

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 9, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, MARCH 9, 2018, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: The, this meeting of the Council of the County of Maui shall please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama was not present when the roll was called; however, he arrived at 9:05 a.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have eight Members present, one excused. A quorum is--

CHAIR WHITE: Thank you. Mr. Hokama will be joining us shortly.

Thank you, Mr. Clerk.

And for the opening remarks this morning, we have them from Member Sugimura.

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

(Councilmember Hokama arrived at the meeting at 9:05 a.m.)

CHAIR WHITE: Thank you very much, Member Sugimura.

We welcome Mr. Hokama. Good morning. And, would you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And, if I could just remind everyone to please turn their phones to silent mode, that would be very helpful to us.

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

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-16

CONGRATULATING THE BALDWIN HIGH
SCHOOL GIRLS WRESTLING TEAM FOR
WINNING THE TEXACO STATE WRESTLING
CHAMPIONSHIPS

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I WOULD LIKE TO MAKE A MOTION FOR THE RESOLUTION TO CONGRATULATE THE BALDWIN HIGH SCHOOL GIRLS WRESTLING TEAM FOR WINNING THE TEXACO STATE WRESTLING CHAMPIONSHIP. AND, IF THE CLERK COULD READ THE RESOLUTION, PLEASE.

CHAIR WHITE: We need a second first.

COUNCILMEMBER CRIVELLO:

SECOND.

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

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

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'm so proud to sit here as a Baldwin High School graduate, and to be able to honor the Girls Wrestling Team. And, and what a feat of accomplishments when you think about that they were going up against the State and some of the other schools that we hear about and have read about over the years. So, with the greatest honor and privilege, I would like to ask my fellow Councilmembers to please support this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Chair, I fully support and congratulate the team. I wish we had been doing this yesterday, because it was International Women's Day. So, belated International Women's Day. And, even more proud that the girls are stepping up and showing that, why we are fighting for equality all around, especially in high school

sports. So, thank you for doing what you did, and thank you to the coaches. Congratulations.

CHAIR WHITE: Thank you.

Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, if I may. I do want to congratulate these young women for their accomplishment. But, I also want to congratulate the coaches for, for the coach individually, Mr. Panuve. I know the dedication he has put into this sport; the many, many years for, for him to provide a team to get to this pinnacle.

But, also a reflection for these students to understand the importance of the four "A's". The four "A's" of your success came because of your attendance. You need to have attendance at school, participating well. You need to have academics. You need to meet the minimum requirements of academics to be able to compete. And then you also have the ability; the ability to have the endurance, to have the skills, to have the strength to be the best that you can be. And the last is attitude; having a proper focused attitude that you are a champion. And, when you put all of these together, you are now standing at the top. Congratulations, representing Maui well. Congratulations, Baldwin.

CHAIR WHITE: Thank you, Mr. Atay.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'd like to also join my colleagues in congratulating the Baldwin Girls Wrestling Team. It's a great feat to actually go through the process, knowing your limitations and breaking through to those boundaries and, and pushing yourself to the limits, and truly accomplishing something great.

I, I don't, I'm not sure if any of you know the late Patsy Mink. But, I had an opportunity to meet her in my younger years. And, she was the person that actually introduced Title XI. And, Title XI actually gave equal teams, equal gender rights for women in sports. So, for every team that there was a men's team, a school, or collegiate team had to create a women's team. So, and she was from Maui. And so, you, you follow a great woman in these, in this County, and I wish you all the best of luck. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members?

I'll just add, I think Mr. Atay said a lot. And, you all deserve a lot of credit. I'm sure that you athletes understand the importance that your parents and your coaches play in your success. And, you know, we all take our hats off to them for putting the time and energy into, into your development and your successes. So, a big mahalo to the coaches and the parents. And, certainly a big congratulations to those of you who participated and pulled the team into the first, first place position, so congratulations.

And, I'm sure if there was a women's wrestling team back when Ms. Sugimura was in, was a Bear, she probably would have been a wrestling Bear.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I concur with all the comments thus far, and congratulate the team, coaches, family, everyone whose, you know, lives intersect these young women. And, I just look back when I was in high school, and I was asked to be on the wrestling team, and I thought no, that's not very girly. And, as I've gotten older, you know, and I trained Tae Kwon Do, most fights or spar, you know, end up on the ground. And, it is really good to know how to do some ground fighting. So, at that time, I'm like, should have took it up.

But, yea, so it's, it's, I congratulate everyone. And, it's a tough sport, but I think it's building that great tough solid foundation for when they become, you know, successful adults in the real world. They have this under their belt so to speak, to stand on and bring out. So, congratulations to everyone, and definitely here to support. Mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. With your permission, I'd like to ask the coach and the wrestling team to come forward to be recognized with the resolution and some leis.

CHAIR WHITE: Certainly. Please join us on the floor.

COUNCILMEMBER SUGIMURA: So, if you don't mind, so if you don't mind, I'll have the coach say a few words, and, and have the wrestlers all line up in the back so you can be seen on Akaku Television.

CHAIR WHITE: Thank you, Ms. Sugimura.

Coach.

COACH MALAKAI PANUVE: Good morning. Before I'd like to say a quote, I'd like to thank, a big mahalo to County Council Chairman Mike White, County Council Yuki Lei Sugimura, and all the County Councilmembers in this room for the prestige recognition and the acknowledgement. As a coach and the Baldwin Girls Wrestling Team, we are very honored for being here in this presence in this atmosphere. As you all know, this is our first time within this environment, and we are very honored. So, again, thank you very much for this recognition.

I just thank God that none of these girls have funny looking ears like the coaches. So, that's something to be thankful for.

Aloha, Council Chair White and Councilmembers. Thank you very much for this prestigious recognition. Baldwin High School's Girls Wrestling Program began in 1996 with a single girl wrestler. We currently have a total of 14 girls. Some of our wrestlers started wrestling as young children in the youth club wrestling program. Others started in the intermediate school program. And a couple of them even started wrestling in high school.

Wrestling is one of the toughest sports to participate in in any age. You are on the mat with only one opponent and the referee, and it's only stressful physically, but is a very close-up personal emotional sport.

The wrestling season has been a whirlwind rollercoaster. Our team started practicing in September for a season that starts in December. At the beginning of our preseason tournaments, we struggled. The tide changed. The girls won our first team title at the Officials Tournament on Oahu.

Then at the Paani Tournament in Punahou, each of our girls medaled in their respective weight classes. After a ten-year drought, we won the 2018 MIL Maui Interscholastic League Girls Title.

By winning the MIL title, we qualified 11 girls to the Hawaii State High School State Tournament. Each qualifier contributed to our State Championship Title. Winning States has been surreal.

Going into the final day of our State Tournament, we knew the team scores were extremely close with Kapalama. At some part of the day, we fell into second place, but we didn't give up. Our girls fought every single second, every minute of their match. Weight classes were given out. We began receiving texts and social media posts that our girls won the State Title. But, it was not yet announced at the Blaisdell, so we were still clueless. We were afraid to believe the news, because like Ms. University *[sic]* beauty pageant and the Oscars, the presenters were announced the wrong winners, so we didn't want to jump to conclusion.

We began receiving congratulate, congratulatory handshakes and hugs from our other coaches. Finally, the big announcements was made, and we were victorious. We are now known as State Champions. Later that evening, we found out how everyone knew the results before we did. It was Baldwin alumni, OC16 commentator Jordan Helle, who announced our win to the world during the live broadcast. It was a reliable source, and along with that, Rob Collias from the Maui News.

These girls are dedicated and hardworking. Some of them practice all year round. Before each tournament, they were given game plans, they executed well. They're also humble, definitely fun-loving. After each match, win or lose, our girls always hugged their opponents; they're genuinely good-hearted. We are so very proud of them.

On behalf of Baldwin High School Girls Wrestling Team, coaches, parents, we'd like to thank the Councilmember Yuki Lei Sugimura for recognizing and acknowledging the hard work of our girls wrestling team. Many thanks to Principal Catherine Kilborn,

former Athletic Director Kahai Shishido, and our new Athletic Director Wade Hondo, along with our athletic trainers Scott and Kendra, and the teachers and staff of Baldwin High School for their unending encouragement and support.

We'd like to extend our special thank you to all the parents who are great supporters, Earl Vida, the Miguel Family; as well as everyone who is here, Mina Suzuki at Oahu, for our help at Oahu, and for every one of you guys for your great support. Again, thank you very much. Aloha.

CHAIR WHITE: Thank you very much, Ms. Sugimura, for bringing that forward.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-16.

RESOLUTION
NO. 18-17

RECOGNIZING MARCH 2018 AS RED CROSS
MONTH IN THE COUNTY OF MAUI

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT THE RESOLUTION ENTITLED "RECOGNIZING
MARCH 2018 AS RED CROSS MONTH IN THE COUNTY OF
MAUI", BE ADOPTED.

COUNCILMEMBER SUGIMURA:

I SECOND THE MOTION.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Mr. Chair, may I ask the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly. Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Clerk. And, thank you, Chair. I am honored and grateful for this opportunity to recognize the American Red Cross with Red Cross Month to say thank you to the many volunteers for all you do for Maui County, the State, the nation, and the world.

Last year, we celebrated the 100th Anniversary of the Red Cross of Hawaii, and its service to the people of Hawaii. A tremendous legacy that began with Princess Kaiulani and 300 women that cared for the sick and wounded soldiers, continuing with Queen Liliuokalani and her support for their humanitarian efforts. A great partner, a great friend. Mahalo to all volunteers and unsung heroes for your continued commitment and hard work. We truly appreciate your dedication.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any discussion on this item?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I'd like to thank my fellow Member Crivello for bringing this forward, because as we all know, when disaster hits, Red Cross is there. And, I think that with all the devastation that we've seen in our world at all different places, it is, it is really amazing that you have the Red Cross always there to help those in need. And, I'll tell you, when you're in a point of disaster, when your flood is, your home is flooding or you, you're worried about your family, a point of disaster that that Red Cross hand of help and love is certainly appreciated. So, I want to support this resolution, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion?

Ms. King.

COUNCILMEMBER KING: Chair, yea, I want to congratulate all the folks who have contributed to the Red Cross and who are working in the Red Cross, not just this month but all the time. And, I want to thank my colleague, Member Crivello.

Cause I think a lot of times too, when we think of the Red Cross, we think of this national organization with a symbol. And, it's really important for us to see the faces of the people who are working on the ground here in our community with the Red Cross. It's important to bring the names and the faces forward.

And, I think especially for people who donate to the non-profits, hopefully that will make it a little more real to the non, the folks in the non-profit philanthropy world, because we, we do have a lot of things that happen here that our Red Cross is involved in. And, I think because they work so tirelessly and silently, we often don't think of them as faces in our community.

So, thank you to the ladies. Again, happy belated International Women's Day. And, thank you again to Ms. Crivello.

CHAIR WHITE: Any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. And, again, yea, to the ladies again. Thank you so much. And, this is such an awesome organization, you know, here, boots on the ground type concept. And as you can see, faces from all over this County are here representing their respective areas, and can totally trust that they have it going on and mobilized, and are on thing, up on things. And, that takes a lot. That's a ongoing planning. It's not just oh, alert, okay, let's get together. They're non-stop, you know pre-planning for anything, for any potential catastrophe or what have you. And, you know, God forbid we have to utilize it, but at least we are well-prepared.

So, I completely trust, my lives in their hands and I know they'd give up their lives for all of us. So, I completely, you know, support this, congratulate them on all their efforts, because they all have full-time lives too, besides this volunteer work. So again, thank their tirelessness and giving of themselves and lives to us. So, mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Seeing none, I would just like to congratulate the organization for just appearing out of nowhere when there's other members of the community in trouble. And, I think this

resolution is one of the few times that the Red Cross ever toots its own horn. And, I think that's a, you know, a great organization that just goes out and does the work, and doesn't ask for all kinds of recognition. They just go out and get the job done. So, I want to thank you on behalf of all the folks in Maui County that you help over the years, and congratulate you for your strength of character and the work that you do. So, mahalo.

With that, if you're in favor of the motion, please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. May I ask Ms. Michele Liberty, American Red Cross, Maui County Director, to come to the podium to say a few words with her team?

CHAIR WHITE: Certainly. Please join us.

MS. MICHELE LIBERTY: Thank you very much for continuing to support the work of the American Red Cross here in Maui County. As you stated, our volunteers are here. They are ready to help anytime something comes up here.

And, they also drop their personal lives and jump on that plane and head to the mainland when disaster strikes there and help is needed elsewhere. We like it when they do that not because we want to see them go, but because National picks up the tab for it for one, and the other is that we reap the benefits of having these volunteers return here to the island and be available to help should something happen here, with the added knowledge and experience that they gain by going out.

The group of women that you see behind me this morning, this is just a small representation of the volunteers and the leadership that we have with Red Cross and Maui County. We've got down here on the end, this is Gloria Chee. Anytime we have

one of the big shelters that are opening where we're expecting mass activity, for example, the night of the big brush fire when we housed nearly 700 people between two shelters here in Maui County, Gloria comes forward to manage those shelters. Extremely dependable young woman and we really enjoy working with her. She knows her stuff, and she keeps things very well-organized.

The next one behind me, this is Merry Tamashiro. Merry Tamashiro, as some of you have seen in the newspaper recently, is Maui County's Volunteer of the Year this year. Merry's work, there's just not enough that I can say about what she does and her availability, from being our logistics lead for Red Cross supply here in Maui County to, when her long day is finished, going out and checking on everybody in the shelters if we have shelters running, just making sure security is in place, making sure that everyone's okay. Amazing what she does. You would think these guys are full-time employees, but again, they're not; they're volunteers.

We've also got Aloha Smith back here. Aloha Smith is our sheltering lead for Maui County. So, when shelters are open, regardless of the number, all of the shelter managers are reporting into Aloha Smith. And, she's helping to support them in turn providing what they need and, in moving information as needed.

And, we also have Elaine Olson. Many of you will recognize Elaine. She was our volunteer of the year last year. Elaine works as our county staffing lead. So, as we staff logistics, health services, disaster mental health, emergency operation center, shelters, and every other activity that Red Cross does, Elaine is behind the scenes there coordinating volunteers and getting people to be where they need to be.

So, again, I'm the only staff person for Maui County. There's absolutely no way that we could do the work that we do without the team of volunteers, actually being led by some of the people here standing behind me. So, thank you very much for taking time to recognize this.

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

Congratulations to both groups this morning.

Mr. Clerk, can we proceed with our agenda?

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-17.

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

Individuals who wish to offer testimony from the District Offices should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda. And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested.

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

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

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office, and our first testifier is David Prais, testifying on 18-92 and 18-38.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. DAVID K.K. PRAIS (testifying on County Communication No. 18-92, and Committee Report 18-38):

Good morning. Aloha kakahiaka kakou. David K.K. Prais starting off with 18-38. I support 18-38; five years. I'd also like to ask that, if we can work into legislation or law as far as individuals owning property here actually got to live here and not out of state residents.

And then quickly on the 18-92, Ka`ehu. I'm a lineal descendant of this area. The Maui, County of Maui continues to move forward without consent of us lineal descendants, LCA's, as well as allowing practitioners to go. And, we've been kind of silent, you know, we're a small place. We, the descendants of this area love and respect our practitioners and want them to come in. And, we've been kind of silent of waiting them to come to us. They know that that is our kuleana down there, that is our aina. So, I ask that the County be weary and do some diligent investigation as far as whose aina that is down there, and to go about the process right.

I look perhaps to put in an RFS to stop the County from proceeding. And, I ask the practitioners, if any are present today, to please stop and come see us, the ohana, the LCA's, the lineal descendants of this area.

MS. LONO: Wait. Wait. Hello, are you hearing us?

(Councilmember Crivello was excused from the meeting at 9:38 a.m.)

COUNTY CLERK: Yes.

CHAIR WHITE: Yes, we are. Loud and clear.

MS. LONO: Okay. Okay, go ahead.

MR. PRAIS: So, to bring it to a close, I'll be knocking on your guy's door soon, again, perhaps with an RFS, in regards to Ka`ehu in asking the County to stop and to investigate before you move forward anymore. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: May I ask what his name is again? I didn't hear him.

CHAIR WHITE: Ms. Lono, could you provide us his name once again.

MS. LONO: It's David K.K. Prais, P-R-A-I-S.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

MR. PRAIS: Also real quick, my lineal line tied into that area is Kalaikoa`a. K-A-L-A-I-K-O-A-A, Kalaikoa`a.

(Councilmember Crivello returned to the meeting at 9:39 a.m.)

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

Mr. Clerk.

COUNTY CLERK: Hana Office, are there any additional testifiers at this point?

MS. LONO: Yes, I have Ms. Rose Soon, testifying on 18-98.

Tell them your name. Tell them your name.

MS. ROSE SOON (testifying on County Communication No. 18-98):

My name is Rose Soon. Good morning, Chairman and Members of the Maui County Council. I want to say how much we in Kaupo appreciate all efforts and support given us in the lease of the Kaupo School acreage, and the transfer from Honolulu and the management of the school property to Maui County.

The property is a very beautiful one, surrounded by stone walls. And, we in Kaupo will enjoy the activities that this property will afford us. And, again, thank you everyone so much for, for all.

CHAIR WHITE: Thank you, Ms. Soon.

Members, any need for clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

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

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

COUNTY CLERK: Thank you.

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

(Councilmember Guzman was excused from the meeting at 9:42 a.m.)

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

COUNTY CLERK: Thank you.

Mr. Chair, we have 17 individuals who have signed up to provide testimony in the Council chamber. The first person to provide testimony in the chamber is Jonathan

Starr, Board Member, Kaupo Community Association, testifying on agenda item CC 18-98. To be followed by Helen Nielsen.

MR. JONATHAN STARR, KAUPO COMMUNITY ASSOCIATION, INC. (testifying on County Communication No. 18-98):

Good morning, Council Chair, and Vice-Chair, and kind Councilmembers. Thank you for allowing us to come before you today. I'm Jonathan Starr. I'm a Board Member of the Kaupo Community Association, Inc. And before you today, 18-98 is the Executive Order transfer of management of the Kaupo School property, and a lease drafted by Corporation Counsel and Department of Finance.

We were before you one year ago with this. This is after DLNR had helped us draft an application for a long-term lease, maybe three and a half years ago. And after several years, they said it's going to take many more years for us to get to it; we just don't have the staff. They suggested that the property best be transferred by EO to the County, and the County could issue the lease that DLNR had, in writing, told us they were going to do. And, we went along with that. That seemed the most expedient way.

We had applied for monies to fix up the historic buildings on the site to use as a community resource center and emergency preparedness and shelter for the area.

(Councilmember Guzman returned to the meeting at 9:44 a.m.)

MR. STARR: And, we got a \$975,000 State grant. We got \$70,000 from Historic Hawaii Foundation. We got some help from OED. So, we were able to design and apply for permits on the project. And, it's taken a year for it to come back through DLNR back to the County. And, we just request that it be handled with as much expediency as possible since we have a grant that was made available to us last September. It's got a one-year timeframe. And, we really want to see the grant money to be able to be used, and we're all ready to go to fix it up into a wonderful thing that'll benefit the people of the area, all the people of Maui, and visitors. Aloha and mahalo.

CHAIR WHITE: Thank you, Mr. Starr.

Members, any need for clarification?

COUNCILMEMBER KING: Just one question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Starr. Yea, I understand there's a date this September that you need to encumber all the funds. But, and you came before us a year ago, but how long have you been working on this project, cause I know it's been--

MR. STARR: It's been about five, five years. And, you know, a week has not gone by when several of us haven't spent several days on the project. It's a wonderful community process.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Jonathan.

CHAIR WHITE: Oh, Jonathan.

COUNCILMEMBER SUGIMURA: If you don't mind, for being here. So, I was having questions on your funding, cause I remember when you came before us last year, your urgency was because your funding was going to lapse. So, of your, the first one is 975 is a GIA State of Hawaii, Historic Hawaii grant for 75,000, when is that lapsing, and the OED grant?

MR. STARR: It's set at--

COUNCILMEMBER SUGIMURA: And for how much is it?

MR. STARR: Yea, 70,000 was from, it's actually Freeman Foundation through Historic Hawaii Foundation. They want to see us draw it down and start to spend, which we can do as soon as it's transferred over, the and the permits can be processed. There's not a specific date, but they're calling us and pushing.

COUNCILMEMBER SUGIMURA: And, then what about the OED grant?

MR. STARR: That money was spent. We used that to finish design and to apply for permits and to design a septic system and, and other things for the property. So, that's been finaled out.

COUNCILMEMBER SUGIMURA: And, how much was that for?

MR. STARR: That was 30,000. Then we have another 40,000 or so in private grants from private foundations and organizations that are, you know, we're using and that'll help in the project.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Okay, Members, any, any other need for clarification? Seeing none, thank you for your testimony, Mr. Starr.

Mr. Clerk.

COUNTY CLERK: Next testifier is Helen Nielsen, testifying on County Communication 18-98. To be followed by Marcus Merchasin.

MS. HELEN NIELSEN (testifying on County Communication No. 18-98):

Good morning, Chair.

CHAIR WHITE: Good morning.

MS. NIELSEN: Good morning, Councilmembers. Thank you for your time this morning. I'm here, Helen Nielsen, I'm here to testify as a volunteer for the Kaupo Community Association. Again, like Jonathan had mentioned, we'd been working on this for about five years.

The volunteer efforts in this community has been incredible. Last weekend, we had 16 people with our saws and trucks, and just clearing all the rock walls around the two-acre property. It's stunning. Rose Soon went to school in the Kaupo School, in 1930. And, she's a wealth of information and historical photos, journals. It's just been an amazing process.

Several of us have been writing grants for years. The CDBG grant is 100 pages. The GIA is an amazing tomb of paper. And yet, we sit around a table with our computers and all the paperwork and just go through all of it. And, we don't waste a penny.

I'm so proud to be a part of this organization. And, I really ask for your support to expediate the transfer and the subsequent lease to the very deserving community of Kaupo. Thank you.

CHAIR WHITE: Thank you, Ms. Nielsen.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Marcus Merchasin, testifying on Committee Report 18-40. To be followed by Kate Griffiths.

