

**BUDGET, FINANCE, AND ECONOMIC
DEVELOPMENT COMMITTEE**
Council of the County of Maui

MINUTES

November 21, 2024

Online Only via Teams

CONVENE: 9:12 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Tasha Kama, Vice-Chair
Councilmember Tom Cook, Member (out 11:11 a.m.)
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Nohelani U'u-Hodgins, Member

STAFF: Kasie Apo Takayama, Senior Legislative Analyst
Jarret Pascual, Legislative Analyst
Kirsten Szabo, Legislative Analyst (trainee)
Carla Nakata, Legislative Attorney
Yvette Bouthillier, Senior Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lanai Residency Area Office
Zhantell Lindo, Council Aide, Moloka'i Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia Residency Area Office

County of Maui Office of Recovery:

Christian Balagso, Council Aide, West Maui Residency Area, Office of Recovery at Lahaina Gateway

ADMIN.: Lesley Milner, Budget Director, Office of the Mayor
Josiah Nishita, Deputy Managing Director, Department of Management (BFED-112)
Guy Hironaka, Real Property Management, Department of Finance

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James “Kimo” Landgraf, Deputy Director, Department of Water Supply
(BFED-112)
Rogerene “Kali” Arce, Director, Department of Agriculture (BFED-112)
Kristina Toshikiyo, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Thomas Legsay (BFED-112)
Jaycee Law (BFED-112)
Bobbie Patnode (BFED-112)
Faith Chase (BFED-112 and -30)
Dick Mayer (BFED-112)

Others (20)

PRESS: Akaku: Maui Community Television, Inc.

CHAIR SUGIMURA: . . .*(gavel)*. . . That sounds better. Good morning, everybody. It is now 9:12, and this is the Budget, Finance, Economic Development Committee. I'm excited. Our agenda is wonderful. I look forward to talking about it. And my name is Yuki Lei Sugimura, I'm the Chair of this Committee. And wanted you to know that this meeting is being conducted in accordance with the Sunshine Law. And as a reminder, when your name is called, if you're not in the Planning Conference Room with me today, please identify by name who, if anyone, is in the room, vehicle, or workspace with you. And minors do not need to be identified. So, good morning, Vice-Chair Kama.

VICE-CHAIR KAMA: Good morning, Chair, and good morning, everyone. I'm glad to hear that we're going to have an exciting meeting today. That means things are going to go just like popcorn...pop, pop, pop. Thank you, Chair.

CHAIR SUGIMURA: . . .*(laughing)*. . .

COUNCILMEMBER LEE: Clock what?

CHAIR SUGIMURA: That's popcorn.

COUNCILMEMBER LEE: Oh, popcorn.

CHAIR SUGIMURA: Which means fast. Okay. Chair Lee, you're up next.

COUNCILMEMBER LEE: Aloha. So, I was going to say talofa lava.

CHAIR SUGIMURA: Talofa lava.

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COUNCILMEMBER LEE: Yeah, Chair. Looking forward to this pop-up meeting.

CHAIR SUGIMURA: Okay. Talofa lava, Member Cook.

COUNCILMEMBER COOK: Talofa lava. Aloha. Good morning. There is nobody at the Kihei Regional Office to give testimony yet this morning. And I'm happy to be joining all of you in the Planning Conference Room. And I am very much looking forward to going back to Chambers next week.

CHAIR SUGIMURA: Yeah. Talofa lava, Member Johnson.

COUNCILMEMBER JOHNSON: Talofa lava, Chair, Councilmembers, community members. There's no testifiers at the Lānaʻi District office, and I'm here and ready to work. Mahalo.

CHAIR SUGIMURA: Great. Talofa lava, Member Paltin.

COUNCILMEMBER PALTIN: Talofa and aloha kakahiaka. Streaming live and direct from the kitchen table in Nāpili. I have with me two canines, one minor canine and one adult, Kingy Poo Paltin-Vierra. Thank you.

