CC19-138 Lori Buchanan
Attachments: CC19-138 Lori Buchanan Molokai Planning Commission Maui County Council
032219 FINAL.docx

Aloha,

Please find the attached OHA Administrative Testimony for the Molokai Planning Commission Maui County Council.

Mahalo nui,

Anuheia Patoc

Pou Alo Kulekele Aupuni
Public Policy Administrative Assistant
Office of Hawaiian Affairs 560 N. Nimitz Highway Suite 200
Honolulu, HI 96817 Phone 594-1756



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2019 MAR 21 AM 9:25

OFFICE OF THE
COUNTY CLERK

County Communication 19-138
Transmitting a Resolution Nominating and Approving the Appointment of Lori Buchanan to the
Molokai Planning Commission
Maui County Council

March 22, 2019

9:00 a.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** the proposed resolution contained in County Communication 19-138, which would confirm Lori Buchanan to a first term on the Moloka'i Planning Commission.

A Native Hawaiian resident of Moloka'i, Mrs. Buchanan has demonstrated a lifetime of personal and professional commitment to protecting and perpetuating the unique lifestyles, cultural practices, and natural environment of the island she calls home. She has an extensive record of service on various advisory councils and commissions with kuleana to Moloka'i, concerning diverse subjects such as natural resource management, land use and planning, and invasive species control, among others. This includes service as a member of the state Game Management Advisory Council with specific expertise in Native Hawaiian cultural practices; as the po'o of the moku of Pālā'au, Moloka'i on the Moloka'i 'Aha Kiole, which actively promotes traditional and ahupua'a-based resource management; as a coordinator of the Moloka'i/Maui Invasive Species Committee; and three previous terms as a member and Chair of the Moloka'i Planning Commission. Mrs. Buchanan is also an accomplished hunter-practitioner intimately familiar with the needs and concerns of subsistence hunters and other traditional and customary practitioners, for whom land use planning can profoundly impact the abundance and accessibility of the resources they rely upon.

OHA is confident that her expertise, personal connections, and extensive institutional knowledge regarding the unique environmental, cultural, and community-based qualities, needs, and challenges of Moloka'i will make Mrs. Buchanan an invaluable and highly appropriate addition to the Moloka'i Planning Commission, in its important role guiding land use policy and decisionmaking for her home island.

Accordingly, OHA urges the Council to **PASS** the resolution contained in County Communication 19-138. Mahalo for the opportunity to comment on this matter.