MR. MARCUS MERCHASIN (testifying on Committee Report 18-40):

Good morning and thank you, Mr. Chairman and Councilmembers. My name is Marcus Merchasin. I am a candidate or a nominee for the Civil Service Commission. I understand when my nomination came up, no one really knew who I was, and you weren't aware that I am a Hawaiian resident.

I moved here full-time three years ago, bought the house in 2002 or 3, a number of years ago. And, I've been coming here from the 70's, my family from the 50's. I am a Hawaiian resident. I have a Hawaiian telephone number, a Hawaiian driver's license number, I voted in the last two Hawaiian elections from my residence at 150 Kualapa Place, Lahaina.

I get complaints from my friends in California that they have to contact me here. I am here. My car is registered here. And, when there was a question, was I resident, I was somewhat bemused because I am a resident. I've been here long enough where I should have offended somebody, and have had people take notice.

I would like to be on the Civil Service Commission. My doctorate is from the University of California, Juris Doctor. I'm a member of eight United States Federal Court bars, one State Court bar. I have taught at the University of California, California State College system, various junior colleges, and these are on volunteer basis. I'm eminently qualified, and when I found out I was going to be having the privilege of being nominated, I started reading Hawaiian Labor Law so that I'd be confident to assist.

I would like this position, and I want you to understand that I am a Hawaiian resident. And, I even consult for the Vintage Homeowner's Association, at least for the president of it when we work out in the gym together every morning. So, I'm your man.

CHAIR WHITE: Thank you very much for your testimony.

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

MR. MERCHASIN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Kate Griffiths, testifying on County Communication 18-97, on behalf of the Committee on the Status of Women. To be followed by Linda Clark.

MS. KATE GRIFFITHS, THE COMMITTEE ON THE STATUS OF WOMEN (testifying on County Communication No. 18-97):

Aloha. Aloha, Chair White and the Members of the Council. I am here to testify on behalf of the Committee on the Status of Women.

This resolution is very timely. International Women's Day was yesterday. On March 8, we celebrate women's achievements throughout history and across nations. It is also known as the United Nations Day of Women's Rights and International Peace.

This month is also Women's History Month, with this year's theme being, "Nevertheless she persisted".

The Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW), was adopted in 1979 by the UN General Assembly, and is often described as the international bill of rights for women. "Countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls, and to ensure that equality for women and girls in the civil, political, economic, social and cultural arenas." Unfortunately, the U.S. is one of only seven countries that have declined to ratify CEDAW. President Jimmy Carter signed the treaty in 1980, but the U.S. Senate failed to approve it. However, 187 countries have adopted CEDAW, requiring them to eliminate discrimination against women in all areas and promotes women's equal rights.

It is time to go local. If the U.S. government won't, we can as a county. According to Hawaii State Commission on the Status of Women data, women in Hawaii still only make 86 cents to a man's dollar, while Native Hawaiian women make only 70 cents for every dollar a man makes for the same amount of work and for the same qualifications. Women are not worth any less than men.

And, while we have made big strides in supporting women on Maui with great organizations like Women Helping Women and The Mauimama, women are still at high risk for domestic violence and sexual assault.

I am here to encourage that Maui County stands up for women rights, which are human rights, and support CC 18-97, "URGING THE MAYOR TO SUPPORT THE PRINCIPLES OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN". In 2016, Honolulu County became the first Hawaii county to pass CEDAW legislation. Maui, we can be the second with this resolution being a great first step towards that. Now is the time to end all forms of discrimination against women.

And, just as the courageous Malala Yousafzai said, "We cannot succeed as a community if half of us are held back". Mahalo.

CHAIR WHITE: Thank you for your testimony.

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

COUNCILMEMBER KING: Just a, just a quick request, Chair.

CHAIR WHITE: Oh, I'm sorry. Ms. King.

COUNCILMEMBER KING: I just want, yea, I just want, thank you. I didn't see it in our folder, but I just wanted to ask Ms. Griffiths if you could, if you could transmit that in writing, because you have a lot of really good facts and figures, and data, so.

MS. GRIFFITHS: And, I could also include the bill for ordinance that the City Council of Honolulu has too.

COUNCILMEMBER KING: That would be, that would be great. Thank you.

MS. GRIFFITHS: You're welcome.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Linda Clark, President, Kaupo Community Association, testifying on County Communication 18-98. To be followed by Lawrence Carnicelli.

MS. LINDA CLARK, KAUPO COMMUNITY ASSOCIATION (testifying on County Communication No. 18-98):

Good morning, Chair--

CHAIR WHITE: Good morning.

MS. CLARK: --Councilmembers. My name is Linda Clark, and I am the President for Kaupo Community Association. And, I just want to echo what our other volunteers have said already. Aunty Rose has been a student there at the school property, and she still volunteers; drives out for all of our meetings. And, she's just amazing. And, we're still setting up tents to have our quarterly meetings, and you know, show up for work days. And, it's well worth it. It is a beautiful property, and we really hope that you will all support the transfer and the lease. Mahalo.

CHAIR WHITE: Thank you very much for coming all the way out this morning and sharing your mana`o.

Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, thank you for being here. And, it is a beautiful place. And so, is the thought to preserve the building in place and just vet it up, you know, be for back up?

MS. CLARK: It is on the National Historic Registry. So, there's some, you know, specific requirements to restore the building itself. The intent, interesting you should ask, because at our next quarterly meeting we will be discussing the use of the property.

COUNCILMEMBER COCHRAN: Okay. No, very good. I know you've been doing the outreach. I just recall the little secret door in that room. I just want to make sure those little secrets are kept in place. Thank you.

MS. CLARK: Thank you.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, Linda, nice to see you. I remember seeing you at the Taro Festival, where you had your tent up and you were, you had

some, I have your Kaupo, your t-shirt. But, I wanted to publicly thank you for all your hard work because of your passion and commitment to the community. So, thank you very much.

MS. CLARK: Thanks.

CHAIR WHITE: Thank you. Thank you so much for being here this morning.

MS. CLARK: Alright.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Lawrence Carnicelli, testifying on Committee Report 18-38, on behalf of the REALTORS Association of Maui. To be followed by Khara Jabola-Carolus.

MR. LAWRENCE CARNICELLI, REALTORS ASSOCIATION OF MAUI (testifying on Committee Report 18-38):

Good morning and aloha, Chair and Members. My name is Lawrence Carnicelli, speaking on behalf of the REALTORS Association of Maui in opposition to CR 18-38.

Your Land Use Committee passed Bill LU-7 last week, which is now transmitted to you at the full Council as CR 18-38. However, this is not the first time this is brought before you. As you may recall, about a year ago, this body unanimously sent LU-7 back to Committee due to numerous questions and unintended consequences the bill raised. Since that time, there have been zero changes nor alterations to the bill that was sent back to you but is now before you again. However, since this time, you have received nearly 200 emails and over two hours of verbal testimony in opposition to this same bill that, or the same resolution that's before you today.

As you know, RAM is opposed to this bill because it is a property rights issue. The REALTORS Code of Ethics was adopted in 1913, and one of the pledges is to specifically defend property rights and home ownership. It states, "to protect the individual right of real estate ownership and to widen the opportunity to enjoy it."

What is before you today, in our opinion, is a property rights issue. We believe this is a taking of rights that runs with the land, and although the intention may sound good, this will do nothing to curb the runaway illegal vacation rentals that plague our community. In fact, this bill will harm the real estate industry, and attacks the rights of property owners.

This bill fails to address numerous realities with it, with the market and practical matters addressed in the code. There is no nexus - There is less than one percent of new home sales become legal STRH's. There are caps that already exist - The ordinance already has a cap of 382 short-term rental homes Countywide.

The County's permitting process is wrought with numerous hurdles and obstacles. Lengthening the process will only increase the illegal rentals that proliferate our community and take away needed housing for our local families.

There is no just cause - There was never a study done nor statistical analysis showing new purchasers of home caused any harm to short-term or long-term housing. This bill will not solve any problems and do nothing to help the families of Maui; however, it will cause harm to the economy.

The current law was vetted by many in the community and already has many protective safe, protective provisions built into the law. If this bill proceeds, the new homeowners will have to wait five years to apply for a permit. The application permits, permit takes upwards of two years which, for all intents purposes, makes this a seven-year prohibition.

The real issue with short-term rental housing springing up all over our neighborhoods is the lack of enforcement of the current law. While there needs to be a remedy for this, this does not do such. There is no justification or connection with the five-year banishment. And, by forcing homeowners to operate illegally, the County is losing out on collection of real property tax, GE and TAT. There is, no revenue going to be gained from illegal operators, and we must, illegal operators.

Thank you, Chair. And, I also just do want to conclude that happy belated Women's Day to everyone.

CHAIR WHITE: Thank you, Mr. Carnicelli.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Khara Jabola-Carolus, Executive Director, Hawaii State Commission on the Status of Women. To be followed by Tom Blackburn-Rodrigues.

MS. KHARA JABOLA-CAROLUS, HAWAII STATE COMMISSION ON THE STATUS OF WOMEN (testifying on County Communication No. 18-97):

Aloha and good morning.

CHAIR WHITE: Good morning.

MS. JABOLA-CAROLUS: My name is Khara Jabola-Carolus, for the record. Again, on behalf of the Hawaii State Commission on the Status of Women. I hope that you have my written testimony before you, so I won't belabor any of those points.

(Councilmember Cochran was excused from the meeting at 10:02 a.m.)

MS. JABOLA-CAROLUS: But, I do want to emphasize that there is truly no better time to enshrine the principles of CEDAW at the local level. You know, at the Commission, we are tasked with serving as the central clearinghouse for women and girls in Hawaii. And, every day, I get contacted by women and girls with all manner of cases that they're struggling through that are tied to sex discrimination and sexism. And, we know, and what I can see beyond just the data that we have overwhelmingly, is that gender inequality persists in Hawaii.

Just yesterday, it was so painful on International Working Women's Day to receive an email from a woman with the, the subject matter lost. And, so I think that what's really clear is that we need to mainstream gender equity into our institutions and our policies, and take proactive corrective steps to do so.

We know that this is apropos more than ever because of the federal landscape that we're facing, and the unprecedented level of attacks on women's rights not just in Hawaii, but nationally and across the world. So, positively, however, we're seeing a resurgence in support for women's advocacy, and we know that the community is ready to mainstream these principles. So, with that, we respectfully ask that you pass this measure today. And, we thank you for your leadership on this important issue. Mahalo.

(Councilmember Cochran returned to the meeting at 10:03 a.m.)

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Blackburn-Rodrigues, consultant, Go Maui Inc., testifying on Committee Report 18-38. To be followed by Maoripuananiotahiti.

MR. TOM BLACKBURN-RODRIGUES, GO MAUI INC. (testifying on Committee Report 18-38):

Good morning, Chair White.

CHAIR WHITE: Good morning.

MR. BLACKBURN-RODRIGUES: Just on a personal note, it's an honor to stand at the same podium with so many strong and important messages about women this morning. It's an honor to be here.

My name is Tom Blackburn-Rodrigues, and I am representing Go Maui Inc. I urge you to visit our Facebook page, We Are Maui Nui, to learn more about the local values that motivate and inform our work on behalf of truly affordable housing, fair water development and distribution, and good well-paying jobs with benefits.

Thank you for the opportunity to testify on item 18-38, a bill to require an applicant for a Short-Term Rental Home Permit own the dwelling unit to be used as an STRH for at least five years prior to the date of the application.

This is a controversial measure, and I will not dive into the details of the legislation. Go Maui's concern is that we not digress too far from the support of reasonable rules to allow effective regulation of short-term rentals and B&Bs, and for better efforts to address unpermitted short-term rental uses. We are concerned that further restricting the access to permits may only drive the use farther underground, and could unintentionally lead the vacation rental market to be served by unpermitted and unregulated operators whose properties may be unsafe and a danger to our visitors.

Respectfully, we request that the Council review the proposed legislation carefully to ensure there are no unintended consequences, and to answer the reasonable question of what other areas might be subject to similar restrictions and what precedent is being established by the proposed legislation. Thank you for the opportunity to be with you this morning. Thank you for your work on behalf of Maui County and its working families. Aloha.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification? Seeing none, thank you for--

MR. BLACKBURN-RODRIGUES: Thank you very much.

CHAIR WHITE: --for sharing your thoughts.

Mr. Clerk.

COUNTY CLERK: Next testifier Maoripuananiotahiti, Kupuna, on behalf of Kupuna Rikki Torres-Pestana, testifying on County Communication Nos. 18-95 and 18-97.

MS. MAORIPUANANIOTAHITI (testifying on County Communication Nos. 18-95 and 18-97):

Aloha kakou.

CHAIR WHITE: You, you can pull it down a little bit more.

MS. MAORIPUANANIOTAHITI: Can you hear me?

CHAIR WHITE: Yes.

MS. MAORIPUANANIOTAHITI: Good. Before the discussion is made upon the agenda 18-95 and agenda 18-97, I am here to ask upon what basis is this being discussed? Is it based upon International Kingdom or Succession Laws? That's my question. Aloha.

CHAIR WHITE: Thank you for your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Nelson Armitage, Minister of Foreign Affairs, the Kanaka Maoli People, testifying on County Communication No. 18-95. To be followed by Autumn Ness.

MR. NELSON K. ARMITAGE (testifying on County Communication Nos. 18-95 and 18-97):

Good morning--

CHAIR WHITE: Good morning.

MR. ARMITAGE: --Council, Councilmembers. My name is Nelson Armitage and I am appointed as the Minister of Foreign Affairs of the Kingdom of Hawaii under the elected Prime Minister Mr. Henry M. Noa.

And, I'm here today to kind of enlighten the matters about your responsibilities and duties not only with the County, starts with the most important element what our tutu just said. You know, under what elements of rules and laws are the counties fulfilling, and what obligations are they, the points of authority that absolutely gives and grants this Council proper status so that these rules will be sanctioned under a constitution.

When we look at, first of all, I'd like to thank the Clerk for acknowledging Queen Liliuokalani's incredible support for humanity. It's very important. Those, those issues are part of the records that's been missing forever, you know.

And, so I'm here today to just kind of touch basis on reality, where on item number 95, it's absolutely still in civil, the courts of appeals. So, the civil claims are still on order. And, it'll be the, it won't be the best interest for anybody to support Maliko Bay's matters because it's, it's still tied up in the Court of Appeals. And, you probably, you can probably get best more legal understanding from your Corp. Counsel. And, when it's in the Court of Appeals, it should stop automatically. So, if the Mayor wants to go ahead and continue purchasing properties without title, that's the issue. It's why it's in the Court of Appeals.

And, along with all of that, all of these others issues that comes up with the human rights on women, you know, it's amazing how the, the Governor and the Attorney General of the State of Hawaii is obligated and responsible for these matters. It all starts with the Article 40 of the International Civil Rights on political and authority. And so, and that's under Article 40 of the convention.

Also, following the other CEDAW, which is Article 9, Article 19, all of these issues are absolutely part of the very beginning of understanding these political rights that's been so under the table hidden by the leaders of the State, which is the Governor.

And so, for a Councilmember to, and take a piece of a item out of the asserted matters from a huge document, like Article 9 of the convention, and only stick to the women's item, it's kind of a cart before the horse kind of thing.

But in reality, it's not the way you do business in the real world. You're supposed to have full clarity of what you're doing. And so, I would suggest that this Council needs to go ahead and get the Governor and the Attorney General available to bring clarity on these issues, because in that documents will help support this Council.

And, like, there's a lot more than, you know, 125 years has gone by. To stand here for just three minutes and, and hear the bell ring for another minute, it's kind of ridiculous, but.

CHAIR WHITE: Well, you actually signed up to testify on two items. So, we can, we can give a couple, a little bit more time, if you'd like.

MR. ARMITAGE: Other than that, that's basically what I believe that the, it's not the best interest at all for the County, cause it's already in litigation, okay, on 18-95.

CHAIR WHITE: Thank you very much for your testimony.

Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Armitage for being here. I was looking at this lease. And page 4, number 4, it states about "Cooperation to remove trespassers." And, it states "Lessee acknowledges that it is aware that the Premises are occupied by a Hawaiian Sovereignty group which claimed ownership of all or a portion of the Premises." And, it goes on to say that the lessees, us the County, will be the people to remove this sovereign group. So, where, what's your comment on that? I mean, it's in this document here for us to accept. And, just comments on this one paragraph.

MR. ARMITAGE: Yea, I appreciate the, the concern. It's, it's pretty complex really, where the, when you're not getting full information that you're supposed to be receiving. It, all of these matters relates to 1893. I mean, if we're going to go and you need more clarity, that's where it starts. It starts from 1893, the illegal overthrow of the Kingdom of Hawaii. And, then from there it just leads up to Statehood. And, the Statehood's recognition prior to 1959 that leads to the 1970's, when, when they tried to qualify the position in the international courts at the same time failed.

And, that comes back down to the reason for OHA in 1978. The creation of OHA was all set up behind the back doors and lacking knowledge from the general public, especially the heirs of the State. So, for label us as the sovereign or, not sovereign, but what, activist groups, I don't think so. Because international law properly identifies my status as foreign affairs, you know. And, I can prove that, and I can get that to your Corp. Counsel if you need to so that there is no misunderstanding the fact of law.

COUNCILMEMBER COCHRAN: Thank you, Mr. Armitage. But, in reference to removing the people that are there, you did state in your testimony that you have a appeal going on,

cause this stating an injunction has been brought upon this group. So, is that what's happening?

MR. ARMITAGE: Well, you know, when you're going to have an injunction, an injunction also ties to a proper authority. So, the State of Hawaii has no proper authority, because the appeals court, yea, is your highest Supreme Court in the State, right? I already made one order stating that they don't have appellant jurisdiction. So, when you don't have appellant jurisdiction, that kind of tells you who we are. So, we're not a group. We're not the guys who try, just got off on the plane, we got our car, got one license, go get one GET tax, and go try and go make this core group called whatever. The ticket is, no, there is only one proper claim and that's well recognized and documented throughout the history, and is well recognized by Congress.

I guess it was in 2010, there was a resolution passed here 10-79, I think it was. And, it was in support of understanding the Council's responsibilities of that rules. Obviously, it's not working. So, unfortunately for, as much, I'm trying to share the knowledge that there is a lot of missing understanding about the fact of law. And, you're talking to somebody that has a lot of respect for people and a lot of respect for the law, and separating apples and oranges that's been so well mistreated that it's not funny. It's a, when you really want to get to the UN and pass resolutions, who's going to go to the UN and pass resolution, cause the UN only recognizes authorities? I mean, if we going into details and get true understanding that's what it takes.

CHAIR WHITE: I think you've, I think you've answered her question.

COUNCILMEMBER COCHRAN: Yea, thank you, Mr. Armitage.

CHAIR WHITE: And I believe Mr. Atay has some questions for you as well.

COUNCILMEMBER ATAY: Thank you, Chair. Thank you, Mr. Armitage, for being here. I'm just trying to get clarity and clarification of, of this issue of CC 18-95. What we are being asked is to accept a lease from Alexander and Baldwin. The County will accept the property located down in Maliko.

MR. ARMITAGE: Yes.

COUNCILMEMBER ATAY: What you're saying is that that property is currently in some form of litigation and your recommendation to us is that we should not even be--

MR. ARMITAGE: Not yet.

COUNCILMEMBER ATAY: --accepting, or voting, or making any decision because then we would be in some type of--

MR. ARMITAGE: Another litigation.

COUNCILMEMBER ATAY: --another litigation.

MR. ARMITAGE: Yes.

COUNCILMEMBER ATAY: Okay. That's the clarification I need. Thank you.

CHAIR WHITE: Okay. Any further need for clarification?

COUNCILMEMBER KING: I, I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Just a quick question. Thank you, Chair. Thank you for being here, Mr. Armitage. I think it sheds a lot of light on what's going on behind the scenes. I just want to know if you were able to sit down with the Parks Department and discuss any of this, because this transmittal came from the Director of Parks and Recreation, not from any Councilmember.

MR. ARMITAGE: Yes, we did. In fact, we asked him not to put that on the agenda when he had the time. And, unfortunately, I guess he had his marching orders, you know. But, in reality, the problem was with this whole case was Alexander & Baldwin, all they had to do was prove the fact that they had a deed, a proper and lawful deed. Almost three years later, after playing the whole, you know, delays in courts, and that's something that nobody should go through, cause rules are rules, laws is laws. If we're going to manipulate the rule of law, and sit there and play as if they have a right to, those individuals should take full responsibilities for their unethical conduct, you know.\

And, it is found unethical when a judge, not one, not two, but all three judges; two had to recuse themselves because of the issues. And then when it came down to the final judgement, Judge Cardoza put his foot where the moon does not shine. And, it's obviously made up where Alexander & Baldwin is using political power and money to circumvent the rule of law. And, if they're going to do that, that's going to--

COUNCILMEMBER KING: Yea, but, but--

MR. ARMITAGE: --that's going to be one of the biggest problems today, because they still today couldn't provide a clear deed or title of conveyance.

COUNCILMEMBER KING: Okay, but Mr. Armitage.

CHAIR WHITE: Okay, wait, hold on a second. We are, this is a transmittal item. This is going to go to Committee, and if it's heard in Committee--

COUNCILMEMBER KING: Right.

CHAIR WHITE: --we'll have opportunity to--

COUNCILMEMBER KING: Yea, that, my, my question was just, that was answered already. So, thank you very much. I appreciate it.

CHAIR WHITE: Thank you, Mr. Armitage.

Any further need for clarification, Members? Thank you for being here this morning, Mr. Armitage. And, we hope you'll be back when--

MR. ARMITAGE: Yea, no problem. Thank you, I appreciate it, thank you.

CHAIR WHITE: --when the item is heard. Thank you.

Mr. Clerk.

COUNTY CLERK: The next testifier is Autumn Ness, testifying on Committee Report 18-38. To be followed by Dave Thomas.

MS. AUTUMN NESS (testifying on Committee Report 18-38):

Good morning, Council. My name is Autumn Ness. I'm here to testify in support of CR 18-38.