CHAIR SUGIMURA: . . .*(laughing)*. . . Okay, great. Next, we have Member Sinenci from Hāna.

COUNCILMEMBER SINENCI: Aloha, Chair, and talofa lava. Here at my home office this morning. There are no testifiers at the Hāna District office. Thank you.

CHAIR SUGIMURA: Okay. Keani Rawlins-Fernandez and Member Uʻu-Hodgins are excused. And from Administration, we welcome Managing Director, Josiah Nishita; also Budget Director Lesley Milner. Guy Hironaka, he's probably going to be online then. I don't see him here, who is our Real Property Management Specialist. From the Department of Water Supply, we have Deputy Director Kimo Landgraf, thank you very much for being here; as well as Director Kali Arsen...Arce from Department of Agriculture, sorry about that. Kristina Toshikiyo, Corp. Counsel, thank you for helping us always in BFED. From our Committee Staff, we have Yvette Bouthillier, she's our Senior Committee Secretary; Kacie Apo Takayama is Senior Legislative Analyst; along with Jarret Pascual, Legislative Analyst; Kristina *[sic]* Szabo, Legislative Analyst Trainee; Carla Nakata, Legislative Attorney; Lei Dinneen, Council Services Assistant Clerk. And last pages...last page of this agenda if you want information on meeting connectivity. Thank you, Members. Today we have two items on our agenda. And as I said, I'm very excited about it, but especially the first one. And I want to welcome everyone. The two items are BFED-12...I'm sorry, BFED-112, Bill 166 (2024) and Bill 167 (2024), Amending the Fiscal Year '25 Budget: Department of Management (Office of Recovery Program; the Von Tempsky Kula

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Property Acquisition). And the second item is BFED-30, Bill 69 (2023), Relating to Acceptance of Conservation Easements. Do we have any testifiers that wants to testify at the beginning? We do. Okay. Please proceed with that then. So, before you do that, let me just say that if you would like to testify, please sign in online with Teams link. And if there's no name, then we'll be calling you by your phone number. Written testimony is encouraged, and please submit it to eComments link at mauicounty.us/agendas. Under the Sunshine Law, the Chair will receive oral testimony for agenda items at the beginning of the meeting and as the item is called up. For individuals wishing to testify via Teams, please raise your hand by clicking on the raise-your-hand button. If...if calling in, please follow the prompt via phone, star-5 to raise your hand and to lower your hand, star-6 to mute and unmute. Staff will add your name to the testifier list in the order of...of...that you have been received. At this time we'll also enable your microphone. Once you are done...and if you wish to testify anonymously, please also notify us by that, and we will not recognize you by your name. Oral testimony is limited to three minutes, and if you're not done testi...you will have 30 seconds then to complete. And...okay. You can also...you can also view this meeting on *Akakū* 53, Facebook Live, or mauicounty.us/agendas. We will do our best to take each person up in an orderly fashion. And we'll now begin our testimony. Thank you.

MS. APO TAKAYAMA: Thank you, Chair. The first testifier is Bobbie Patnode, to be followed by Thomas Legsay.

CHAIR SUGIMURA: Oh, you want to testify after? Yeah, she wants to testify after.

MS. APO TAKAYAMA: Okay. First testifier is Thomas Legsay.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. LEGSAY: Good morning.

CHAIR SUGIMURA: Good morning.

MR. LEGSAY: I had questions about the purchase for the Von Tempsky property. I tried getting in touch with Yuki Lei, but she...I never got respond. I talked to her sister. Her sister tried setting up a meeting but I got no calls or nothing.

CHAIR SUGIMURA: Sorry about that.

MR. LEGSAY: What...what is it--yeah, but it's too late now. What is it that the County will do with the property, and is there any entitlements that comes along with the purchase of the property? For instance, entitlement, such as subdivision

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entitlements, water rights entitlements. Were there any entitlements with the purchase of the Von Tempsky properties promised to the County?

CHAIR SUGIMURA: Okay. Oh, you asking me now?

MR. LEGSAY: I asking you now.

CHAIR SUGIMURA: So, just so you know, when we take public testimony, we don't answer those kind of questions. But we will, in the presentations that you're going to hear next from the resources. You will hear.

MR. LEGSAY: Okay.

CHAIR SUGIMURA: Is that the only question you had? You want to know what kind of *(audio interference)* --

MR. LEGSAY: Oh, I get plenty questions, but that's why I wanted to speak with you directly. But --

CHAIR SUGIMURA: Okay.

MR. LEGSAY: -- I know you busy, but --

CHAIR SUGIMURA: Sorry about that.

MR. LEGSAY: And after that, even your sister wouldn't respond to my texts, and stuff like that. So, it just --

CHAIR SUGIMURA: So, if you could --

MR. LEGSAY: -- it just makes me suspicious, you know.

CHAIR SUGIMURA: Oh. So, if you could, just leave your contact with the clerks, and I will get it, and I will call you back. But anyway, is that all you had questions on? Three minutes.

MR. LEGSAY: Brah, like I said, I got plenty question, but I...I don't want to put you on the spot because I will...with my questions, I will put you on the spot.

CHAIR SUGIMURA: That's fine.

MR. LEGSAY: And that's not what I'm here for. I just need answers.

CHAIR SUGIMURA: Yeah.

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MR. LEGSAY: Yeah.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR SUGIMURA: Yeah. Okay. Please...please, no comments from the audience. You got...you got it? No comments from the audience.

MR. LEGSAY: Thank you. So, who you want...who you want me to leave my contact with?

CHAIR SUGIMURA: Yeah, with our office...the clerks. Are you done?

MR. LEGSAY: Yeah.

CHAIR SUGIMURA: Okay. Member Paltin has a question. Please stay there...right there. Member Paltin has a question for you.

COUNCILMEMBER PALTIN: Hey, Mr. Legsay, thank you for your testimony. I just wanted to clarify...because your question was on the entitlements and what's going to be done with the property. Did you have something specific that you wanted to see happen to the property?

MR. LEGSAY: Tamara, I'm on a different agenda. I don't want to disclose my interest in this property. But if you want to talk to me personally--because I do want to speak with you too. I'd be happy to give you my number and tell you why I'm here today. And I think --

COUNCILMEMBER PALTIN: Okay.

MR. LEGSAY: -- you would find it...I think you would find it pretty disturbing, what's...what has been going on. So --

COUNCILMEMBER PALTIN: Yeah, tell them give me your number. Thank you.

CHAIR SUGIMURA: Okay.

MR. LEGSAY: -- thank you, Tamara.

CHAIR SUGIMURA: Okay. Anybody else have any questions for our testifier? Thank you. Next testifier, please.

MR. PASCUAL: Chair, the next testifier is Faith Chase.

CHAIR SUGIMURA: Oh. Yeah, we're going to share your...we'll share your number with Member Paltin. Got to get her permission to give out her number.

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MR. LEGSAY: Tamara, can I get your number from these guys?

COUNCILMEMBER PALTIN: Yeah. Yeah, it's fine.

MR. LEGSAY: Okay. Thank you.

CHAIR SUGIMURA: Yeah. Okay.

MS. CHASE: Chair...Chair Sugimura, this is Faith Chase. I have a lot of questions as well, but I'd like to hear from the...I'd like to hear the presentation and testify after. Thank you.

CHAIR SUGIMURA: Oh, okay. Okay, who's the next testifier?

MR. PASCUAL: Chair, that is currently all the testifiers that are signed up at the beginning of the meeting. If anyone would like to testify...I do see one person coming to the podium.

CHAIR SUGIMURA: Please identify your --

MR. LAW: Jaycee Law, Kula Uka, Waiakoa ahupua'a. I was at the Kula Community Association meeting last night at the Community Center. Didn't...didn't get kicked out, even though the Community Association was now renting the building and...and I didn't use the bathroom. But I got some other issues with the building there and the use out there in the Kaunoa. But once again, I...I'm just ---

CHAIR SUGIMURA: Not on the agenda --

MR. LAW: -- digressing. Excuse me?