Back in 2015, the Maui Planning Commission agreed to send a letter to the Maui County Council calling for a moratorium on all new short-term rental vacation permits until more housing is available. That's way back in 2015. The contents of the letter are really familiar. Some of the main points were that there are insufficient affordable rentals, population growth is expected to generate more demand for housing, short-term rental homes remove homes from the long-term housing inventory, and the Commission recommends the Council budget funds for more inspectors to encourage proactive enforcement of the short-term rental law. This is a few years ago.

So, I commend the Council for taking these baby steps towards what the Commission recommended. In this Maui News article, Jack Freitas suggested the Planning Commission, which approves short-term rental permits, recommend to the Council a moratorium be implemented "until such time as we bring the inventory up to where the working person can afford to rent a home and provide for his family". That has not been done, and actually we're moving backwards towards that goal.

All nine commissioners supported this suggestion and approved the recommendation to send a letter to the Council, so that's huge. So, I'd like to see a complete moratorium on all short-term rental permits. But in the meantime, Council CR 18-38 is a small step in that direction.

Personally, I think as long as we're in this housing crisis when hardworking, and people who are making really good money don't have a place to live, and are spending upwards of 50, 60, 70 percent of their income on a house if they're lucky enough to have one. I think we should not turn a single, not one single home that could be a home for those people into any kind of a tourist accommodation unit; whether it's a short-term rental, a bed and breakfast, or anything. But, in the meantime, I'll take this as a good step in the right direction. Thank you.

CHAIR WHITE: Thank you, Ms. Ness. Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Dave Thomas, testifying on Committee Report 18-37. To be followed by Michael Trotto.

MR. DAVE THOMAS (testifying on Committee Report 18-37):

Aloha and good morning, Chairman and Council.

CHAIR WHITE: Good morning.

MR. THOMAS: My name is Dave Thomas. I am testifying in opposition to agenda item number 18-37. I, a video producer by profession, I had asked to submit a video to tell my side of the story, but I was told I couldn't. So, I am submitting written and verbal testimony instead. And this is outside of my comfort zone, so bear with me.

I'm a Maui resident of 41 years, and I've lived on Kaiwahine Street, owning my home for 31. What's happening, if this resolution continues, is a clear violation of the Kihei-

Makena Community Plan of 1988, stipulating we'll have no further development without infrastructure to support it.

On page 2, we see that it's a violation of the public trust, because two years ago the Council said there will be no further time extensions considered for, for this project, or granted. And yet, on Valentine's Day of this year, the Land Use Committee did exactly that.

It lacks common sense and clarity. I watched all three hours of testimony, the broadcast on Akaku, thank you, Akaku, and there are a lot of unknowns about this project and no clear answers were given on several items. So, I applaud Councilmembers Hokama and Cochran for voting against it for those reasons.

The North/South Connector road was mentioned as a traffic relief item for connectivity, and that's just talk as far as I can tell. It's like the Lahaina Bypass which took 30 years for the first phase. So, there's no action right now on that.

If you look at page 3 and 4, you'll see the current condition of Kaiwahine Street which is awful. It's interesting, on page 4, you can see that Kaiolohia Street, which is, which intersects Kaiwahine Street has been repaved three or four years ago. I'm here by myself, I'm just representing myself. And one of the reasons is that our neighborhood has what I call justifiable apathy. We've been told no so many times to different requests that we made at the Council and to developers.

There's a, something on page 5 that I ask you to look at after testimony is over. But, we proposed a 700-foot road that would go from the Monsanto intersection to, to where Kamalani is, the border of Kamalani, and we were told no because A&B said we were approved for this project by the Council without it, so we're not going to build it.

On the next couple of pages, there's another couple of things that need to be pointed out. We are, there are a bunch of things that are going on in the neighborhood that aren't authorized by the Council. We have eight Airbnb's advertised, and that zero of them are permitted. Also, there are a number of violations of building ordinances; too many people on one property, illegal additions, etc.

So, what I'm asking is that the County Council would please stop any further development until the infrastructure is built that was promised first. That the County Council take responsibility for enforcing the existing ordinances that are already in effect. The County says we need 14,000 affordable units over the next 10 years. And while I feel Ikaika Ohana's project is a good one, 120 units is less than one percent of the need. So, please say no to this, but instead, help them with a bigger project in a

better place with infrastructures to support it. And, please repave Kaiwahine Street now.

CHAIR WHITE: Thank you for your testimony, Mr. Thomas.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here, Mr. Thomas. I just wanted to ask if you heard the statements by the Public Works Department in the previous meeting; that they are moving ahead on the North/South Collector road? It has been funded for design for that end of it, and they are in design phase right now. So, there is action being taken on the North/South Collector road.

MR. THOMAS: Yes, I, I did hear that. And, I'm, my experience leads me to be skeptical of when that is actually going to happen.

COUNCILMEMBER KING: Okay.

MR. THOMAS: We need, we need a new way in and out now.

COUNCILMEMBER KING: Okay. Yea, no I understand that. But, there's nothing I can do about something that was approved before I got on the Council.

MR. THOMAS: Sure, I understand.

COUNCILMEMBER KING: I just wanted to, I just wanted to make sure that you heard that point, because it's, the timing is supposed to be pretty much in conjunction when this is going to happen. And also that that will include the pavings. I wanted to make sure you heard that. Okay. Thank you.

CHAIR WHITE: Members, any other need for clarification?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. Thank you, Mr. Thomas, for being here. In your presentation on page 6, you cite some illegal B&Bs.

MR. THOMAS: Yes.

COUNCILMEMBER ATAY: Can we have your permission to forward this to our enforcement division?

MR. THOMAS: Absolutely.

COUNCILMEMBER ATAY: Thank you.

MR. THOMAS: You just have to go on Airbnb.com and look for the neighborhood and they show up.

COUNCILMEMBER ATAY: Thank you.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Thomas, for being here. And, I'm recalling back in the day, the origination of this project. So, your final page mentioned something referencing a video presentation that you weren't given an opportunity to present. Is this handout basically it, or did you, is there more?

MR. THOMAS: Well, there'd be a lot more, and showing it differently.

COUNCILMEMBER COCHRAN: Okay. Okay.

MR. THOMAS: You know, they have a, Mr. Bigley's company has a very good presentation about their Hilo project, and it's very convincing. And, those are the kind of skills that I, that I possess, and I can't really express them verbally as well as I can in video.

COUNCILMEMBER COCHRAN: Okay.

MR. THOMAS: And, if I may say something, Mr. Bigley and two of his colleagues contacted me yesterday, and I had a good discussion with them. And I think they're very sincere about what they want to achieve, but I, I just think it's time, it's too little too late.

COUNCILMEMBER COCHRAN: Okay. Well, thank you. I'm interested in seeing that. I'll be in contact. Thank you, Mr. Thomas.

MR. THOMAS: Okay. You're welcome.

CHAIR WHITE: Okay. Any further need for clarification? Seeing none, thank you for being here this morning.

MR. THOMAS: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Michael Trotto, testifying on Committee Report 18-38. To be followed by Wayne D. Armitage.

CHAIR WHITE: And, after Mr. Trotto, we'll take our morning break.

Please proceed.

MR. MICHAEL TROTTO (testifying on Committee Report 18-38):

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. TROTTO: --Members of the County Council. Thank you for the opportunity for me to testify today on this measure. I'm speaking in opp, I am speaking as a private property owner and a private citizen, and I'm in opposition to this five-year moratorium on this.

More than 100 properties have been granted short-term rental permits without this requirement. And, I'm speaking to you as, that this is a violation of private property rights. We had an opportunity back then when we vetted this, this ordinance. We could have put that requirement in there. And, if it was vetted and it went through the due process, we wouldn't be here talking about it, because it would have been the law. But now, what this measure does is basically saying we have this ordinance, it's running, we've given permits, people have gotten permits without, and now arbitrarily we are moving the goal posts. And, anytime you do that, it's bad.

I think you need to take a step back and look at this. And again, I'm coming from, as a private property rights issue. And, you've heard all the, the numbers; less than half of one percent of these homes are STRH's. STRH's will just not be homes that our workforce families will be able to purchase or even to rent. You, you've heard people, you've demonstrated why the cost of these homes and what they are to meet that requirement in that ordinance; they just won't become.

The way to have homes for our workforce families is to build them. We have to build homes for these. That's how, that's the solution; not to aggregate people who are trying to do it right. They're going for their permits and doing it right in following the ordinance.

So, I would like to see the Department have a little time, use their resources to go after those who are thumbing their nose at all of us and, and running illegal short-term rentals. Let's give the Department time to get that program up and running. I think you'll see a difference. And, I don't think you'll see this opposition.

I'm going to end my, my testimony today with this. And, I think these words may be familiar to many of you. All men are created equal; endowed by their creator with certain inalienable rights. And governments are instituted to secure those rights. First come rights, then comes government. Rights preexist government. I thank you for the opportunity to speak this morning.

CHAIR WHITE: Thank you, Mr. Trotto.

Members, any need for clarification?

COUNCILMEMBER KING: I, I have a question.

CHAIR WHITE: Yea, Ms. King.

COUNCILMEMBER KING: Thank you for being here, Mr. Trotto. I'm just curious about your definition of property rights. Because, if you buy a piece of property that's in a residential zone that other people feel are being, their rights are being trampled on by having businesses their and short-term rentals, how is that addressing the rights of the other people in that area; to be in a residential area without businesses?

MR. TROTTO: Well, that's, that's the beauty of that ordinance; it is in there. So, if person buys a property and then wants to do that, and that neighbors have this feeling, they can come and their voices will be heard. And, it'll have a lot of weight. But, we have that in the ordinance. We also have the caps. The caps are in the ordinance also.

And, also, in proximity, you can't have two of these in close proximity. And, I suggest that they never change that. If somebody comes to get a variance on that, you should never do it. That's the ordinance. Follow the ordinance and I think it'll work. And, neighbors have come forward, and you have that right.

But, I think the way you're doing this, if I, next week if I want to buy a property that meets all the qualifications for a short-term rental according to the ordinance, the Department's going to tell me, go away and come back in five years, when they have

already given permits to others without that. And, I think that's the property rights issue I talk about.

COUNCILMEMBER KING: So, so you, I just wanted to, so you think it's a property right of any owner who buys a residential unit to be able to rent that out?

MR. TROTTO: Excuse me. Can you repeat that?

COUNCILMEMBER KING: Yea, I just wanted to, I'm just trying to figure out if you think that that's one of the property rights you have when you buy a residential unit; that you should be able to rent it out if you want to.

MR. TROTTO: That's correct. That is your right.

COUNCILMEMBER KING: Okay. That's all I wanted to know.

MR. TROTTO: That is your right, yes.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Okay. Thank you.

Any other need for clarification? Thank you for being here this morning, Mr. Trotto.

MR. TROTTO: Thank you.

CHAIR WHITE: And, Members, we'll take a ten-minute recess. Please be back, we'll start again at 10:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:32 A.M., AND WAS RECONVENED AT 10:47 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS ATAY, GUZMAN, AND KING, EXCUSED.)

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

Mr. Clerk, let's continue with testimony.

COUNTY CLERK: Next testifier is Wayne D. Armitage, testifying on County Communication 18-95 and 18-97, on behalf of the Lawful Hawaiian Government. To be followed by Jennifer Noelani Ahia.

MR. WAYNE D. ARMITAGE (testifying on County Communication Nos. 18-95 and 18-97):

Aloha, Chair.

CHAIR WHITE: Aloha.

MR. ARMITAGE: Aloha, Members of the Council. My name is Wayne Armitage. I am a noble of the Lawful Hawaiian Government, voted in by people of our government, nationals, Hawaiian nationals of these islands.

I'm here today to remind you folks about 18-95, that I am an heir to that property that you guys thinking that you gonna remove us, okay. We're not trespassers, first of all. We are not the owners of the land. And, we, till today, this is number five-year, okay, five years we've been in litigation and courtroom with A&B. Till today, they haven't proven anything; no titles, no conveyance. Without those two elements, you own anything? Right. You cannot, you cannot own anything if you don't have it.

(Councilmember King returned to the meeting at 10:48 a.m.)

MR. ARMITAGE: Now, I'm here to remind you guys that we have three judges that we're planning putting on our lawsuit. In fact, we have a lawsuit going for them right now. All three of them had, two of them had interest with A&B. And that's bad when you go to the courtroom looking for something that you're going to have justice, and you have the judge in the guy's pocket. We have judges in there that has interest with A&B, 15 years, stocks and bonds, okay; Rhonda Loo is one, Peter Cahill is another one. And, they both had the cases. And, they both had stipulations to remove us. Sitting in that courtroom and listening to things like this, it kind of hurts me, cause I gotta say, we go to the courtroom for justice. And, what we see? Frogs. Frogs just hopping all over each body, everybody, lying to each other, putting you guys in danger, okay.

I mean, I'm 67 years old, and I graduated from high school with only a diploma. I've been studying law, land laws now for nine years, yea. And, come to find out that, about you guys status, you folks cannot own nothing. Why? Because of your de facto status. You can ask your Corporate Counsel about a de facto status. I am a de jure status, means absolute. De facto means you almost quite, but not there, okay. And now, you stepping on my family's property. I mean, that's, that's getting to the, to the core where if you guys like, we don't mind putting you on the lawsuit too. Because, this thing is still in litigation; five years.

Five years, all three judges refused, refused us, now, a trial by jury. Mr. Ke`eaumoku, on Lahaina, had a three-acre parcel; 3.4 acre parcel. Mr. Cahill gave him a trial by jury. Ours one is 9,000 acres in case you folks don't know. It's, her name is Victoria Kamamalu. I am an heir to her. And, I have a right to that property. And, if you folks think that A&B is the owner of that, you need to see if they have any titles, because so far they have no titles. They have good friendship with the Maui County. I see them in the Police Department. I see them in the Sheriff's Department. Going to court with them, you look the sheriffs. From the courtroom--

CHAIR WHITE: Mr. Armitage.

(Councilmember Guzman returned to the meeting at 10:51 a.m.)

MR. ARMITAGE: The sheriffs give them protection all the way down to their office. Why?

CHAIR WHITE: Mr. Armitage, you've signed up for two items, so we can, can we restart the clock and you can then testify on 18-97. I think that that was the other one.

MR. ARMITAGE: Sure. The 18-97 was, was about how you folks recognizing our ladies of international. And, bringing up our Queen, that was one thing that we needed to talk about. This lady was devastated by that flag and the people of that flag. And, I felt good when I hear people talk about our Queen, even of color, but that flag does not recognize us, does not recognize my Queen. But, it's good you guys brought it up in faith of what she does as a humanitarian, even though that flag oppressed her. And, that was during the time of oppression on her. She was locked up when she was doing that, just in case you didn't know, okay. I conclude my.

CHAIR WHITE: Thank you for being here this morning.

Members, any need for clarification? Seeing none, thank you for sharing your mana`o this morning.

MR. ARMITAGE: I thank you folks. Thank you very much.

CHAIR WHITE: Mr. Clerk.

(Councilmember Atay returned to the meeting at 10:52 a.m.)

COUNTY CLERK: Next testifier is Jennifer Noelani Ahia, testifying on County Communication 18-92. To be followed by Keahi Johnson.

MS. JENNIFER NOELANI AHIA (testifying on County Communication No. 18-92):

Aloha mai kakou. I'm Jennifer Noelani Ahia. I just want to talk real quick about Ka`ehu. The main issue that I have is that the County has still not done its due diligence and does not have clear title to that aina. There are several kuleana landowners with land commission awards, and royal patents who have undivided interest in that land.

I'm now going to read the testimony of my brother-in-law who couldn't be here. In his words, he says, my name is Kahala Johnson. I am a Ke `ai of Haleakala. This is a refusal, a turning away from the Council, who continues to fund and support the Ka`ehu nonprofits intrusion upon my family's lands in Na Wai Eha. As our voices have been ignored by the County, I choose instead to turn to those among our own people who might protect us as kua `aina of these lands, who might defend us from the kanaka that ally themselves with the counties interest.

And so, this is a call, perhaps a plea to the electoral candidates of Huli 2018; Elle Cochran, Alike Atay, Tamara Paltin, and my fellow Ke `ai leaders Trinette Furtado and Tiare Lawrence. This is a call to make the alleviation of injustices occurring at Ka`ehu Bay, a part of Huli 2018's platform for radical systemic change at the County, State, and kingdom level.

I want to share a story. Since learning the history of the Hawaiian Kingdom at age 18, I have been a staunch advocate for the end of the American occupation and colonization of our lands. For this reason, I have never voted in my life, not once. For me, refusing to vote has been a personal political expression of protest against the fake State, as well as a promise of love for my ancestors who signed the petition against annexation. This year, I am breaking that promise. At the age of 32, I am registering to vote in support of Huli 2018 candidates. I have chosen to vote despite my continued opposition to the American occupation and colonization.

Although this might seem like a small inconsequential decision, it is in fact quite traumatic for me. Voting for the first time in my life feels like a form of concession, an assimilation to the myth of American Statehood. A betrayal of the fact that the Kingdom still exists as an occupied sovereign nation State. This pains me. It causes me turmoil and confusion in my na`ao. It feels like I am ignoring the signatures of my kupuna that lie on the pages on the anti-annexation petitions.

Why would I do this? I am voting because I believe that these candidates will fight for my family, for our kuleana to the lands in Ka`ehu. I believe in the future they are working towards, just as much as I believe in the anti-annexation efforts of my kupuna in the past. I believe Huli 2018 will make the injustices created by the County and Ka`ehu nonprofit a key part of their political platform. Thank you.

CHAIR WHITE: Thank you for your testimony this morning.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Keahi Johnson, testifying on County Communication 18-92. To be followed by Patrick Ka`eo Ornellas.

MS. KEAHI JOHNSON (testifying on County Communication No. 18-92):

Aloha. My name is Keahi Johnson, and I am a lineal descendant of Pehuino, which is a part of the kuleana lands in this Ka`ehu area.

Council, how can you support Ka`ehu's nonprofit infringement upon my family lands? We have been testifying and pleading, but unsurprisingly, the County chooses not to listen.

I'd like to take you back to 1893, when an organization called the Committee of Safety had been formed and secretly plotted to overthrow my Queen. In that same year, the violation of the U.S. Marines and the Committee of Safety forced my Queen to step down from her throne. Thousands upon thousands of kanaka signed a ku`e petition, and the Queen had a written protest against annexation. But, we all know what happened next.

In 1898, Hawaii was annexed and made a Territory of the United States illegally. Secrecy, infringement upon family land, and many kanaka testifying against it only to be ignored. This sounds so familiar and sickening. History cannot be erased, but the future has yet to be written.

I am asking those who are electoral candidates of Huli 2018 to listen to our call, to kokua from the corruptions constructed by the County and Ka`ehu nonprofit. Please do not let our family land become just another territory. Mahalo.

CHAIR WHITE: Thank you, Ms. Johnson.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Patrick Ka'eo Ornellas, testifying on County Communication 18-98. To be followed by Harry Brown.

MR. PATRICK KA'EO ORNELLAS (testifying on County Communication No. 18-98):

Good morning, Chair Mr. White, and County Council friends; nice to be here. I'm in support of the Kaupo Community Center lease. And, thank you ladies and gentlemen for coming out over the last few years to see what we've got to offer, it's back to the community.

My testimony is to just share a little bit more highlights on the process. The process of the community center is to give back to the community as we all volunteer, all of us, in giving back to the kids, the adults, and the kupuna. They're, we are trying to restore the school so that we can use that as a basis for education of the community, and to bring back the people.

I started, maybe, 30 plus years ago with the Marciel family to bring back St. Joseph Church, Kaupo. And my, my input was clean the place up, it'll come back, the Church will come back and we won't close it down. So, a good example is, we average 40 to 60 parishioners for the Church. And these people are all extended families that live on the outside because of jobs. But, they all come in for mass and all that.

So, the same formula for the Kaupo Community Center is what they would like to do for the community to continuously bring them back. And, bringing back people is everybody; that's Hawaiian style, you know, and all ethnic backgrounds, all denominations from all over the world. So, we welcome them. And, that is really the sole purpose of this property; is to educate the kids, the adults so that the community can come back and continue to grow so it doesn't die.

That's pretty much it. So, find the paperwork, get it signed maybe next week, so we can move forward. Aloha.

CHAIR WHITE: Thank you, Mr. Ornellas.

MR. ORNELLAS: Okay.

CHAIR WHITE: Members, any need for clarification? Seeing none, thanks for coming today.

Mr. Clerk.

COUNTY CLERK: Next testifier is Harry Brown, testifying on County Communication 18-92.
To be followed by Thomas Croly.

MR. HARRY BROWN (testifying on County Communication No. 18-92):

Aloha all. My name is Harry Brown, and I come to speak in behalf of my family on the issue on this Ka`ehu. I also am a direct lineal descendant of that property there. It belongs to my family, and we have the palapala, all of the paperwork that is associated with ownership. And, it's not something that I'm just wanting or desiring; it is there.

And yet, if I go there, this Ka`ehu has a gate over there that locks me out on my property, on my place, on my family's place. Why? Why you lock me out? Why you lock everybody out and you put who you want to go inside going? Why do you put that gate? Why do you take away the things that we have there?

I brought my son one day to go there to show him. My son, he is handicapped. He cannot, he cannot talk and he cannot walk, but that doesn't stop him from being who he is. He's a spirit, he's a human being, he's my son. When I took him there, cannot go inside too. If I could, I could just walk around. But, because of the way they made it, no wheelchair can get in. So, I put him back in the car and talked to him.

If you came to, if I went to your house, and that's your property and that's your place, and you go in there, if I went in there and I said, wow, you know, that swimming pool that you have over there, beautiful. I going bring my friends, we going come swim in your swimming pool; I don't need. Even you said, but that's my pool. Oh, it don't matter, you see, because I want to go there, I want to go swim.

If you came to my house now, I have 17 guitars on my wall. They all belong to me and my family. But, if you came in and you try touch any of my guitars, and take and tell oh, I want to play that. Oh no, no. But, that's what's happening when you take away what it belongs to somebody else and give it to somebody to go and manage it and do what they want with it. You leave us out.

I'm asking that you not leave the people who are the rightful heirs to that property off. Make them a part of all of the discussions. Ask them to talk to the family. Why leave us out? If you do that, I won't come swim in your swimming pool or anything else. Thank you so much. Mahalo.

CHAIR WHITE: Thank you very much for your testimony, Mr. Brown.

MR. BROWN: You're welcome.

CHAIR WHITE: Members, any need for clarification? Seeing none, appreciate your being here this morning.

MR. BROWN: Thank you.

CHAIR WHITE: Thank you for sharing.

Mr. Clerk.

COUNTY CLERK: Thomas Croly, Board Member, testifying on Committee Report 18-38 and Committee Report 18-37, on behalf of the Maui Vacation Rental Association. To be followed by Margit Tolman.

MR. THOMAS CROLY, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Reports 18-37 and 18-38):

Aloha, Chair. To be clear, Tom Croly, testifying on my own behalf with respect to the Kaiwahine Village Project, the CR 18-37.

(Councilmember Cochran was excused from the meeting at 11:04 a.m.)

MR. CROLY: I'm in full support of the resolution to allow for the modifications to the 201H, to allow the Kaiwahine Village Project to build 120 affordable rentals. I cannot imagine anyone, except perhaps the Member who just left the chambers, being in opposition to a project like this.

The County needs to be encouraging this type of development. The presentation that we saw from this developer, we should be honored to have someone like that come forward and say, I want to bring together \$52 million of funds from various sources and build affordable housing in your, in your area. We need to do everything we can to encourage that type of development.

I appreciate all of the whereas's contained in this resolution. But, I urge the Council to make sure that the concessions that the County is giving to this project will be contained in deed restrictions so that in the future, the County could be a party to enforcing the 65-year affordable requirement. You're saying, hey, let's let him modify this 201H, which is kind of a State thing. But, in order to memorialize that, make sure that the County's interests are protected in a deed restriction so that, you know, this thing doesn't get changed or, or pushed out of affordable sooner than the 65-years.

Don't depend on only the IRS to be the hammer in this regard, which is what has happened in the Front Street, in the case of Front Street. Thank you for, for my comments on that.

I'll now switch to Committee Report 18-38. The Maui Vacation Rental Association I'm representing in this regard still stands in opposition to the requirement of a property owner owning the property for five years prior to making application for a short-term rental permit. While this is the sixth time that I've stood here over the past 20 months, and voiced this opposition on behalf of my association, I don't expect that I'm going to change your minds in this regard.

So, I do want to point out what will happen, what I predict will happen as a result of this, of this taking place. The short-term rental home ordinance was specifically designed to ensure that the impacts of a permitted short-term rental home are no greater, no greater, than any other owner occupied or long-term rental home in the area. That was the key of the short-term rental ordinance; making sure that we're not creating these impacts that people complain about.

The STRH ordinance, in and of itself in the availability of a permit, is not driving speculative property sales. I'm not saying that speculative property sales aren't taking place, but I'm saying the availability of a permit is not what's driving them. But, what this change in the ordinance will do is it will ensure, it will ensure with certainty that the properties purchased in the future that someone wishes to use for short-term rental will be done illegally.

The folks who want to do this legally, they look into the law, they research it carefully, and they only try to comply with the law. So, the law-abiding people will see this; I can't get a permit for five years. They're not going to buy the house and say, well, I'll make it a short or, long-term rental for five years and then I'll go get my permit. That's not their interest. They're buying a second home. So, they'll say fine, I won't buy this property or I, or I won't make this use. So, the law-abiding people, you've lost.

The scofflaws, the ones who really don't care about what the, what the County's rules are, they'll go ahead and make the use anyway, and now you've created your own problem.

So, prohibiting property owners from making application for this use is not in any way, shape or form, going to change what, what gets purchased or the availability of long-term housing. So, again, for the final time, I ask that you do not pass this. Rethink what would be a better way to address the concerns that you have of this use not impacting affordable housing on the island. This one won't, but it will impact jobs, and it will impact the legal part of our vacation rental industry. Thank you.

CHAIR WHITE: Thank you, Mr. Croly.

Members, any need for clarification?

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: So, thanks for being here, Mr. Croly. What, what data are you basing your statement on when you say that the, the lure of short-term rentals is not attracting speculation, people, you know, wanting to buy homes to do this?

MR. CROLY: Okay. Right, right. So, I analyzed the sales that have taken place since we got the ordinance versus prior to when we had the ordinance. The ordinance was passed in 2012, and I took a look at how many permits have been issued to people who owned their properties prior to 2012 versus people who purchased their property since 2012. There has been no change in permitted properties, again, permitted properties; the rate at which people have purchased properties and then gone on to get permits. So, the rate has remained stable at less than one percent of the property sales that go towards someone who would then later go get a permit.

So, that's why I'm making that statement; that it's very clear that of 5,200 homes that were purchased, single-family homes to be very specific, not condominium homes but single-family homes, of 5,200 single-family homes that have, that were purchased over the last five years, only 43 of them have gone on to get short-term rental permits. So, a percentage of less than one percent of the homes that are purchased are going on to make this use. And, that's consistent with the percentage that took place in previous years. Actually, it was as high as one and a half percent during kind of the boom time of 2005, 2006. But, if we average out over the whole period, it hasn't changed since we have gotten the ordinance.

COUNCILMEMBER KING: Okay. But, but there's no data that leads you to believe it won't change if we pass this law that people, that the amount of speculation won't change. I mean, you know the intent is to make it go down.

MR. CROLY: Well, no, I would say, I would say there is data. Prior to 2012, we did not have a way for someone to legally get a permit, okay. So, there were people who bought houses, and there were people that put them into short-term rental without a permitting process existing.

Now, if going forward, we say there's these permits that are out there and there's people who have them, but if you are a new buyer, you, you're not eligible to get one of those permits. I can guarantee then that every one of those that's purchased that someone wishes to make this use, that use is going to be illegal. So, that's going to increase the rate of illegal.

COUNCILMEMBER KING: Okay. But, that doesn't really have anything to do with knowing how many people are going to be buying for speculation. So, anyway, that's, thank you, Chair.

CHAIR WHITE: Thank you.

MR. CROLY: Thank you.

CHAIR WHITE: Any other need for clarification, Members? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Margit Tolman, testifying on Committee Report 18-38. To be followed by Rosemary Robbins.

MS. MARGIT TOLMAN (testifying on Committee Report 18-38):

Good morning, Chair. Good morning, Members, Councilmembers. First of all, thank you very much for letting me testify here. And, I thank you all and I appreciate all you single Member in the Council for their hard work. My name is Margit Tolman, I'm a Realtor and property manager for more than 20 years here on Maui.

I'm opposing the recommended five-year ownership requirement for short-term rentals for the following reasons: This recommended amendment is not based on any study showing a large majority of homes sold actually applied for a short-term rental license. The short-term rental law has already safeguards in place, including protecting neighborhoods and proliferation. Only 382 licenses are available countywide. We have about 165 licenses left.

About 5,200 homes, like Tom said already, have been sold within the last five years, and only 42 owners applied for a license; less than one percent. It clearly shows that the interest is very low.

A short-term rental requires an initial application. The license process can take one year and owners cannot rent during that time. The start-up costs, in most cases include remodeling and landscaping, as well as furnishing and purchasing all items a home has to be stocked with. It takes years to recover the initial start-up cost. Property management, marketing, online booking fees, high property taxes, and maintenance does not make this business very profitable.

Owners who have a second home and choose to have a legal vacation rental, their main reason is they are coming here to use their own home. Increasing restriction on licensing compliance will create even more illegal rentals. This amendment will result in loss of jobs whenever a licensed STR is sold, and the, and the new owner is not allowed to even apply.

I'm oppose, I'm proposing to look at the original draft and include the exception "B". This law is not discouraging buyers from buying a second home on Maui, and it will not discourage any seller from selling at the highest market value. This law is not a solution, and does not create any relief to the housing crisis that we are facing.

Sorry, I cannot finish my entire testimony, but I emailed it to you and gave copies. I, I also made a copy of an article, the San Francisco Chronicle, they have, you know, the same challenges. I will email you the link to, please--

CHAIR WHITE: Ms. Tolman, did you send the article along with your testimony?

MS. TOLMAN: I did not. I will send, send it out.

CHAIR WHITE: We do have your testimony, but that's not attached.

MS. TOLMAN: No, it's not. And, I made a printout but there is so much junk on it, you cannot read the whole article. So, I will email everybody the article, the link to the article. And, it's, it's really a different view how we can maybe approach this issue in a different way.

CHAIR WHITE: Okay.

MS. TOLMAN: Thank you very much.

CHAIR WHITE: Thank you for your testimony this morning.

Members, Mr. Atay.

COUNCILMEMBER ATAY: Chair, can she email it to Council staff, so that we have it on record?

CHAIR WHITE: Yea, I think she has your email, so we'll--

MS. TOLMAN: I have your emails, yes. Thank you.

CHAIR WHITE: Thank you.

Any other need for clarification?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. Ms. Tolman, did you say that you were in real estate, you were a Realtor?

MS. TOLMAN: Yes.

COUNCILMEMBER GUZMAN: Okay. You stated that 5,200 homes were purchased, correct? And, one percent of that was actually, went on to get a TVR permit. Out of that one percent, roughly around 43 homes, were they second home buys? How many of those were second home buys? And, if they were, in addition to that, sorry, the 43 homes, what was the average fair-market value of those homes?

MR. TOLMAN: I, I do not have this information. But, if you want, I can find out more about the 42 licensed places, and what kind of price range they were sold.

COUNCILMEMBER GUZMAN: Yea. I just wanted to know if they were second homes, and how much those properties were?

MS. TOLMAN: I only look closely, really in the Hana district. And, for the last three years, there were three purchases which are now legal STR's. And, they were, you know, over a million dollars' worth. And, they were purchased by Maui residents.

COUNCILMEMBER GUZMAN: Okay. Thank you. I'll try to get that.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further need for clarification? Seeing none, thank you for being here this morning.

MS. TOLMAN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Rosemary Robbins, testifying on County Communication 18-87 and Bill 13. To be followed by Delene Osorio.

MS. ROSEMARY ROBBINS [testifying on County Communication No. 18-87, and Bill 13 (2018)]:

Good morning, everybody. Rosemary Robbins, concerned citizen.

CHAIR WHITE: Good morning.

MS. ROBBINS: This is a 10-page agenda, a pretty full agenda this morning. I would like us to turn to page 10 indeed, Bill No. 13. It's a bill for an ordinance amending the Fiscal Year, meaning the financial accountability of 2018 Budget for the County of Maui as it pertains to Estimated Revenues; Department of Public Works, Road, Bridge, and Drainage Maintenance Program – Highway Fund; total operating operations, appropriations; and total appropriations that are dealing with both operation and capital improvement projects. This is on page 10 of this morning's agenda.

And, as part of that Bill 13, it's a list of estimated values. And, the total estimated revenues, the money that we supposedly have is \$711,046,568 that we have to accomplish all of the things that are on this that we're supposed to accomplish. This bill references, again same bill, and it says that Bill 13 was passed on first writing, first reading by the Council of the County of Maui, State of Hawaii, on the 16th day of February 2018. So, this has been before all of us before. And, it up for a second reading today. And, the reason I brought that up was I had gotten ahold of the audit for the County of Maui for Fiscal Year 2017. So, we're already several months into that.

And, that leads us over to page three of your agenda. And, that's relative to the--

CHAIR WHITE: Mr. Clerk, could you reset the clock?

MS. ROBBINS: --single audit, single audit report for this fiscal year. Page 8 of that audit says that Management is responsibility for compliance with Federal statutes, regulations, and terms and conditions of its Federal awards applicable to its Federal programs. So, if we screw up badly on that, we screw up on the money that we can get from the feds; not, not a good thing to do.

So, that's not only, that's not the only saving grace that comes from there is money, there's also some wisdom that comes, wisdom from here too. Okay. So, that's going to be up to management.

Over on page 9, there's a report on the internal control over compliance with the things that we're responsible for here. And, it reminds us that the purpose of expressing an opinion on the effectiveness of internal control over compliance means that we are not going to make that in this. The, the, Lance Taguchi our Auditor is not going to make that in this. But, there were other aspects of that that he certainly made. I thought it was a very well-done document.

I look over at page 20 of that same document we're talking about, and it's a criteria under the County of Maui's payroll policies and procedures manual. An application for leave must be submitted and signed by the employee in advance of all types of schedules and anticipated leaves. For all types of unscheduled, unanticipated, or emergency-type leaves, the form must be submitted by the employee immediately, right away, upon return of the, in both cases, forms must be approved and signed by both the employee and the authorized approval.

And, it says on that same page 20, that there were missing papers. And, there were missing papers both from the Administration and from the Department of Water. So, very relative to the larger picture of what we're dealing with right now. And, it goes on, on page 21 to say that adequate internal control should be maintained and ensure that vacation and the sick leave records are accurately documented, calculated, and recorded in the County's general ledger.

Goes on to a variety of pages, and they're all saying that they agree with the findings of the Auditor. But, we still are hung up on some of the compliance stuff. So, it's an ongoing issue and it covers loads.

CHAIR WHITE: Thank you very much for your testimony. You've exceeded your time. Thank you for being here this morning.

MS. ROBBINS: You're welcome. Thank you for making sure we've got the bigger picture.

CHAIR WHITE: Members, any need for clarification? Seeing none, thanks for your testimony.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Delene Osorio, with the Ikaika Ohana, representative, testifying on Committee Report 18-37. To be followed by Zandra Amaral Crouse.

CHAIR WHITE: Good morning.

MS. DELENE OSORIO, IKAIKA OHANA (testifying on Committee Report 18-37):

Good morning. I was here three weeks ago for a very long Land Use Committee meeting when Kaiwahine came up for discussion. And, I'm here to ask that the vote of the Council go in support of this project once again.

I believe Mr. Thomas said that they spoke with David [sic] Bigley, Doug Bigley, yesterday, and was assured that he was sincere in making certain that this project comes to completion. I am currently affiliated with Ikaika Ohana, and my role is to go find properties in which we can build affordable housing. Urban Housing Communities only deals with affordable housing, they do not build high-end condos or houses.

And, in my former position as the Director of Big Island Housing Foundation, a property management firm, I've worked with Doug Bigley now for 11 years on the Big Island. They took our worst project ever, which is called Riverside, and I think some of you have seen a video presentation of it, and turned the sows ear into a silk purse. I could not have been more pleased. And, that project took a long seven years from start; from the time we signed the first purchase agreement until it was finished.

And, the first project that they actually built, because as I took him to the airport one day and I told him, you bought our worse project, why not buy this one. So, they acquired E Komo Mai, and we closed, we started that negotiation in 2007 and completed the renovation in 2011. And, our last renovation was an elderly project called Kamana Elderly; that was a 62-unit project that has been made beautiful.

Urban Housing, Ikaika Ohana, does not patch and paint. It builds quality, affordable rentals. We get that there is a problem with the road right here. But, we also see the needs statewide for affordable housing. And, the topic that's come up about the 65-year time period where the project must become affordable, that is already in the HHFDC, in Hawaii Housing Finance & Development Corporation regulations that a condition of getting the State tax credits and the financing, we must keep that project in affordability for 65 years. I don't know about some of you guys, I don't think I'm going to be around for 65 years, but I will grant that that is a requirement that will be met.

So, my working with Urban Housing, both in my prior position and currently now, we can guarantee you that the conditions will be met. And, if it were not for the delay in the grubbing permit, that project would've broken ground next month.

CHAIR WHITE: Thank you.

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

MS. OSORIO: Oh, my name is Osorio; O-S-O-R-I-O. Sorry, my chicken scratch is not so good to read. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Zandra Amaral Crouse, testifying on Committee Report 18-37 and 18-38.

MS. ZANDRA AMARAL CROUSE (testifying on Committee Reports 18-37 and 18-38):

Aloha kakahiaka kou mau hoaloha; good morning, my friends. I thank you for the opportunity to stand before you and bear my testimony, something that I've not done for a while. But, housing is something that's very dear to my heart, and I know each and every one of you as well, cause it's about our kids.

I will start with 18, where am I, I'm sorry, 18-38, short-term rentals. My dear friends, I remember many, many years ago, and I think Mr. Hokama probably can as well, because he was probably a part of that as well, where, and most of, some of you, where we were looking at and working with the Board of Realtors about short-term rentals, desperately trying to bring it into compliance, creating the permitting process which is years ago.

And, at that time, there was much testimony about the fact that short-term rentals and long-term rentals governs two different kinds of people. Our visitors, as many who do short-term rental, apply for permits. And, their goal for that is not only to generate income. And, that income, by the way, goes into taxes for housing for our people.

Very few people who own a home locally do short-term rentals. They need long-term rentals. The short-term rentals, I think another thing that we need to look into, not only our board, and I'm not speaking for them, I'm speaking for my own self, a principal broker owner of Aina Hawaii ZEE Properties, which deals with first time homebuyers and a lot of lot of poor people wanting to stay home.

So, I humbly ask that you work very closely with people who do know, and go back to your records. Mr. Mateo, I see him there, he knows about this as well. He was part of the Council at the time too. So, go back to the records and realize that the work has been done. Short-term rentals is a totally different market, okay. We need to look for rentals long-term.

And, I go back to Kaiwahine. I live in the neighborhood, and I remember the struggle of our neighborhood. And, all of you that were present, not only at our neighborhood, with the previous Council, heard the neighbors, especially those on Kaiwahine loud and clear. They need more road. Infrastructure in that area is not, oh wait, I'm going on to my next one. I'm sorry.

Okay, I'm sorry. To continue with Kaiwahine. We talk about rentals. This is an opportunity, guys, for us to get the rentals and exactly where we need them. Some of you, if not most of you had eluded in Council Committees that most of the people who need these rentals and these homes either work in Kihei, because they work in the resort industry, or Kaanapali, in the resort area. Now, we do know that the land behind where I live is fallow; cattle cannot be there anymore, agriculture can't be there anymore, so housing would be and that would keep it contiguous.

But, I humbly ask, as you look at this, work very diligently to get those roads widened. And, I know that there is plans. But, I, I don't really blame my fellow neighbors for being skeptical, because how many times have we heard the waters coming in, the roads coming in? But, I want to encourage you all to make it happen. But, make it happen without displacing, or making uncomfortable the citizens who already are there, the citizens who already have claim there. It can be done. And, I humbly leave this testimony with you. Thank you very much for your support, and all that each and all of you do. Chair White, thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Zandra.

MS. AMARAL CROUSE: Good morning.

COUNCILMEMBER SUGIMURA: So, you're, you, I didn't realize that you live in this community. You live, you live in--

MS. AMARAL CROUSE: Yea, I had that discussion with you when you were running.

COUNCILMEMBER SUGIMURA: At the Realtor's, right?

MS. AMARAL CROUSE: Yea, yea, remember I was telling you I was--

COUNCILMEMBER SUGIMURA: Okay. Right. So, you live right at the border, and your, I mean, you're familiar with the landscape and the needs of the community?

MS. AMARAL CROUSE: Yea, because we went before. You guys came to, I know my cousin Mike Victorino came, and all of the Members at that time. I don't remember if Riki was there, but I believe Danny was there. And, we had a discussion right there in this area. And, yea. Yea, but I do. I live at the end of Ohukai, and I was blessed with an affordable home from the County lottery.

COUNCILMEMBER SUGIMURA: I remember you told me your story.

MS. AMARAL CROUSE: Yea, yea.

COUNCILMEMBER SUGIMURA: Good. Anyway, thank you.

MS. AMARAL CROUSE: And the 35-year lease in affordability, Chair, if I might, I think that's a good idea because, you know, if, it just keeps it in perpetuity for at least that length of time. And the Lahaina incident won't happen, where older people get threatened to be thrown out because it goes out of affordability. But, I had to throw that in. Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Thank you for being here this morning.

MS. AMARAL CROUSE: You're welcome.

CHAIR WHITE: Mr. Clerk.

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

If there's any individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and, or proceed to the testimony lectern or District conference call area at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify at the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

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

COUNTY CLERK: Thank you.

Mr. Chair, there is no additional individuals or other individuals in the District or the chamber who wish to provide testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, without objection, we'll receive the 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. Kate Griffiths, Committee on the Status of Women;
2. Lawrence Carnicelli, Realtors Association of Maui, Inc.;
3. Khara Jabola-Carolus, Hawaii State Commission on the Status of Women;
4. Dave Thomas;
5. Margit Tolman;
6. Jordan Priest;

7. Terrance M. Revere;
8. Roz Baker, Senator, District 5;
9. Michael Baskin;
10. Mark and Brooke McDonald; and
11. Debbie von Tempsky.

CHAIR WHITE: Thank you. And, without objection, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, so ordered. Public testimony is closed.

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

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

COUNTY COMMUNICATIONS

NO. 18-78 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 7, 2018)

Transmitting 46 contracts/grants for January 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk bring up Communications 79 and 80 also, with no objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 18-79 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated March 1, 2018)

Transmitting the Hawaiian Cultural Restoration Revolving Fund Annual Revenues and Expenditures Report.

NO. 18-80 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated February 26, 2018)

Transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2016 High Intensity Drug Trafficking Areas Grant in the amount of \$18,960.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMUNICATIONS AS READ BY THE CLERK BE FILED, EXCEPT COMMUNICATIONS G4612, KA'EHU MANAGEMENT, WHICH YOUR BUDGET AND FINANCE COMMITTEE WILL REVIEW UNDER THE FINANCE COMPONENT.

CHAIR WHITE: That would be contract number, right? Not communication number?

COUNCILMEMBER HOKAMA:

THAT'S CORRECT. THAT'S THE CONTRACT G4612. THANK YOU FOR THE CORRECTION. ALL OTHERS TO BE FILED.

CHAIR WHITE: Members, are there any other requests for contracts to be referred to Committee? Seeing none, any further discussion on this item? Seeing none, all those in favor, please signify by saying "aye".

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR WHITE: Those opposed say "no".

Measure passes with nine "ayes".

Mr. Clerk.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER SUGIMURA:

I'LL SECOND.

(Councilmember Cochran returned to the meeting at 11:37 a.m.)

CHAIR WHITE: I jumped the gun. So, we have a motion from Mr. Hokama, and a second from Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-81 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated February 5, 2018)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2017.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-81.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, Mr. Chair, we accept transmittal of this annual report. And, since this matter is a housekeeping type item, and it's transmitted for informational purposes, I request filing of the county communication.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-82 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 13, 2018)

Informing of the acceptance of the Dedication of Sewerline Easement, Napili Kai Resort Parcel "A", Portion of Hui Road "H", TMK: (2) 4-3-002:106.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you.

I MOVE TO FILE COUNTY COMMUNICATION 18-82.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion to file 18-82 and a second, a motion from Ms. Cochran and a second from Ms. King.

Ms. Cochran.

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

And for this one, no County funds were used to acquire the property.

And, according to the information that we have, the county communication, the easement is located, sorry, the easement location and width is acceptable to Department of Environmental Management's Wastewater Reclamation Division, and is in conformance with our County standards. So, therefore, I am asking for filing. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-83 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 28, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot, Haleakala Ranch Homesteads, TMK: (2) 2-4-003:031 POR.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. For this one, Chair, I'm asking to have it referred to Committee at this time with no objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

COUNCILMEMBER COCHRAN: Thank you, Chair.

The recommended action is that County Communication No. 18-83 be referred to the Infrastructure and Environmental Management Committee.

CHAIR WHITE: Mr. Clerk.

NO. 18-84 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 12, 2018)

Informing of the acceptance of a Warranty Deed for a Park Assessment Dedication of Kehalani Mauka Park, TMK (2) 3-5-001:080.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Requesting referral to Committee.

CHAIR WHITE: Okay. Any objections, Members.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

The recommended action is that County Communication No. 18-84 be referred to the Parks, Recreation, Energy and Legal Affairs Committee.

CHAIR WHITE: Mr. Clerk.

NO. 18-85 - ALAN M. ARAKAWA, MAYOR,
(dated February 8, 2018)

Informing of a vacancy on the Cost of Government Commission due to the resignation of John Watling on February 5, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I ask the Clerk to also bring up the next item, 18-86?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 18-86 - ALAN M. ARAKAWA, MAYOR,
(dated February 27, 2018)

Informing of a vacancy on the Police Commission due to the resignation of Max Tsai on February 21, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 18-85
AND 18-86.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor received notification of the resignation of John Watling from the Cost of Government Commission on February 5, and from Max Tsai who resigned from the Police Commission on February 21, 2018.

With sincere thanks, I'd like to thank with appreciation both Mr. Watling and Mr. Tsai for giving their time and participating on these Commissions. And, I wish them best in their future endeavors.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following communications are being recommended to be referred to the following Committees:

NO. 18-87 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated February 12, 2018)

Transmitting the County of Maui Single Audit Report, Management Advisory Report, and required Communication Letter for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 18-87 be referred to the Budget and Finance Committee.

NO. 18-88 - RIKI HOKAMA, COUNCILMEMBER,
(dated February 14, 2018)

Relating to the final report for the performance and fiscal audit of the Department of Fire and Public Safety.

The recommended action is that County Communication No. 18-88 be referred to the Budget and Finance Committee.

NO. 18-89 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 12, 2018)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2017 to June 30, 2018 as of December 31, 2017 and the Capital Improvement Project as of December 31, 2017.

The recommended action is that County Communication No. 18-89 be referred to the Budget and Finance Committee.

NO. 18-90 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated February 19, 2018)

Transmitting the Department of Housing and Human Concerns' 2018 Affordable Housing Fund Annual Plan, and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, AFFORDABLE HOUSING FUND"; and
2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, AFFORDABLE HOUSING FUND".

The recommended action is that County Communication No. 18-90 be referred to the Budget and Finance Committee.

NO. 18-91 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated February 16, 2018)

Reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of January 31, 2018.

The recommended action is that County Communication No. 18-91 be referred to the Budget and Finance Committee.

NO. 18-92 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT
DIRECTOR, (dated February 14, 2018)

Relating to the Fiscal Year 2018 Budget proviso for Ka`ehu.

The recommended action is that County Communication No. 18-92 be referred to the Budget and Finance Committee.

NO. 18-93 - ALIKA ATAY, COUNCILMEMBER,
(dated February 12, 2018)

Relating to the status of the old County roads through former sugarcane lands/fields.

The recommended action is that County Communication No. 18-93 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-94 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated February 14, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HAIKU, MAUI, HAWAI'I TO MISHNA ORION FOR PRIVATE UNDERGROUND WATERLINE PURPOSES".

The recommended action is that County Communication No. 18-94 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-95 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated February 26, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE LEASE FOR MALIKO BAY, TAX MAP KEY NOS. (2) 2-7-004:007 (POR.) AND (2) 2-7-004:027 FROM ALEXANDER & BALDWIN, LLC".

The recommended action is that County Communication No. 18-95 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 18-96 - YUKI LEI K. SUGIMURA, COUNCILMEMBER, (dated February 27, 2018)

Relating to "Maui County Pursuing Federal Grants".

The recommended action is that County Communication No. 18-96 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-97 - YUKI LEI K. SUGIMURA, COUNCILMEMBER, (dated February 27, 2018)

Transmitting a proposed resolution entitled "URGING THE MAYOR TO SUPPORT THE PRINCIPLES OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN".

The recommended action is that County Communication No. 18-97 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-97 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-19. COUNTY COMMUNICATION NO. 18-97 WAS THEN FILED. See pages 74, 75, and 80 for discussion and action.)

NO. 18-98 - MARK R. WALKER, DIRECTOR OF FINANCE, (dated February 27, 2018)

Transmitting the following proposed resolutions entitled:

1. "AUTHORIZING ACCEPTANCE OF AN EXECUTIVE ORDER TRANSFERRING MANAGEMENT OF APPROXIMATELY 2.25 ACRES AT KAUPO, HANA, MAUI, HAWAII FOR COMMUNITY CENTER PURPOSES"; and
2. "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KAUPO COMMUNITY ASSOCIATION".

The recommended action is that County Communication No. 18-98 be referred to the Policy, Economic Development, and Agriculture Committee.

(See pages 77 through 79 for discussion.)

NO. 18-99 - STACY CRIVELLO, COUNCILMEMBER,
(dated February 28, 2018)

Transmitting a resolution entitled "SUPPORTING THE HAWAII STATE SENATE'S EFFORTS TO ENACT LEGISLATION TO ATTAIN THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS".

The recommended action is that County Communication No. 18-99 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-99 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-18. COUNTY COMMUNICATION NO. 18-99 WAS THEN FILED. See pages 71 through 73 for discussion and action.)

NO. 18-100 - ALIKA ATAY, COUNCILMEMBER,
(dated March 2, 2018)

Relating to the status of the Director of Water Supply.

The recommended action is that County Communication No. 18-100 be referred to the Policy, Economic Development, and Agriculture Committee.

(See pages 73 and 74 for discussion.)

NO. 18-101 - MIKE WHITE, COUNCIL CHAIR,
(dated March 1, 2018)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATION OF COUNCILMEMBER MASON K. CHOCK OF THE KAUAI COUNTY COUNCIL, TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2018".

The recommended action is that County Communication No. 18-101 be referred to the Policy, Economic Development, and Agriculture Committee

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-101 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-20. COUNTY COMMUNICATION NO. 18-101 WAS THEN FILED. See pages 76 and 77 for discussion and action.)

CHAIR WHITE: Thank you, Mr. Clerk.

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

COUNCILMEMBER CRIVELLO: I have.

CHAIR WHITE: Ms. Crivello.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-99**

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair.

IN REFERENCE TO COUNTY COMMUNICATION 18-99, I MOVE THAT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 18-99 BE ADOPTED, AND THE COMMUNICATION BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. In December 2015, the United Nations General Assembly adopted the 2030 Agenda for a Sustainable Development that included 17 Sustainable Development Goals. Building on the principle of leaving no one behind, these goals emphasize a holistic approach to achieving sustainable development for all.

The 17 goals are: no poverty; zero hunger; good health and well-being; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation and infrastructure; reduced inequality; sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; partnerships to achieve the goals.

Senate Bill 2661, relating to Sustainable Development Goals authored by Senator Kalani English has been moving through the legislative process, passing third reading, as amended, (SD2) on March 6, and transmitted to the House. I encourage Members to send testimony in support of this important measure.

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

CHAIR WHITE: Thank you, Ms. Crivello.

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

COUNCILMEMBER KING: Chair, Chair, point of order. Do we have a motion and a second on this?

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER CRIVELLO: Yea.

CHAIR WHITE: Yes.

COUNCILMEMBER KING: Okay, I didn't hear that.

CHAIR WHITE: I'll call for the vote again. All those in favor, please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Atay.

DISCUSSION RELATING TO COUNTY COMMUNICATION NO. 18-100

COUNCILMEMBER ATAY: Thank you, Chair. Pertaining to County Communication 18-100, pertaining to the, relating to the status of the Director of Water Supply, I'd like to object in the referral and ask that this item be referred to our Committee of Water Resource Committee, you know, for various reasons.

We, we recently had a Water Resource Committee meeting, and the question on the floor was, what is the current status of our Water Director? And, and the status directly affects the operations of our Water Resource Committee, as well as our Department of Water Supply and all of the issues that we discuss in that Committee.

In addition to that, we have been receiving inquiries from the public asking that, for the status update. And, the request is to put this item, and discuss this on the floor in the Water Resource Committee.

CHAIR WHITE: Yea, thank you, Mr. Atay. The challenge we have is that the PEA Committee is the one that has the jurisdiction over personnel matters. If you would like to have the, the issue of impacts on operations come to your Committee, I think that's, that is clearly your purview. So, I, if you would like to submit another, another request that outlines your concerns about the, how it's impacting the operations, that's perfectly fine, because that is totally your, your area. But, when it becomes personnel matters, it's, it's got to go to, to Ms. Sugimura's Committee.

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: So, if you don't mind submitting another request--

COUNCILMEMBER ATAY: Resubmit.

CHAIR WHITE: --Chair would be happy to do that.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Ms. Sugimura.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-97**

COUNCILMEMBER SUGIMURA: So, Chair, I'd like to bring up Communication 18-97.

AND, AT THIS TIME I'D LIKE TO REQUEST FOR THE
SUPPORT OF THE MEMBERS TO LOOK AT THIS
RESOLUTION "URGING THE MAYOR TO SUPPORT THE
PRINCIPLES OF THE UNITED NATIONS CONVENTION ON
THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN"; I'D LIKE TO MAKE THAT MOTION, CHAIR.

CHAIR WHITE: Are you making?

COUNCILMEMBER SUGIMURA: Make a motion, discuss it.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'd like the Members to take this item up and pass it in light of, March is Women's Month and also the women's international effort that is going on throughout this month. And, the history of this, Chair, is that in 1979,

the United Nations Assembly considered an International Bill of Rights for Women bill. And, it was signed into treaty by, in 1980, by President Jimmy Carter, and the U.S. Senate had failed to ratify it now for decades. So, tragically, that happened.

And, in light of that, what happened is I think San Francisco was the first city that decided to take their, this into their hands and asked cities throughout the nation to ratify the principles to prevent the elimination of all forms of discrimination against women.

So, that is the action before you, I'm urging Maui County Councilmembers to add Maui County to the ranks of hundreds of communities who have stepped up to make the statement that we will work to end all forms of discrimination against women. It has been painfully apparent this past year that discrimination in the workplace and in so many of other institutions persist. The timing is now to pass this resolution for Maui County as we join the following International Women's Day, March 8, 2018, and during Women's History Month throughout the month of March.

And, and also, City and County of Honolulu passed an ordinance. Kauai just recently passed, as well as Big Island, so we're last on this for the State of Hawaii. And, I ask my Councilmembers for their support.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Crivello.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-101**

COUNCILMEMBER CRIVELLO: Thank you, Chair.

BECAUSE OF TIME SENSITIVITY, I'D LIKE TO MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 18-101, AND THAT THE COMMUNICATION BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: The resolution would approve the nomination of Kauai County Councilmember Mason K. Chock to serve as the Western Interstate Region Director, filling the unexpired term of Hawaii County Councilmember Dru Kanuha, which ends on June 30, 2018.

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

CHAIR WHITE: Thank you, Ms. Crivello.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Members, we're going to take a quick recess to discuss which way you want to go?

COUNCILMEMBER KING: Can we finish this?

COUNCILMEMBER COCHRAN: Yea, finish.

CHAIR WHITE: Is it, everyone's okay moving through?

COUNCILMEMBER CRIVELLO: Yes.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: Okay. No one has responsibilities for lunch?

Mr. Guzman.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 18-98**

COUNCILMEMBER GUZMAN: Yea, Chair, I would like to bring up the 18-98, in terms of the referral. It, currently you have the status to PEA, but in reading the Executive Order from the State, the purpose is limited to a community center.

SO, I WOULD REQUEST THAT IT BE REFERRED TO PRL
UNDER THE EXECUTIVE ORDER FOR ITS PURPOSE. AND,
IF THAT'S, IF THERE'S NO OBJECTION TO THAT, I WOULD
THEN LIKE TO MOVE TO WAIVE THE RULES, THE COUNCIL
RULES.

CHAIR WHITE: The, the--

COUNCILMEMBER KING:

SECOND THE MOTION.

COUNCILMEMBER SUGIMURA: So, waive the--

CHAIR WHITE: Do you have a, he's asking if, if 18-98 can be, you're willing to allow his Committee to take that issue.

COUNCILMEMBER SUGIMURA: So, based upon the issue and the discussion, that I have really prepared to receive this and to take it up on March 20; I have a special PEA meeting.

COUNCILMEMBER GUZMAN: Oh you, is there a special PEA?

COUNCILMEMBER SUGIMURA: Yea, I have a special.

COUNCILMEMBER GUZMAN: Okay. I will, in actuality I am correct; it is executive ordered under a community center, and that's Park's jurisdiction. But, I will yield if she's going to bring that up in March 20. Thank you.

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Because I think this is such a time-sensitive issue, I think Mr. Guzman's original intent was to bring it up and get it, and ask to have it passed today?

COUNCILMEMBER GUZMAN: Yes.

COUNCILMEMBER KING: That's, and that's one of my concerns too, because this has been worked on for a long time. There's a deadline coming up in September, and I, I just, if you can clarify, if we wait till March 20 for the Committee meeting and then, will there be a Council meeting given that we'll be into full budget session to be able to get this passed in a timely manner.

CHAIR WHITE: Yea, we, we generally, we generally have Council meetings during budget--

COUNCILMEMBER KING: Right. Will we be able to get this--

CHAIR WHITE: --to deal with this type of eventuality.

COUNCILMEMBER KING: Okay. So, we're looking at an April date of getting this through Council?

CHAIR WHITE: I didn't, I don't know what exact date it'll be, but it'll be in probably early April.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: The issue, the issue that we have is this is a lease, and we need to have staff make sure that everything is exactly as it should be rather than just simply passing it on the floor.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER GUZMAN: Just to clarify. Chair, there's no lease attached. It's just an authorization to allow the Administration to enter into this.

CHAIR WHITE: Whatever the documentation is then.

COUNCILMEMBER GUZMAN: Yea. Thank you.

CHAIR WHITE: Thank you. Okay, So, it'll stay, stay as is.

Any further objections to the referrals as read by the Clerk? Seeing none, we'll move on the agenda.

Mr. Clerk.

COUNCILMEMBER COCHRAN: Chair. Chair. Sorry. Chair.

CHAIR WHITE: Yea, Ms. Cochran.

COUNCILMEMBER COCHRAN: I was just notified that I do have a 12:30 meeting. So, I'm not sure, maybe we'll, I'm going to have to go.

CHAIR WHITE: Well, we'll push through and, and we'll see if we can get, get you on your way in time.

COUNCILMEMBER COCHRAN: Alright.

CHAIR WHITE: Mr. Clerk.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-97**

COUNTY CLERK: Mr. Chair, relative to County Communication 18-97, there was, the motion to file was not included in that main motion.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR, SO I MOVE TO FILE COUNTY COMMUNICATION,
WHAT IS IT, IS IT 18-97.

CHAIR WHITE: 18-97, correct.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes nine, zero.

Mr. Clerk.

COUNCILMEMBER SUGIMURA: Thank you, Members.

COUNTY CLERK: Thank you. For the record, relative to 18-97, RESOLUTION 16-18 *[sic]*. Relative to County Communication 18-99, Resolution, RESOLUTIONS 18-19 and 20, *[sic]* respectively.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-97, WAS ASSIGNED RESOLUTION NO. 18-19. THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-99, WAS ASSIGNED RESOLUTION NO. 18-18.)

CHAIR WHITE: Thank you.

COUNTY CLERK: Mr. Chair, moving onto committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-28 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 18-21, entitled "AUTHORIZING THE ACQUISITION OF UNITS 100 AND 200 OF THE ONE MEDICAL PLAZA BUILDING," be ADOPTED; and
2. That Resolution 18-22, entitled "AUTHORIZING THE ACQUISITION OF UNITS 300 AND 400 OF THE ONE MEDICAL PLAZA BUILDING," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I have the Clerk bring up all committee reports under the Budget and Finance Committee's jurisdiction with no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So, ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-29 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 16 (2018), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.55, MAUI COUNTY CODE, RELATING TO THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND, AND AMENDING CHAPTER 3.54, MAUI COUNTY CODE, RELATING TO THE SOLID WASTE MANAGEMENT FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-470, from the Director of Environmental Management, be FILED.

COMMITTEE REPORT

NO. 18-30 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 17 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-31 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 18 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, COUNTYWIDE, COUNTYWIDE FACILITY IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-48, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-32 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 19 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; 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 18-29, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-33 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 20 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, DRAINAGE, SOUTH MAUI DRAINLINE REPAIRS, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 21 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (SOUTH MAUI DRAINLINE REPAIRS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 22 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH MAUI DRAINLINE REPAIRS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 17-415, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COMMITTEE REPORTS AS READ BY THE
CLERK, ALONG WITH ALL OF ITS RECOMMENDATIONS, BE
ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Your Committee vetted all items completely, Chairman. And, your Committee's recommending full adoption this morning. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, relative to Committee Report 18-28, that's RESOLUTION 18-21 and 18-22, respectively. Committee Report 18-29, for the record, BILL NO. 16 (2018). For County Communication [sic] 18-30, BILL NO. 17 (2018). For Committee Report

18-31, BILL NO. 18 (2018). For Committee Report 18-32, BILL NO. 19 (2018). And for Committee Report 18-33, BILLS NO. 20, 21, 22, respectively.

COMMITTEE REPORT
NO. 18-34 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending that Resolution 18-23, entitled "URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A TITLE REPORT FOR HUI ROAD F," be ADOPTED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-34.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met to discuss issues relating to Hui Road F three times. And, the IEM Committee met twice to discuss the topic during the previous term.

At its meeting of February 12, 2018, your Committee considered the proposed resolution, which urges the Mayor to obtain a title report for Hui Road F.

Your Committee noted obtaining a title report does not necessarily represent an intent to accept the road. A title report is needed before the acquisition of Hui Road F can be considered.

Your Committee voted 4-0 to recommend passage of this proposed resolution. And, I therefore respectfully ask for this Committee's support.

CHAIR WHITE: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT
NO. 18-35 - LAND USE COMMITTEE:

Recommending that Resolution 18-24, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106," be ADOPTED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15, EXCUSE ME, 18-35.

COUNCILMEMBER ATAY:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, your Committee met on February 14, 2018, to consider Council initiated land use changes for the Saint Anthony Church and Schools' property on Lower Main Street in Wailuku.

Your Committee noted the benefits of the educational facility and the church provide to the community and the long-standing use of property for those purposes. Your Committee supported the proposed Community Plan amendment and Change of Zoning to be consistent with the existing uses, and to allow future improvements to campus facilities.

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

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-24.

COMMITTEE REPORT
NO. 18-36 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 23 (2018), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT FOR PROPERTIES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-008:041 AND A PORTION OF TAX MAP KEY (2) 2-4-008:001," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 24 (2018), entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-008:041 AND A PORTION OF TAX MAP KEY (2) 2-4-008:001," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 25 (2018), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-008:041 AND A PORTION OF TAX MAP KEY (2) 2-4-008:001," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the unilateral agreement; and
5. That County Communication 18-15, from the Planning Director, be FILED

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-36.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee, your Committee met on January 31, 2018, to consider a request from Seabury Hall for a District Boundary Amendment, Community Plan Amendment, and Change of Zoning, to create conformity with pre-existing uses; including creative arts facility and parking lots.

(Councilmember Guzman was excused from the meeting at 12:11 p.m.)

VICE-CHAIR CARROLL: Your Committee noted the neighbors concern regarding possible future development on Meha Road boundary and property, and decided to add a condition of zoning requiring a 50-foot building setback from the boundary and the Change of Zoning bill.

Your Committee voted 7-0 to recommend passage of the revised proposed bills, recordation of the unilateral agreement, and filing of the communication. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

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

Mr. Clerk.

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

COMMITTEE REPORT

NO. 18-37 - LAND USE COMMITTEE:

Recommending that Resolution 18-25, entitled "APPROVING A VARIATION FROM THE APPROVED PLANS AND SPECIFICATIONS TO ALLOW FOR TWO AND THREE BEDROOM RENTAL UNITS AND A TIME EXTENSION OF THE CONSTRUCTION INITIATION AND COMPLETION DATES FOR THE KAIWAHINE VILLAGE 201H PROJECT," be ADOPTED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-37.

COUNCILMEMBER KING:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, your Committee met on February 14, 2018, to consider a request for approval of a variation from the approved plans and specifications for Kaiwahine Village 201H project originally approved in 2011 by Resolution 11-23 to allow all 120 units of the project be two- and three-bedroom rental units for households earning 60 percent or less of the median income.

The Developer also requested an extension of the start date and the project due to a pending application for grading and grubbing permit that if approved would significantly, commencement of construction. With the goal of increasing the County's affordable housing inventory, your Committee recommends the proposed resolution be approved to adopt the variations requested by the Developer, and grant a time extension to both the start and end dates for project construction.

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

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, obviously I have still some heartburn with the Department in this request. I wish they had given Council better notification during the process of issues, challenges, cause I have a hard time always reversing a decision we make. That is not how Council should be; reversing decisions all the time.

I can understand that unique situation, Chair. But, I do want to make a comment about those that have concern, and it's about the infrastructure, Chairman. We have gotten that message. We understand it. For South Maui, and I think Mr. Moran remembers cause I sat on Council, the North-South Collector was set to go into construction. We had the money. Public Works was ready. I think Mr. Lloyd Lee was the Chief Engineer in charge of the project. The community didn't want what was being proposed, so the project died. We had to refund the money; we gave the money back. But, North-South Collector Road should have been built more and completed more than 10 years ago, okay. This was a request from South Maui to stop the project. So, let's be clear about the infrastructure.

And you know, should the Council have not listened to the community and pushed that project through? Cause the road would have been completed; that Collector road would be in existence today. I, we need the community to understand their history and that they made choices that Council supported, that impacts their daily life through infrastructure. But, that's the reality and that's the facts, Mr. Chairman. Thank you.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. I'm still in opposition. And, as Mr. Hokama mentioned, we stated no time extensions, and we've done it again and again, so it's just things.

And, the infrastructure is huge. I think the original discussion on this project had everything to do with infrastructure, and it just couldn't handle anymore. And, I'm still standing by that. So, it's not about what the project's intentions are as in affordable housing, what have you. It is clearly the quality of life for the existing people who live in the neighborhood. Thank you.

CHAIR WHITE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I just wanted to address the earlier comment about the North-South Collector Road, because I've been living on that Kenolio section of that road for over 30 years. And, the opposition, original opposition to that was they were intending to make it a four-lane, you know, two-lanes each way. And, there was going to be encroachment on the properties on either side of that; eminent domain encroachment. That was a huge objection. I mean, they would have, there's already sidewalks on my part of the property and that would have encroached not only the sidewalk, but taken some of my land away in my property. So, when it became leaving it a two-lane road all the way through, I think the community's been totally behind it.

And, unfortunately, we didn't have the funding layover, but that was, that would have taken a lot of people's property all the way down that road. So, I think that was the original objection to the original funding of that as a resident. And, now I, you know, we questioned Department of Public Works and they are in the works, they are designing that road. They have the funding for design.

They're expecting it to take about two years, which is probably going to coincide with the project. So, just from my experience and my neighbor's experience, I support this project, because I think that's going to take care a lot of the traffic infrastructure. It's fully supported by the Kihei Community Association, which also has, now as its priority, the North-South Collector Road getting done. So, they've been on that as well.

So, I just wanted to share that and urge my, my colleagues on the Council to approve the project because everybody knows that the, the amount of rentals in Kihei in general on the north end, the very south end have gone down over the years, largely because of the short-term rentals that people are doing legally and illegally. And, the rental, the rental are, the rentals are going to be needed more and more as we get the, the new, or the, and affordable housing rental, and, and houses are going to be needed more and more as, when the new high school comes in. It's going to be critical, on that end especially. So, thank you.

CHAIR WHITE: Thank you, Ms. King.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

CHAIR WHITE: I heard one "no". So, measure passes with eight "ayes", and one "no";
Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-25.

COMMITTEE REPORT
NO. 18-38 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 26 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.65.030, MAUI COUNTY CODE, TO ESTABLISH OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Committee Report 17-39, from your Land Use Committee, be FILED; and
3. That County Communication 16-278, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-38.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on February 20, 2018, to consider a revised proposed bill to require that applicants own a property for at least five-years before applying for a Short-Term Rental Home Permit.

Your Committee recommended passage on first reading of the revised proposed bill and filing of both Committee Reports 17-39 and County Communication 16-278. I ask for the Members support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I apologize to Chair Carroll that I was not here that day for Committee. I have several questions. I know on the, when this was proposed within the original bill, we were talking about Hana's situation, as I can recall, the speculation that was going on over there.

I, listening to the testimony, the one percent of properties that were being sold, or at least bought, out of the 5,200 purchased from 2012, 43 of those were then brought into the STRH permitting process; and that's just one percent. So, my question was, of that 43 houses, units, were those second homes? And, what were the fair-market value?

And, the reason why I wanted to get that information was if, if the, if the property or the houses were at such high scale, they would probably most likely not go into the rental inventory of long-term, if they're second homes as well.

So, I have questions. I agreed with Mr. Carroll the first time he brought this forward, to limit it to Hana. But, as it is more encompassing, I'm not sure how it's going to adversely affect other areas. So, at this time, I cannot support this bill. Alright. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I do have some questions, and probably would have to refer to Corp. Counsel, the issue of placing a five-years kind of a ordinance that if a purchaser has to have five years, would that, would we be infringing on a person's constitutional rights to, to do that? If we were to go forward, are we opening ourselves up to future litigations?

CHAIR WHITE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL EDWARD KUSHI, JR.: Yes, Mr. Chair. I'm not sure if those questions were asked in Committee. By looking at your Committee Report, in terms of the five-year, why five-year, why not three, I think your Committee Report notes that the existing ordinance, to be a short-term rental, the building itself needs to be in existence for five-years. So, I'm assuming that's why they took that five-year deal.

As far as the constitutional issues about whether it's a taking or not, again, it's a legal issue. At this point in time, unless something else comes up, I don't see it's a taking. To be a short-term rental, it's not a privilege, I mean, it's not a right, it's a privilege. It's conditional on, on land use regulation, time, place and manner.

Again, you've had hearings on this. Apparently, these issues or this idea of ownership goes back to the previous term where this matter was referred to your Planning Commissions. So, it's not new. Again, you've had committee reports, one of our Deputy's was in attendance, and he signed off on the bill, so I believe it's defensible.

COUNCILMEMBER ATAY: Okay. And so then with that, you know, the, the other, I was kind of thinking that, what are we trying to accomplish? And for me, two things; I would like to support and protect the licensees or the permittees that have abided by the law and went through the process and not penalize them. At the same time, we still have to, you know, we're making things in place to catch up and get enforcement after a lot of the illegals. You know, but at the same time I want to respect those who followed the law and filed it. So, I too am kind of straddled and currently right now would not be comfortable moving forward in support of it.

CHAIR WHITE: Okay.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, if I understand this correctly, when you do sell your, your property with an existing STR, the permit does not necessarily go with the sale. So, it's my understanding that, that this is why we, it becomes speculation. I know back home on our island, I mean, people just, you know, turnover, they have their STR's and then it's a turnover, and it turns out to be more speculation, with, which has an impact on our local residents. Not necessarily long-term rental, but just not knowing their neighborhood or feeling the neighborhood, as well as assessed values for their property taxes. So, I think I can appreciate giving at least five-years prior.

So, I know people are saying that, oh, I have my permit and I want to carry it over. But, I believe all new, new owners have to go in for their new permit anyway, so we allow them to have it, sit on your property at least for five-years before you can determine that. For this reason, I support this particular recommendation.

CHAIR WHITE: Thank you.

Any further discussion?

Ms. King, followed by Mr. Guzman.

COUNCILMEMBER KING: Thank you, Chair. You know, I agree with my colleague Ms. Crivello on the, you know, the impact it could have with those carryover rights. And I think one of the, one of my issues is, and we just heard the Corp. Counsel say, that it's a property right to be able to rent out your home just, when you buy a residential-zoned building. It is your right to move in and be a good neighbor, and it is your right to live there, it's your right to rent it out long-term. But, it's not one of the property rights that inherently comes with buying a house.

And, I also think that it's not our responsibility as a Council to add value to people's homes by allowing them to attach a business to it. You know, I think it's a, it's a, if there's somebody who's local who wants to rent out their house, or somebody who's owned their house for five-years or more and wants to rent out their house, and hopefully knows their neighbors for five-years or at least knows who they are, then if it's helping somebody stay in their house and build a little business and share some mana`o with tourists, it's a good thing. But, for people to come in with the intent of doing that; buying a home as an investment, is part of the problem of what we've been

allowing over the years, legal and non-legal, to get to the point where now we have so many of them that housing prices are going up because there's that added value and there's that perceived added value.

I, there's a, there's a home on South Kihei Road I can think of right now that's a neighbor to one of my friends who lives in a condo there. And, the person has built a giant home, is applying for a short-term rental, has never even lived there, and they have issues with that neighbor encroaching on public property that hasn't even been addressed yet. But, those are the kinds of incidences of people coming and looking at, at every residential property as an investment other than a home to live in.

So, I, I have concerns about property rights, but I have more concerns about the property rights of the residents who already live there who don't want to be inundated with short-term rentals. And, I have concerns about the, what we always talk about as far as people's rights to have affordable homes here. And, I do think this is affecting it. And I, and I'm, that's why I supported this.

I think that the other side of things is we have to do enforcement. But, I think just because we haven't gotten there yet, which is one of the pushes that we're making with the Planning Department hiring a consultant on that, just because we haven't gotten there doesn't mean that we shouldn't also move, make our policies stronger to prevent the speculations that's been happening over the years.

So, I, I support this bill. I understand the folks concerned. But, I don't think property rights, to me, is an issue. So, it's not a right that you have when you buy a residentially zoned house or, or even apartment. Thank you.

CHAIR WHITE: Thank you.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. I wanted to elaborate a little bit more on Member Atay's position. And, I think we're kind of on the same path in terms of, you know, if I were to analyze the, the numbers or the data if it was in front of me, and not just relying on testimony. And in fact, if it is only one percent of the 5,200 houses being sold and 43 are actually then go, moving into the permitting process, that one percent is very minimal compared to other businesses or industries.

And, if we're talking about what is the heart of the matter, what is, what is, what are we trying to get at and it all comes back to enforcement. So, for years and years, we had an Administration that had an internal policy that basically, hey, we weren't going to enforce. They left the faucet open, and now we basically have this inundation of

illegals. Will this provision now stop the illegals? I don't think so. I think this provision will, will tend to make legal people who want to go through the process become illegal and therein lies a problem; we have less inventory. So, are we really addressing the issue?

I mean, we worked on this, this ordinance for at least two terms to tighten it up. We just haven't caught up in terms of getting the enforcement bodies out there. I know there was an RFP or something that was going out there to try to get an independent enforcement process going, going on. And still we, we haven't gotten that up and running.

So, I say, let's let the process work, try to work; not tighten a screw that's, you know, the, the treads already stripped. You know, we, we've got to look at it a different way here. We're tightening a, we're making it more strict scrutiny for those people who want to do it through the legal process. I just think that we're hitting it, we're angling it at the wrong, wrong angle. I mean, we're approaching it wrong. But, I just don't have the data. I feel very uncomfortable voting for it. So, thank you.

CHAIR WHITE: Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I think, for me, same, same line of thinking is that why are we penalizing the people that's following the law, following the rules? This is to penalize them. If we want to, and we know the solution has been enforcement, then next month, definitely, we need to be putting enforcement officers in that budget and let's turn it up the notch and go after these illegals.

The percentage he's saying, one percent of the whole purchasers do turn, well the other side is, which we don't have the data, how many are illegal? Of the 5,000, what, 500, 1,000 turns to be illegal? We got to go after them, and go after them hard. And so, this budget term, I think we gotta really allocate. If we say we're going to enforce, let's allocate that.

CHAIR WHITE: Just, just remember that at one point when we allocated the funds, they used it for other positions.

So, Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I think we're talking about the wrong thing here. Did anybody see anything in this bill about enforcement? There is nothing in this bill about enforcement. This has nothing to do with enforcement. This has to do with

making it to where we can have more homes available for our people and that's the bottom line; that is the bottom line.

We have people, we had a person over here give testimony last year. He went over here and moved to Maui, Kihei, he has his own house. He's a wealthy person, so he bought two more homes, turned them into vacation rentals for income. And, he said that's a good investment and that's his retirement. So, then he can sell them, move it on, and two homes are gone.

We have vacation rentals in Kahului in the increment. Those are homes for our people. This is to discourage that type of mentality to where people are looking at vacation rentals as income-raising, as something that they, go over there, is a good investment, that afterwards they can turn it over to somebody else for a lot more money than they paid for when they started.

This is not about generating money. This is not about enforcement that we need to address. This is about trying to preserve the quality of life that we have on Maui. This is trying to take care of our people. We don't know what the actual numbers are. But, we do know from the testimonies we had, a lot of these homes are not high-end homes. They are homes that just ordinary regular working people use.

The point we want to drive home is that we care for our people. We want to take care every avenue that we can to make sure of regular homes, affordable home, or market-priced homes; because our people, a lot of our people buy market-priced homes. We've had people come over here give testimonies, said hey, don't insult me, I'm a, I work construction but I can buy a market-priced home, but there's none out there.

And for rentals, long-term rentals, there's none out there. Thankfully we're looking at rentals now more because that's one of the real solutions. But, this year, it's designed to keep people in homes, to make them available for long-term rentals, so we don't have multi-family houses.

And, Hana, we have extreme multi-family houses, agreed. But, you don't think you have over here? You must never have driven through Kahului. People need homes and this will help to try to put more homes in our market. And, I would ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yea, I completely support this. And, it really is about, I guess, hindering the progression of a lot of homes moving into these short-term rentals, as Mr. Carroll is mentioning.

(Councilmember Crivello was excused from the meeting at 12:36 p.m.)

COUNCILMEMBER COCHRAN: And, you know, and diswaying people from doing investment properties, because right now, it's like we're a buyers' market here. Come over here, invest, buy, and you, yea, you can get permits to short-term rental. Or hey, if no one's looking, do it illegally.

And that money, we put in last budget is being utilized. And, the company has been picked. So, they're going to, that's another prong. To me, this is just a multi-pronged approach to address an issue that we all know is happening. So, this isn't the cure all end all, but this is definitely a huge positive step to assist.

And, it is about, you know, B&B's are one thing, I can finally kind of swallow that one, because the owners are there on site. But these other ones, people are buying up purposely for the sheer profit of vacation rentals. And, that is, we have to stop that, you know, and get the grip on the illegals, of course.

But, you know, for me, this is something where you're here in this community for a while, as I think Ms. King mentioned. You got to know your community and your neighbors and what have you, and the culture, and then go for the process, you know. But, don't just buy sight unseen because their, your realtor's telling you it's a great investment and a buy, and you can flip it and make "x" amount of dollars per night, per week, per year, whatever. That has to stop. Our people need houses and roofs over their heads, as Mr. Carroll's mentioning. And, this is going to help that. So, I completely, wholeheartedly support this. Thank you, Chair.

CHAIR WHITE: Thank you. Any further.

COUNCILMEMBER COCHRAN: And, sorry, lastly, sorry, sorry. This is not affecting the legal permitted people, currently here with permits. That's definitely not going to affect them. Thank you.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you for that last comment. I was looking at, like others, what happens to the current permittees. That's the keyword, Chairman, permittees, okay. They're asking to be allowed to do a non-permitted use in a zoning category.

So, for me, automatically, the applicant knows this is a temporary thing. Were it not, they would go for rezoning, which is a more permanent thing.

(Councilmember Crivello returned to the meeting at 12:30 p.m.)

COUNCILMEMBER HOKAMA: Permitting should never, never underscore the importance of the building codes, the building code requirements, and zoning, cause that's how we base our taxation on; the actual permanent zoning categories of this County as adopted by law. I'm tired of us bastardizing taxation and zoning by temporary permits that we think is now going to, may be a permanent use in a non-zoned area, or that wasn't zoned for that.

Why does Oahu have issues with monster houses? Why don't they just adopt a building code that say every bedroom must then have one parking stall on site? You have six bedrooms, you need six stalls on site, so that you don't impact the road, okay.

Our sewer systems, our waterlines, have all capacities. It was built in coordination with the zoning standards, the zoning code. Changing the densities, everything, arbitrary by permits and short-term agreements is not the way to do it.

Kamehameha Avenue, if you guys don't know it, has always been planned to be a four-lane highway or avenue, eventually, upon the growth of the community. That's why it's that wide. It was by government's decision on planning. For us now to say certain things, especially in the residential areas, that you can get a permit but you're not going to be held to the code requirements of infrastructure, whether it be the parking stalls or adjustments to the sewer or water, that doesn't make sense to me, Chairman. Cause then, who does the request come to take care of those temporary permit approvals? The Council and the General Fund, which is the rest of the taxpayers. That is not the intent of how we fund or tax for those things, Chairman.

This is just one of the many tools we need. But as we go through budget, I've learned sugar doesn't always work. I think we should use our 21st-century sticks and let people know we will have the ability, the technology, the manpower, and the tech tools to get compliance for observation whether it's in the couch or on the planes; this County will be able to do its assessment and its ability to have fair taxation in the 21st century.

If we move to where we would like to go this budget session, Chairman, we'll be the best in this country on 3D assessments and verification. And, that will help us with enforcement, cause nobody can hide. This County is going to be the big cousin. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Listening to all my colleagues and the testifiers, I still remember when this item came up with Land Use the last time. One of the testifiers said, I thought, oh maybe it should not be five-years, maybe it should be three, right, was one of the suggestions, because it takes two-years to actually go through the process. And, that person said, oh no, it took me six months with the help of a professional. So, that was kind of interesting, cause faster can be done.

I just came back from DC, and I saw my son. So, my son is living in DC, and working. And, the thought occurred to me when I, you know, shared the last day with him, is would he ever be able to come back? And, if things on Maui keep on going the way they do, it's going to be really hard for him to ever come back to buy a median income range home of 700, I think was 82,000 in Maui News recently.

And, it'll just go higher. But, I think that what this short-term vacation rental bill does, it is, as Member Hokama calls it, another tool in the toolbox, because really when you think about it, maybe it doesn't apply to a lot of people that buy homes. If there's 5,200 people buying homes and only one percent changing it to short-term vacation rentals, then we sure spend a lot of time talking and thinking about something that really affects not that many people who are sincerely buying for the purpose of living there or for extending it for their ohana or whatever.

And, so, I support this just because I think it is another tool in the toolbox. And, I know this is not about enforcement, but I hope during budget, that we're able to tackle this in a bigger way with dollars, I think is, is what we'll have to do in bodies. So, I support this, Chair. And, thank you, Member Carroll, for bringing it up.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER GUZMAN.

CHAIR WHITE: I heard one "no"; Mr. Guzman. Is that correct? Okay, we have a measure passes with eight "ayes", and one "no"; Mr. Guzman.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 26 (2018).

COMMITTEE REPORT
NO. 18-39 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-26, entitled "RELATING TO THE APPOINTMENT OF JONATHAN TODD TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-39.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development Committee met on February 12, to consider the Mayor's nomination of Jonathan Todd to the Liquor Control Commission for a very short term expiring on March 31, 2018. And, he was actually filling a vacancy from the resignation of Dana Souza.

Mr. Todd was approved. He also expressed to us his past experience of obtaining liquor permits for other businesses. That, the Members asked for clarification if it would be a hinderance for him to be on the Liquor Control Commission. But, that was clarified through Corp. Counsel, the, that he would personally benefit, if he would personally benefit pursuant to HRS 281-11, that he would not be able to serve on the Liquor Control Commission. But that was clarified.

Your Committee voted 7-0 to recommend approval. And, I respectfully request for my Members approval.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNCILMEMBER KING: Chair. Chair, are, I just wanted to ask if we were going to have our lunch break?

CHAIR WHITE: We're just going to--

COUNCILMEMBER KING: We're going to try to get through the whole--

CHAIR WHITE: Yea.

COUNCILMEMBER KING: Okay, so if I have a appointment, I'm going to have to take off now, and you're going to go continue though.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: Okay, thank you.

COUNCILMEMBER COCHRAN: Yea, I need, my meeting--

CHAIR WHITE: And, Ms. Cochran. And, as long as we still have the seven, we're, I think we're good to go. Thank you for your participation.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-26.

(Councilmembers Cochran and King left at 12:46 p.m.)

COMMITTEE REPORT

NO. 18-40 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Resolution 18-27, entitled "APPOINTMENT OF MEMBERS TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Tapani Vuori (Reappoint), Lori Perreira, and Cynthia Sasada to the Affirmative Action Advisory Council for terms beginning April 1, 2018 and expiring March 31, 2023.
2. That Resolution 18-28, entitled "APPOINTMENT OF MEMBERS TO THE ANIMAL CONTROL BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Aimee Anderson (Reappoint), Ronald Larsen, and Paul McCurdy (Veterinarian) to the Animal Control Board for terms beginning April 1, 2018 and expiring March 31, 2023.
3. That Resolution 18-29, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointments of William Curtis, Jr. and David Weiss to the Board of Ethics for terms beginning April 1, 2018 and expiring March 31, 2023.
4. That Resolution 18-30, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Trisha Egge and Evelyn Kissen to the Board of Variances and Appeals for terms beginning April 1, 2018 and expiring March 31, 2023.

5. That Resolution 18-31, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Dean Frampton and Joseph Aquino to the Board of Water Supply for terms beginning April 1, 2018 and expiring March 31, 2023.

6. That Resolution 18-46, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Marcus Merchasin to the Civil Service Commission for a term beginning April 1, 2018 and expiring March 31, 2023.

7. That Resolution 18-32, entitled "APPOINTMENT OF MEMBERS TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointments of Clifford Libed (Reappoint), William Kinaka, and Maria Larrucea Solomon to the Commission on Children and Youth for terms beginning April 1, 2018 and expiring March 31, 2023.

8. That Resolution 18-33, entitled "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Sharron Courter (Reappoint), Norman Halip, and Gayla Ann Haliniak-Lloyd (Molokai) to the Cost of Government Commission for terms beginning April 1, 2018 and expiring March 31, 2023; and disapproving the appointment of Roger Alconcel (Lanai) to the Cost of Government Commission.

9. That Resolution 18-34, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Katherine Smith, Susan Lussier, and Judith Mikami (Molokai) to the Council on Aging for terms beginning April 1, 2018 and expiring March 31, 2023.

10. That Resolution 18-35, entitled "APPOINTMENT OF A MEMBER TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Kyle Ginoza to the Fire and Public Safety Commission for a term beginning April 1, 2018 and expiring March 31, 2023.

11. That Resolution 18-36, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointments of Shelly Preza (Reappoint – Designated Native Hawaiian Traditional and Customary Practices Expert), Chelsea Trevino, and Sherry Menze to the Lanai Planning Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

12. That Resolution 18-37, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Herman Nascimento and Richard Bergson to the Liquor Control Adjudication Board for terms beginning April 1, 2018 and expiring March 31, 2023.

13. That Resolution 18-38, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Jonathan Todd (Reappoint) and Alberta de Jetley (Lanai) to the Liquor Control Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

14. That Resolution 18-39, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED;

Approving the appointments of Yvette Celiz and Ian Bassford (Archaeologist) to the Maui County Cultural Resources Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

15. That Resolution 18-40, entitled "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointments of Alalani Hill (Reappoint – Designated Native Hawaiian Traditional and Customary Practices Expert) and P. Denise La Costa to the Maui Planning Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

16. That Resolution 18-41, entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Jaylene Nuesca and William Moore to the Molokai Planning Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

17. That Resolution 18-42, entitled "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Robert Dixon and Mark Redeker to the Police Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

18. That Resolution 18-43, entitled "APPOINTMENT OF MEMBERS TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Robert Johnson and Michael Silva (Civil Engineer) to the Public Works Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

19. That Resolution 18-44, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointment of Michael Gurat to the Real Property Tax Review Board for a term beginning April 1, 2018 and expiring March 31, 2023.

20. That Resolution 18-45, entitled "APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Gene Abbott and Peter Martin to the Salary Commission for terms beginning April 1, 2018 and expiring March 31, 2023.

(Councilmember Guzman was excused from the meeting at 12:46 p.m.)

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-40.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. This is what I call the mass nomination meeting. We went through 42, I believe, nominations. I'm not going to read off all of the recommended nominees, because it's in our Committee agenda. And, we, we met, we discussed. And the previous item, Mr. Todd, thank you for approving him, because he is now one of the nominees on the, for the Liquor Control Commission to serve for this next term.

Other, other nominees which came up in question, which were answered, was Kyle Ginoza and Ian Bassford. Kyle Ginoza, in his current capacity, as well as Ian Bassford as a archeologist. And, for both, they said that if there's a conflict that they would need to recuse themselves. But they, Mayor's Office replied and didn't think that it was a problem.

Let's see, also, we had today, Marcus Merchasin, who was nominated to the Civil Service Commission. And, I just want to clarify, Chair, that during the meeting, by looking at his application, his address was a P.O. Box, which, and based upon the testimony from the Mayor's representative, it sounded like Mr. Merchasin was traveling to the mainland every month to take care of business there. So, we weren't sure about his residency and how much time he had to serve on the Civil Service Commission.

He testified today, and as you can hear he's pretty, he's pretty sincere about wanting to serve the community. I think he's a high-powered attorney, I think, in real life. And, for him to want to service on this important Commission, Chair, if you don't mind, I would love to entertain the possibility of putting him on the Civil Service Commission. But, at this time, we're taking up the, the mass nomination for the motion.

CHAIR WHITE: Yea, the Chair would suggest that we, we separate that item out of the, out of the motion.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR WHITE: Take it up separately, if there are no objections.

COUNCILMEMBER HOKAMA: Objection.

COUNCILMEMBER SUGIMURA: Okay.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. So, we'll take all, all other elements--

COUNCILMEMBER SUGIMURA: Except number 6.

CHAIR WHITE: --that you, that are included in your motion first.

COUNCILMEMBER SUGIMURA: Okay, so all of it on the agenda up to the, 20 items listed, except we'll take out number 6, which is for Mr. Merchasin.

CHAIR WHITE: Correct.

COUNCILMEMBER HOKAMA: --motion.

CHAIR WHITE: Are there any other requests for separation?

COUNCILMEMBER HOKAMA: You need a motion.

COUNCILMEMBER SUGIMURA: Okay. I need a motion?

SO, CHAIR, I WOULD LIKE TO MOVE THAT THE COMMITTEE ACCEPT ALL THE ITEMS IN COMMITTEE REPORT 18-40, 1 - 20, EXCEPT PULL OUT MR. MERCHASIN'S ITEM, WHICH IS, THAT'S, WHAT DID I SAY, I JUST SAID NUMBER 6, YEA, NUMBER 6.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, with this, I think that the questions that the Committee had were answered through a communication from the Mayor dated February 22, 2018, which kind of answered any of the questions that were brought up in that Committee. We did have some Committee Members who was not available, and, such as the Lanai Planning Commission personnel who was off-island, so couldn't be available for questions. But, she comes highly recommended, and with many degrees. And, I think that's it for that.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBERS COCHRAN, GUZMAN, AND
KING.

CHAIR WHITE: We have five "ayes" and one "no"; Mr. Hokama, and three "excused"; Ms. Cochran, Ms. King, and Mr. Guzman.

Okay, we're back to, Ms. Sugimura, we're back to the item that was, item 6.

(Councilmember Hokama was excused from the meeting at 12:50 p.m.)

COUNCILMEMBER SUGIMURA:

SO, CHAIR, I WOULD LIKE TO MAKE A MOTION TO PLACE
MARCUS MERCHASIN FOR CIVIL SERVICE COMMISSION
TO BE ON THE, I THINK IT'S ON RESOLUTION, IT WOULD BE
NUMBER "B" FOR APPROVAL, BECAUSE IT WAS FOR A "D",

I MEAN, IT WAS GOING TO GO ON "C" FOR DISAPPROVAL,
SO TO PUT HIM ON "B", FOR APPROVAL.

CHAIR WHITE: Mr. Clerk, is that the right exhibit?

COUNTY CLERK: Yes.

CHAIR WHITE: Okay. Okay, do I have a second?

COUNCILMEMBER ATAY:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I think we all heard him, his testimony, and his willingness to serve on the Civil Service Commission. I, I spoke to him during the recess, and I value his, his interest in the community, his commitment to come and, I think he met with Members individually from the meeting till today, and then to come and testify and what he said. I think that he will, his legal expertise could probably help add value to the Civil Service Commission, and its important work for our, all of our employees of Maui County. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: I also had an opportunity to communicate with Mr. Merchasin. And, and he revealed to me that probably the inquiry was because he had a P.O. Box as, as a address. But, he verified that he does live in the Lahaina district, I think Kaanapali area. And so, it came down to, I said, well, I don't know what our, our measurement of whether you're a resident, because you say you're a resident of Maui. So, I said, well, where do you, where do you file your taxes? You know, do you file it in California or do you file it here? And so, his response was here. So, I don't know if that's our measurement of saying where you reside. So, I would, I would be in support in accepting that that in that he does reside here in Maui County. And, discussing

things with him, he does have a legal background. And, and I would assume more than able to serve on this Civil Service Commission. So, I, I stand in support.

CHAIR WHITE: Thank you. And, and if he votes here, that's another proof that he's been here.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, GUZMAN,
HOKAMA, AND KING.

CHAIR WHITE: Measure passes with five "ayes", and four "excused"; Members Cochran, Hokama, Guzman, and King.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NOS. 18-27 through 18-46, respectively.

COMMITTEE REPORT

NO. 18-41 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-47, entitled "APPOINTMENT OF A MEMBER TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Lipoa Kahaleuahi (Designated Native Hawaiian Traditional and Customary Practices Expert) to the Hana Advisory Committee for a term beginning April 1, 2018 and expiring March 31, 2023.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-41.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Committee met on February 12. Besides the mass nominations, we took up this Hana Advisory Commission nominee. And, it would be for a term beginning April 1, 2018, expiring on March 31, 2023.

By Mr. Carroll's testimony and support of, of Lipoa Kahaleuahi, excuse me for not saying it correctly, and her credibility and expertise, she can be the voice for the Native Hawaiian Traditional and Customary Practices designee for the Hana Committee.

And, with that, your Committee voted 7-0 to recommend approval and I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

EXCUSED: COUNCILMEMBERS COCHRAN, GUZMAN,
HOKAMA, AND KING.

CHAIR WHITE: Measure passes with five "ayes", and the same four "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-47.

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

(Councilmember Hokama returned to the meeting at 12:54 p.m.)

ORDINANCES

ORDINANCE NO. _____
BILL NO. 10 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 12.24A
AND 18.20, MAUI COUNTY CODE, RELATING TO
LANDSCAPE PLANTING AND BEAUTIFICATION

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, WITH NO OBJECTIONS, I MOVE THAT BILLS 10,
11, 12, 13, AND 15 PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

ORDINANCE NO. _____
BILL NO. 11 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FIRE AND PUBLIC SAFETY

LANAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES,
LANAI FIRE STATION IMPROVEMENTS;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 12 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FIRE AND PUBLIC SAFETY,
LANAI COMMUNITY PLAN AREA,
LANAI FIRE STATION IMPROVEMENTS

ORDINANCE NO. _____
BILL NO. 13 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM – HIGHWAY FUND;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 15 (2018)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018,
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND
SCENIC VIEWS PRESERVATION FUND

CHAIR WHITE: Okay, so you, you made the motion, correct?

COUNCILMEMBER HOKAMA: Correct. And, there was a second.

CHAIR WHITE: Was there a second?

COUNCILMEMBER SUGIMURA: Yes.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, GUZMAN, AND
KING.

CHAIR WHITE: Measure passes with six "ayes", and three "excused"; Members Cochran, Guzman, and King.

Mr. Clerk.

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

CHAIR WHITE: Thank you very much, Members, for your attendance.

And, thank you, Mr. Merchasin, and welcome to the Civil Service Commission. Thank you for your service.

With that, Members, we are adjourned.

ADJOURNMENT

The regular meeting of March 9, 2018 was adjourned by the Chair at 12:56 p.m.

A handwritten signature in black ink, reading "Dennis A. Mateo". The signature is written in a cursive style with a large initial "D".

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

Testimony in support of CC18-97

Aloha Chair White and members of the council.

My name is Kate Griffiths and I am here to testify on behalf of The Committee on the Status of Women.

International **Women's Day** was yesterday. On **March 8** we **celebrate women's** achievements throughout history and across nations. It is also known as the United Nations **Day for Women's Rights and International Peace**.

This month is also women's history month, with this years' theme being, "Nevertheless she persisted".

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), was adopted in 1979 by the UN General Assembly, and is often described as the international bill of rights for women. "Countries that ratify CEDAW are mandated to condemn all forms of discrimination against women and girls and to ensure equality for women and girls in the civil, political, economic, social and cultural arenas." Unfortunately, the U.S. is one of only 7 countries that have declined to ratify CEDAW. President Jimmy Carter signed the treaty in 1980, but the US senate failed to approve it. However, 187 countries have adopted CEDAW, requiring them to eliminate discrimination against women in all areas and promotes women's equal rights.

It is time to go local. If the U.S. government won't, we can as a county. According to the Hawaii state commission on the status of women data, women in Hawaii still only make 86 cents to a man's dollar (for the same amount of work and qualifications), while Native Hawaiian women make only 70 cents for every dollar a man makes. Women are not worth any less than men.

And while we have made big strides in supporting women on Maui with great organizations like Women Helping Women Hawaii and The Mauimama, women are still at high risk of domestic violence and sexual assault.

I am here to encourage that Maui County stands up for women rights, which are human rights and support CC18-97 **URGING THE MAYOR TO SUPPORT THE PRINCIPLES OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**. In 2016 Honolulu County became the *first* Hawaii county to pass CEDAW legislation. Maui can be the second with this resolution being a great first step towards that. Now is the time to end all forms of discrimination against women.

Just as the courageous Malala Yousafzai said, "We cannot succeed as a community when half of us are held back."

<http://citiesforcedaw.org/wp-content/uploads/2017/01/DOC004-6.pdf>



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Government Affairs Director
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E-mail: Lawrence@RAMaui.com

March 9, 2018
TESTIMONY CR 18-38

Good morning and aloha Chair and members. My name is Lawrence Carnicelli, speaking on behalf of the REALTORS Association of Maui in opposition to CR 18-38.

Your Land Use Committee passed Bill LU-7 last week which is now transmitted to the full Council as CR 18-38. However, this is not the first time this has been brought before you. As you may recall, about a year ago this body unanimously sent LU-7 back to this committee due to numerous questions and unintended consequences this bill raised. Since that time there have been zero changes or alterations to the bill that that was sent back but is again before you now. However, since that time you have received nearly 200 emails and over two hours of verbal testimony in opposition to this same resolution before you today.

As you know RAM is opposed to this bill because this is a property rights issue. The REALTORS® Code of Ethics was adopted in 1913 and one of the pledges is to specifically defend property rights and home ownership. It states: "to protect the individual right of real estate ownership and to widen the opportunity to enjoy it."

What is before you today is, in our opinion, a property rights issue. We believe this is a taking of rights that run with the land and, although the intention may sound good, this will do nothing to curb the runaway illegal vacation rentals that plague our community. In fact this bill will harm the real estate industry and attacks the rights of property owners.

This bill fails to address numerous realities with the market and practical matter addressed in the code.

- 1) There is no nexus – Less than 1% of new home sales become legal STRH.
- 2) Caps already exist – The ordinance already has a cap of 382 short term rental homes County wide.
- 3) Removal of property rights - The roughly 5,200 property owners that purchase a home within the last five years will have a basic right stripped and taken away from them.
- 4) Fuels "Black Market" – The County's permitting process is wrought with numerous hurdles and obstacles. Lengthening the process will only increase the illegal rentals that proliferate our community and take away needed housing for our local families.
- 5) No just cause - There has never been a study nor any statistics showing new purchasers of homes are a cause of any harm to short term or long term housing. This bill will not solve any problems and do nothing to help the families of Maui. However, it will cause harm to the economy.
- 6) Safeguards already in place - The current law was vetted by many in the community and already has many protective provisions built into the law.
- 7) Attacks legitimate operators not illegal - This bill does nothing to address the growing number of illegal operators and is specifically geared to stop legally operating STRH's.
- 8) SEVEN-year Ban – The bill proposes that a new homeowner has to wait five years to even apply for a permit. The application process can take upwards of two years which, for all intents and purposes, makes this a 7-year prohibition.
- 9) Enforcement - The real issue with short term housing springing up all over our neighborhoods is the lack of enforcement of current law. While there needs to be a remedy for that. This does not do such.
- 10) Unformulated time frame - There is no justification nor connection for the five year banishment.
- 11) Loss of revenue to the County - By forcing more home owners to operate illegally the County is losing out on collected real property tax, GET and TAT. Also, there is no gain in revenues from legal operators who must remove the exemption from their real property tax bill.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
MARILYN LEE
JUDY KERN
AMY MONK
LISA ELLEN SMITH

Executive Director
Khara Jabola-Carolus

Email: kjabola-carolus@dhs.hawaii.gov

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 6, 2018

To: Mike White, Chair
Robert Carroll, Vice Chair
Honorable Members of the Maui County Council

From: Khara Jabola-Carolus
Executive Director
Hawai'i State Commission on the Status of Women

Re: Testimony in Support, CC 18-97

RECEIVED
2018 MAR -6 PM 4: 38
OFFICE OF THE
COUNTY CLERK

Thank you for this opportunity to testify in strong support of CC 18-97, relating to the Convention on the Elimination of Discrimination Against Women (CEDAW).

CEDAW is a human rights treaty that was adopted in 1979 and entered into force in 1981. It is the only human rights treaty focusing on women's rights, and is considered the international bill of rights for women. Initially, CEDAW garnered bi-partisan political backing in the United States until conservative elements organized to reverse support of women's equality. Today, we are witnessing a similar rise in the level of attacks on women's rights in the United States and globally. There is an urgent need to protect the rights of women and girls in Hawai'i. This moment calls on us to establish principles of gender equality at the local level.

Almost all countries in the world have ratified CEDAW—187 out of 194 countries. The United States is one of 7 countries which have refused to ratify CEDAW. In countries which have ratified CEDAW, women and girls have been able to partner with their governments to improve the status of women and girls and institutionalize gender equity using innovative methods. In 1998, San Francisco became the first municipality in the world to adopt the principles of CEDAW. Other cities and counties across the nation are moving towards the adoption and implementation of CEDAW as a means to ensure gender equity in all city and county services, policies, and procedures. In 2016, Honolulu County became the first county in the Hawai'i to pass CEDAW legislation.

Although women have made major gains in the struggle for equality, women in Hawai'i still only make 86 cents to a man's dollar (for the same work performed and with the same qualifications). The wage gap is even more pronounced for women of marginalized identities. Native Hawaiian women make 70 cents for every dollar a man makes, and 79 cents for every dollar a Native Hawaiian man makes. Similar disparities exist among earnings of immigrant women (naturalized or undocumented). If trends continue, Hawai'i will not achieve equal pay until 2100.

Additionally, women still serve as primary caretakers of family members, despite also serving in the workforce and acting as sole or primary breadwinners in a majority of Hawai'i families. While we have made some strides in preventing violence against women, women and girls in Hawaii are still at high risk of intimate partner violence, sexual assault, and stalking. Anecdotally and

statistically, it is clear that we can and should be doing more to ensure the safety, economic self sufficiency, and equitable treatment of women and girls in Hawai'i. This resolution would serve as an important step toward the implementation of the principles underlying CEDAW into our local policies and institutions.

The Commission supports this resolution and urges the Council to pass it.

Sincerely,

Khara Jabola-Carolus

MAUI COUNTY COUNCIL MEETING 3/9/18
AGENDA ITEM 18-37
PUBLIC TESTIMONY OF DAVE THOMAS

Please excuse me if I offend anyone. Being polite and diplomatic and working within the system on this has gotten me nowhere. I mean no disrespect, so please take my comments professionally, not personally.

I am a Maui resident of 41 years and have owned a home on Kaiwahine for 31. While I support affordable housing on Maui, I strongly oppose allowing the Kaiwahine Village Resolution for a time extension for these reasons:

- 1) A clear violation of Kihei-Makena Community Plan of 1998
 - *“Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development.”*
 - *This development must have another way in and out. Allowing this project to continue would be another example of the Council disregarding both the mandate and the need for infrastructure improvements.*

2) It's a violation of the public trust.

- *Two years ago Council Resolves "No further time extensions shall be considered or granted"*
- *On 2/14/18, Land Use Committee does exactly that.*
- *If the Council can change it's mind "as it pleases", this essentially makes any Resolution meaningless in the long run.*

3) It lacks common sense and clarity.

- *Watching the Testimony (thank you Akaku!) there are lots of unknowns asked by Council of Departments where no clear answers were given.*
- *I applaud Council Members Hokoma and Cochran for voting against something that was already given 2 extra years with no additional infrastructure in place.*
- *The North/South Connector road was mentioned as traffic relief and connectivity for this project. That's just talk at this point. There's no action right now giving any validity to this.*

4) Kaiwahine Street itself is getting totally neglected by this.

- *It has NEVER been repaved in 31 years.*
 - *Experts agree that a well travelled asphalt road should be repaved every 8 to 12 years.*
 - *We've been lobbying to have this repaved long before the original deal with Royal Main 7 years ago to pave as condition.*
 - *If the extension to new owners is approved, it could be another 5 years or more until the road is repaved.*





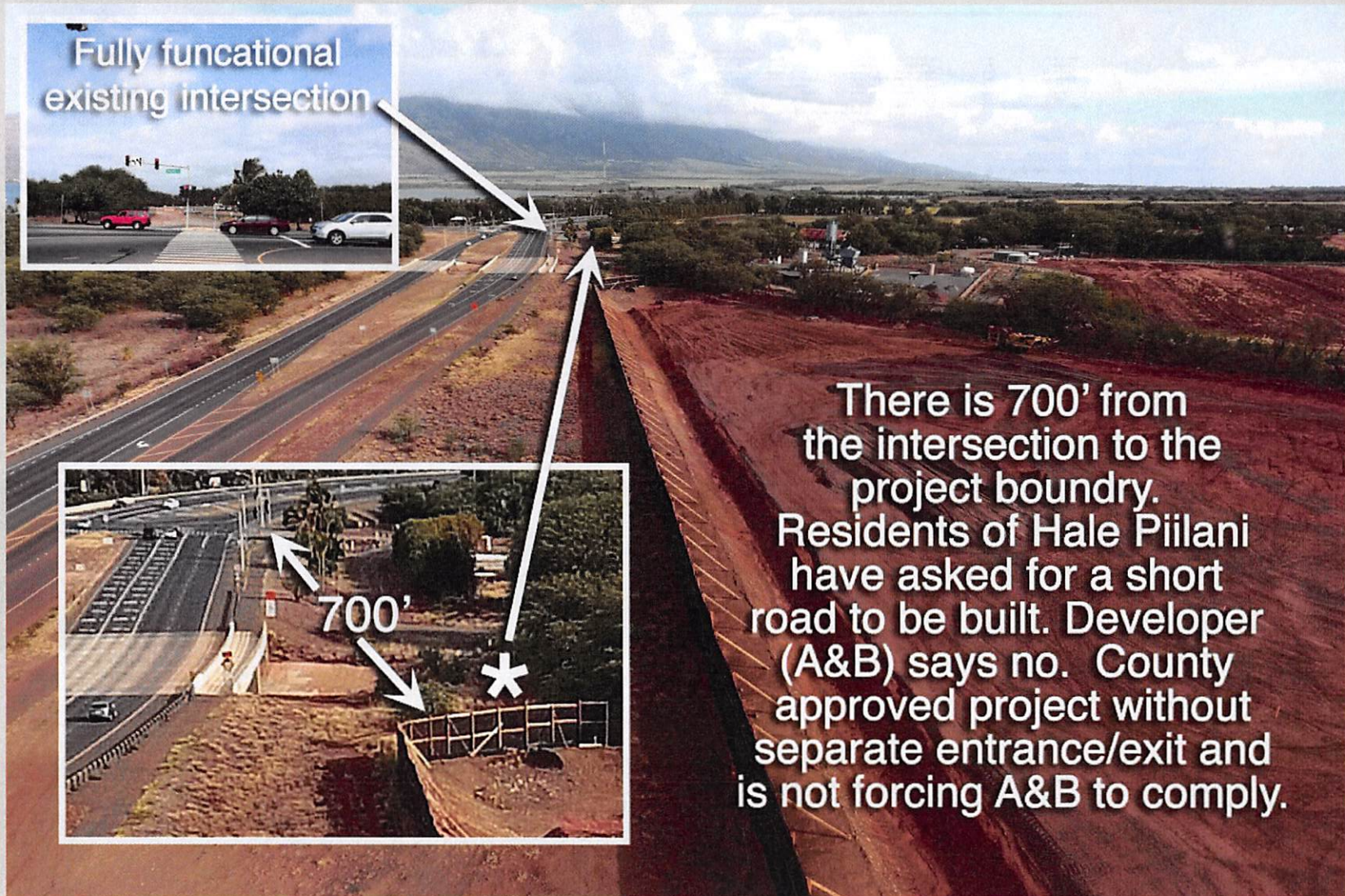
Kaiolohia St.
repaved 3-4
years ago. Much
less traveled road.

Why not
Kaiwahine?

Why am I here by myself?

1) Justifiable apathy

- *Neighbors and I have been said “no” to so many times when we’ve come to the County and/or given the runaround.*
- *This is what we presented as an additional way in and out of Kamalani.*



Why am I here by myself?

2) People don't want to draw attention to themselves for County infractions

- Air B&B advertisers 8 B&Bs in Hale Piliani.
- County has licensed zero.

The screenshot shows the Airbnb search results for 'Kihei - Homes'. The search filters are set to '1 guest', 'Home type', 'Price', 'Instant Book', and 'More filters'. There are 3 recently viewed homes. The listings shown are:

- Central Maui Getaway for all your explorations!**: Entire Guest Suite - 2 Beds, From \$130 per night - Free cancellation, 8 reviews.
- Cute cottage**: Shared Room - 1 Bed, From \$45 per night - Free cancellation, NEW.
- Nani Ka Hale (Beautiful Home)**: Private Room - 1 Bed, From \$115 per night, NEW, 2 reviews.
- Da Kama'aina Hale w/ wifi, beach amenities, & more**: Entire Guest Suite - 1 Bed, From \$119 per night - Free cancellation.
- A perfect Maui home to base your sunny vacation!**: Entire House - 3 Beds, From \$230 per night - Free cancellation.
- NORTH KIHEI ROOM**: Private Room - 1 Bed, From \$68 per night - Free cancellation, 26 reviews.

A map on the right shows the location of these listings in Hale Piliani, Maui, with prices ranging from \$68 to \$230. The map includes labels for streets like Kawaihale St, Kaloohia St, and Hale Piliani Park.

The screenshot shows the County of Maui website. The navigation menu includes GOVERNMENT, SERVICES, COMMUNITY, and BUSINESS. The main content area is titled 'Bed and Breakfast Permits' and includes a 'Show All Notices' link. The text under 'What is a Bed and Breakfast?' reads:

1. What are the major elements of the new law regarding B&Bs?
2. What are the additional requirements for a B&B to operate on agricultural land?
3. Are there additional requirements for a B&B to operate on agricultural land?
4. What should I do if I have a conditional permit application to operate a transient vacation rental business submitted prior to the passing of the new law?
5. How many B&B permits may be issued in each area?

Below the list, it states: 'With the new law, permits are limited by specified caps in each of the following community plan areas: Hana: 48; Kihei-Maui: 100; Makawao-Pukalani-Kula: 40; Paia-Haiku: 88; Waikapu-Kaheolu: 36; West Maui: 88.'

Kihei-Maui Community Plan Region - Limited to 100 permits

Permit Number	Name	Tax ID	Address	Zone	Review	Checklist Status
2019010001	KAHE MAUI B&B	2019010001	100 MAUI PI, HI	AK-1	1	Not
2019010002	KAHE MAUI B&B	2019010002	100 MAUI PI, HI	AK-1	1	Not
2019010003	KAHE MAUI B&B	2019010003	100 MAUI PI, HI	AK-1	1	Not
2019010004	KAHE MAUI B&B	2019010004	100 MAUI PI, HI	AK-1	1	Not
2019010005	KAHE MAUI B&B	2019010005	100 MAUI PI, HI	AK-1	1	Not
2019010006	KAHE MAUI B&B	2019010006	100 MAUI PI, HI	AK-1	1	Not
2019010007	KAHE MAUI B&B	2019010007	100 MAUI PI, HI	AK-1	1	Not
2019010008	KAHE MAUI B&B	2019010008	100 MAUI PI, HI	AK-1	1	Not
2019010009	KAHE MAUI B&B	2019010009	100 MAUI PI, HI	AK-1	1	Not
2019010010	KAHE MAUI B&B	2019010010	100 MAUI PI, HI	AK-1	1	Not

... (many more rows) ...

County listing of Permitted B&Bs in South Maui



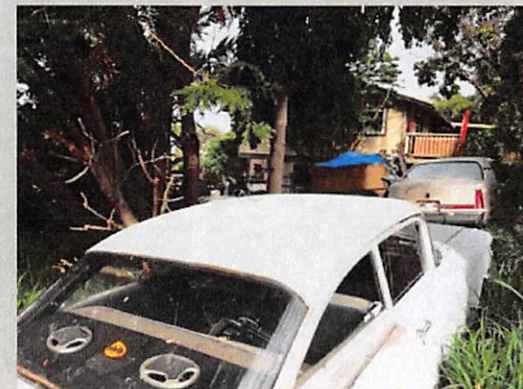
Same house from ground and above. 5 separate rental units with kitchens & baths. Entire Lot built out.



House with 4 additions without permits and a dog breeding business in back yard.



Houses that are dumps.



Houses shown here are just a few examples of many.

Yes, we have nice houses too where owners take pride in our neighborhood.



However, quality of neighborhood has declined significantly because County has not enforced it's own rules.

In summary:

- ❖ *Please stop any further development until you build the infrastructure that was promised first*
- ❖ *Take responsibility for enforcing the existing ordinances that are already in effect*
- ❖ *The Director of Housing and Human Concerns says 13,949 affordable units are needed over next 10 years.*
 - *While I feel the Ikaika Ohana's project is a good one, 120 units is less than 1% of the need.*
 - *Please say no to this, and instead help them with a bigger project in a place with the infrastructure to support it.*
- ❖ *Repave Kaiwahine St. now.*

Finally, I asked to show a video presentation to share my views. I was told no. Mr. Bigley got 10 minutes to show his presentation. I was given 3 minutes verbally. That's not right.

Mahalo, Dave Thomas

County Council Meeting – March 9m 2018

Mike.White@mauicounty.us, Council Chair
Robert.Carroll@mauicounty.us, Council Vice-Chair
Stacy.Crivello@mauicounty.us, Presiding Officer Pro Tempore
Alika.Atay@mauicounty.us, Councilmember
Elle.Cochran@mauicounty.us, Councilmember
Don.Guzman@mauicounty.us, Councilmember
Kelly.King@mauicounty.us, Councilmember
Riki.Hokama@mauicounty.us, Councilmember
Yukilei.Sugimura@mauicounty.us, Councilmember

Testimony on CR – 18-38

Dear Chair and Council Members,

My Name is Margit Tolman, I am a Realtor and property manager for more than 20 years on Maui.

I am opposing the recommended 5 year ownership requirement for Short Term Rentals for the following reasons:

1. This recommended amendment is not based on any study showing that a large majority of homes sold actually applied for a short term rental license.
2. The Short Term Rental Law has already safeguards in place including protecting neighborhoods from proliferation.
Only 382 licenses are available county wide, about 165 licenses are still available.
3. About 5,200 homes have been sold within the last 5 years, only 42 owners applied for a license, less than 1%. It clearly shows that the interest is very low.
4. A short term rental requires an initial application, the license process can take one year and owners can not rent during this time. The start up costs in most cases includes remodeling and landscaping, as well as furnishing and purchasing all items a home has to be stocked with.
It takes years to recover the initial start up cost.
Property management, marketing, online booking fees, high property taxes and maintenance does not make this business very profitable.
5. Increasing restriction on licensing compliance will create even more illegal rentals.
6. This amendment will result in loss of jobs for residents and local businesses who are employed in this industry whenever a licensed STR is sold and the new owner is not allowed to even apply.

I am proposing to look at the original draft and include the exception

B- A short-term rental home pursuant to this chapter was permitted for the property within three years of the date the applicant purchased the property.

7. This law will not discourage buyers from buying a second home on Maui and it will not discourage a seller from selling at the highest market value.

8. This law is **not** a solution, and does not create any relief to the housing crisis that we are facing.

9. Economic studies and Surveys showed clearly how important this small part of our tourism industry is for the local economy. This industry has been acknowledged being valuable for the community. For the safety of our guests and protection of our neighborhoods, the short term rental law covers everything from input of neighbors to proliferation.

10. The removal of a property right effecting more than 5000 home owners who purchased within the last 5 years has potential of legal consequences.

11. The number of **unlicensed** short term rentals will increase, since enforcement, regulation, higher tax rate and restrictions are only for licensed operators.

It is a profitable business for unlicensed owners, saving thousands of dollars on property taxes, using internet based management and money is collected outside the state. The risk to get a notice for zoning violation is very small.

Laws only make sense if they can be or will be enforced.

I am asking the Council Members to reconsider this proposal, to send it back to committee or filing it.

Thank you for your consideration,

Margit Tolman R (B)
(808) 264-0814

RECEIVED

2018 MAR -6 PM 1:53

OFFICE OF THE
COUNTY CLERK

March 3, 2018

TO: Maui County Council Chair Mike White

FR: Jordan Priest

RE: CEDAW for Maui County Resolution
Testimony for March 9, 2018
Strong Support

Dear Council Chair White, Vice Chair Carroll and Distinguished Members,

As a note of introduction, I am currently in my senior year at the University of Redlands in Southern California. I will be graduating this Spring with a double major in Public Policy and Women, Gender, and Sexuality Studies. Upon graduation, I will return home to Hawaii as a member of the 2018 Teach For America Corp and I look forward to giving back to the community that has given me such a strong foundation.

I was born and raised on Maui and throughout my education, as far as I can recall, going back to Wailuku Hongwanji Preschool, I have been immersed in the values of respect, fairness, and equality. These are the core values of our community. You can imagine my shock and embarrassment for our nation, when I learned the United States is the only industrialized nation that has not ratified the *United Nations Convention on the Elimination of All Forms of Discrimination Against Women Treaty* (known by its acronym CEDAW). CEDAW was adopted in 1979 by the UN General Assembly and is considered an international bill of rights for women. President Jimmy Carter signed the treaty in 1980, but the U.S. Senate has failed to ratify it now for decades. Tragically, it has devolved into a partisan issue. As all of you know, women's rights are human rights and are family strengthening rights.

After years of stagnation in the U.S. Senate, champions for CEDAW developed a local government strategy. Their organizing mission became, if the U.S. Senate won't act, then let's move this important doctrine forward in our communities. In 1998, San Francisco became the first city and county to adopt a local ordinance incorporating the tenants of CEDAW, Los Angeles was soon to follow. Recently, the City and County of Honolulu followed suit, and last year Hawaii and Kauai Counties adopted CEDAW resolutions.

I am asking your support to add Maui County to the ranks of hundreds of communities who have stepped up to make the statement that we will work to end all forms of discrimination against women. It has been painfully apparent this past year that discrimination in workplaces and institutions still persists. The timing is now to pass a CEDAW resolution for Maui County, one day following International Women's Day-March 8, 2018 and during Women's History Month. Thank you for your time and favorable consideration. I will close with a quote from my favorite poet, the late Maya Angelou, "when women thrive, communities prosper."

Jordan Priest

Jordan_priest@redlands.edu

Mobile: 808-250-5252

REVERE & ASSOCIATES, LLLC

A LIMITED LIABILITY LAW COMPANY
PALI PALMS PLAZA, 970 NORTH KALAHEO AVENUE, SUITE A301
KAILUA, HAWAII 96734

TELEPHONE: (808) 791-9550
FACSIMILE: (808) 791-9551

ANDREW D. CHIANESE
AMANDA L. DUTCHER
WENDEE M. HILDERBRAND
CLARISSE M. KOBASHIGAWA
MALIA R. NICKISON-BEAZLEY
TERRANCE M. REVERE

March 7, 2018

Maui County Council

VIA EMAIL

RE: LU 7

RECEIVED
2018 MAR -8 AM 9:30
OFFICE OF THE
COUNTY CLERK

Dear Sirs/Madams:

I am an attorney specializing in real estate litigation. I have been approached by several clients to testify due to the alarming proposed bill (LU 7) that requires an applicant for a STRH permit to own the property for at least five years prior to the date of application. I think if this bill passes there will be a series of lawsuits and/or an enormous class action suit that will be filed against the County of Maui with potentially staggering losses for the County for a bill that appears to be blatantly unconstitutional. I strongly suggest that the County do a thorough constitutional review with Corporation Counsel as comments already made by some council members make it quite apparent that this would be viewed as (a) an illegal taking, (b) would violate the contracts clause and (c) the explicit intent is to discriminate against out-of-state owners. To say the least, the current Supreme Court and increasingly Republican-appointed federal bench are not the best forum to test the destruction of property rights or discrimination against out of state-interests. See, e.g., Article IV, Section 2 of the U.S. Constitution ("Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.") *see also New Hampshire v Piper*, 470 US 274 (1985); and *Hicklin v Orbeck* 437 U.S. 518 (1978).

It is unfair to penalize individuals that took the enormous amount of time and money to get a STRH permit and who then sell their home (or even transfer it to other family members). The five-year requirement will clearly significantly devalue properties because of a 5-year wait period.

At a minimum, those individuals who obtained a permit prior to the passing of the bill and have active permits must be grandfathered in and be able to transfer their property without a wait period attached to it. These individuals had no expectation at the time that their property would be burdened by this after-the-fact restraint on their ability to sell. Consequently, the proposed

March 7, 2017

Page 2 of 2

bill requiring a 5-year wait period would not only seriously devalue a STRH property, but would likely involve an unconstitutional "taking" of the property.

The other thing that is disturbing about this bill is that it appears to be using an elephant gun to not kill a fly, but to perform surgery: in other words (1) it will do nothing to make expensive homes affordable (2) there is already a "cap" on the number of STRHs on Maui, so this does nothing to solve that issue if it is perceived that there are "too many" (3) the bill will simply drive more folks into illegal renting and (4) it does nothing to fund enforcement efforts against illegal STRHs.

I strongly encourage the Council to reflect on all the ramifications of this and to consult with legal counsel before passing such a provocative and dangerous bill.

If you have any questions or concerns about this matter, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Terrance M. Revere". The signature is written in a cursive style with a large, sweeping "R" at the end.

TERRANCE M. REVERE

TMR:

cc: Patrick Wong, Esq.
Brian Bilberry Esq.
Thomas Kolbe, Esq.

March 8, 2018

RECEIVED

2018 MAR -8 AM 10:13

Council member Yukilei Sugimura,

OFFICE OF THE
COUNTY CLERK

I want to add my voice to others in our community in strong support of the Maui County resolution urging ratification *United Nations Convention on the Elimination of All Forms of Discrimination Against Women Treaty* (known by its acronym CEDAW). CEDAW was adopted in 1979 by the UN General Assembly and is considered an international bill of rights for women. President Jimmy Carter signed the treaty in 1980, but the U.S. Senate has failed to ratify it now for decades. Tragically, it has devolved into a partisan issue. As all of you know, women's rights are human rights and are family strengthening rights.

After years of stagnation in the U.S. Senate, champions for CEDAW developed a local government strategy. Their organizing mission became, if the U.S. Senate won't act, then let's move this important doctrine forward in our communities. In 1998, San Francisco became the first city and county to adopt a local ordinance incorporating the tenants of CEDAW, Los Angeles was soon to follow. Recently, the City and County of Honolulu followed suit, and last year Hawaii and Kauai Counties adopted CEDAW resolutions.

I am urging the Maui County Council to add Maui County to the ranks of hundreds of communities who have stepped up to make the statement that we will work to end all forms of discrimination against women. It has been painfully apparent this past year that discrimination in workplaces and in too many of our institutions persists. The timing is now to pass a CEDAW resolution for Maui County, one day following International Women's Day-March 8, 2018 and during Women's History Month. Thank you for your time and favorable consideration. Please remember the words of Maya Angelou, "when women thrive, communities prosper."

Mahalo nui loa,

Senator Roz Baker
District 5 – South and West Maui

County Clerk

From: Michael <baskindesign@gmail.com>
Sent: Thursday, March 08, 2018 9:01 AM
To: County Clerk; Mike White; Robert Carroll; Stacy S. Crivello; Alikea A. Atay; Elle Cochran; Donald S. Guzman; Kelly King; Riki Hokama; Yukilei Sugimura
Subject: Proposed Bill - First Reading (LU 7; CC 16-278; CR 18-38)

**Michael Baskin
Paia Life, LLC
PO Box 790100
Paia, HI 96779**

RECEIVED
2018 MAR -8 AM 10:13
OFFICE OF THE
COUNTY CLERK

My name is Michael Baskin, and I am an owner of one of the first permitted STRHs in Paia, number STPH 2013/0005.

I oppose the proposed bill that requires an applicant for a STRH permit to own the dwelling unit for at least five years prior to the date of the application.

I have gone through an extensive permitting process, paid a substantial amount in taxes and fees, and spent a lot on promotion and maintaining my STRH property. This bill would place an additional requirement on my property that would devalue my STRH property should I chose to transfer it. The value of my STRH property may also be negatively affected by financing options.

In the alternative, should the Council choose to move forward with this bill, I would strongly urge the Council to include an exception or language that would allow for a grandfathered use for existing permit holders. Unlike new applicants seeking an STRH permit who would be well aware of this 5-year waiting requirement, prior to applying for an STRH, I had no expectation at the time that my property would be burdened by this new requirement. Should I transfer the property in the future, a new owner should be able to, within 3 years, apply for a new STRH permit.

I request that the County Council deny this proposed bill as is, or allow for existing permitted STRH properties to have no waiting period.

We followed all the rules, paid all our Property, GET and TAT taxes timely, and there should be no new burden on those of us that went through the process to obtain a permit.

Mahalo,

Michael Baskin

808.870.1800 - Direct

County Clerk

From: mark mcdonald <mmcdonald@hawaii.rr.com>
Sent: Thursday, March 08, 2018 8:27 AM
To: County Clerk
Subject: CR 18-38- STRH

RECEIVED
2018 MAR -8 AM 10:13
OFFICE OF THE
COUNTY CLERK

MARCH 7, 2018

TO: , Maui County Council

Testimony by Email

FROM: Mark and Brooke McDonald (mmcdonald@hawaii.rr.com)

RE: STRH Permit – Proposed Amendment. CR18-38. 5 year ownership requirement.

Dear Council Member ,

We are writing to urge you to please not amend the STRH ordinance requiring 5 years of ownership before a permit could be applied for.

Prohibiting any owner of a home from applying for a STRH license for 5 years is un-fair and un-necessary. Further it encourages people to operate illegally and has a negative economic impact on the people and economy of Maui.

We used to live full time on Maui and when our children went to college we began to spend more time on the mainland. My wife and I, our children and now our grandchildren use our house and are back on Maui as often as we can be. We never rented our house long term and wouldn't because we would not be able to use it ourselves. Also, it is an expensive property and you could not rent it at an amount that would justify the value of the property. If we couldn't offer vacation rentals we would likely have to sell our house. Please know that we would never rent our home long term because we use it ourselves and because of it's value.

If someone bought our home and couldn't apply for a permit for 5 years, it limits buyers to a full time resident or a small number of people who want a vacation home and can afford to leave it empty when they are not using it. No one would buy our home to rent it long term. That is a very limited market and will reduce real estate sales, prices and revenue from many sources for the County and the people of Maui. It also encourages anyone who has not owned the home for more than 5 years to rent

without a license. This means that they are not paying the licensing fees to the County or the higher property tax rate that those of us who obtained licenses pay. It is also likely that they may not be paying GET and TAT taxes.

A property that is currently licensed has complied with all requirements to be licensed including obtaining tax clearances, notifying neighbors within 500 feet, safety inspections and it has a very positive effect on Maui's economy. Someone purchasing a licensed property should be allowed to honor future committed rentals and be able to apply to continue as a licensed STRH.

As you know, in the past Maui County was concerned about vacation rentals being un-licensed and un-regulated. They encouraged homeowners to obtain licenses. We were among the first to apply and among the first to obtain a license. The licensing procedure took a great deal of time, effort and expense. Once licensed, we began paying an annual license fee, higher property taxes and higher expenses. This is an economic benefit to the people of Maui.

However, those who remain un- licensed don't pay these expenses or add this revenue to Maui.

In 2016 the expenses for our home were over \$130,000.00. Over \$10,000.00 per month Most of that money stayed on Maui supporting the economy and providing income for the families of the people who work on, manage and maintain our home as well as the taxes generated. In addition to this, visitors staying in licensed STRH's spend considerable money each day they are on Maui also adding to the economy.

Requiring any new owner to wait 5 years to apply, encourages more illegal and un-licensed STR's to remain un-licensed.

Less than ½ of 1% of single family homes on Maui are licensed STR's. I believe there are approximately 185 licenses issued. Most are costly homes that would not be long term rentals and don't take away from the long term rental inventory.

We respectfully urge you to not amend the STRH ordinance and not require 5 year ownership to be licensed or to exempt properties that are currently licensed.

Sincerely- Mark and Brooke McDonald

County Clerk

From: Debbie VonTempsky <debbievontempsky@gmail.com>
Sent: Thursday, March 08, 2018 8:04 PM
To: County Clerk; Yukilei Sugimura; Kelly King; Elle Cochran; Stacy S. Crivello; Mike White; Robert Carroll; Alika A. Atay; Donald S. Guzman; Riki Hokama
Subject: PLEASE READ Testimony on No:18-38 on ownership of STRH

Aloha Council Members,

It was very hard to get an STRH permit and now with this ordinance, it seems like it will be even harder. Everyone has their own circumstances, in my case if I should die unexpectedly, my family would have to wait 5 years to get legal permit, if they could? This is terribly unfair to those that follow all the rules. Legal STRHs provide jobs and they pay commercial rate taxes as well as give tourism more options.

I would like to be able to pass down my permit to a family member, if something happens to me .

Please review this measure, think about what permitted rentals bring to the County before passing this rule. There will be many more un permitted STRHs and less money for the County to collect in revenue.

I can see the point that you all don't want mainland speculators buying a property, than just to turn around and make an STRH out of it. Five years however to Hawaii businesses that are operating in our state and the owner is a resident is not right. Today is not the day to pass this ordinance. STRHs can be good for the County. This ordinance needs to be looked into deep before a decision is made.

Mahalo for your time,
Debbie von Tempsky
STRH owner

cell:808 298-8673

RECEIVED
2018 MAR -9 AM 8:01
OFFICE OF THE
COUNTY CLERK