CHAIR SUGIMURA: That's not on the agenda, Kula Community Center use.

MR. LAW: It is now. Thank you, Mr. Nishita, for coming up there last night, spending your time away from your wife and family, informing us...most of the community what's going on. There's more than 100 people in the community, so...but it was a good meeting. And the Water Department, Parks Department, all spent their time away from their families up there, letting us know what's going on. And I got a...oh, shoot. I got...I get some...some historic material for you guys, Von Tempsky. Very interesting. And I'll donate this to the Von Tempsky Library at the Kula Community Center...Visitor Center that's going to be coming up with ah help from akua. And I got copies for everybody so they can read this kine stuff. So, I didn't prepare any statements and all, but I'm pretty comfortable with the topic on the agenda, Bill 166. I haven't read the bill. From what I understand,

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the Managing Director is asking the community for input on what to do with the land, and if they should even buy the land. And I appreciate Budget Chair Sugimura keeping this a big secret. And now I realize what you...why you weren't here yesterday. So, Haleakalā Waldorf School is going to be the vehicle for this so far, like they...they're...they're in the lead. And my main question--and I only got like a minute or less than a minute left--is...and thank you for not cutting me off, Luna Ho'omolu Kashiwa (*phonetic*) Sugimura. My friend of mine there from Pennsylvania, very good man, my...my younger brother, David, was the maintenance man at Halekakaalā...Haleakalā Waldorf School, and got fired this year. And there's...there's a road going through there, it's mauka to makai there, I cut through to go to the post office. And with the new maintenance people, I've had problems...big pilikia there. They tell him get out here, don't come here. And I...I realize it's a school, and you're not supposed to go there with the kids there because stranger danger, and everything, but it was summer time, there was nobody there . . .(*timer sounds*). . . so David was the maintenance man. He was only cool with me. So, yeah, I'm kind of wondering like if there's something...little bit suspicious of Haleakalā Waldorf School. And they did have good representation there last night, as Mr. Cook can testify. Thank you, Mr. Cook, for coming up Kula last night. You're welcome any time. And anybody's up there can welcome, and I'll take them for a tour. And this also goes along with...Mr. Johnson has a meeting, I think, later on today, Agricultural Tourism. I would like to see a trail...a walking trail for the health of all the kūpuna going up there. Lots of...lots of good options going on there. Thank you, Mr. Nishita, for working for the County.

CHAIR SUGIMURA: Any questions for the testifier? Seeing none. Thank you. Next testifier.

MR. PASCUAL: Chair, that is currently all the individuals signed up to testify at the beginning of the meeting. If anyone in the audience or on Teams would like to testify, please come up to the mic and begin your testimony, or use the raise-your-hand function on Teams and Staff will unmute you. Here's a countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR SUGIMURA: Thank you. So, at this time, I'm going to close public testimony, and receive any written testimony.

. . .CLOSE PUBLIC TESTIMONY AT BEGINNING OF THE MEETING. . .

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ITEM 112: BILL 166 (2024) AND BILL 167 (2024), AMENDING THE FISCAL YEAR 2025 BUDGET: DEPARTMENT OF MANAGEMENT (OFFICE OF RECOVERY PROGRAM; VON TEMPSKY KULA PROPERTY ACQUISITION)
(BILL 166 (2024) and BILL 167 (2024))

CHAIR SUGIMURA: And the first item on our agenda is for Bill 166 and Bill 167, which is for Fiscal Year '25 budget amendment and associated fiscal year bond authorization ordinance amendment to appropriate \$14.1 million in bond funds for the purchase of approximately 273 acres property in Kula. And in the transmittal of these bills, the Budget Director indicated the property would be for...would be used by the Department of Water Supply, Department of Agriculture. Halekakaalā Waldorf School will provide land management and watershed restoration for the property. And I'll note that in addition to these bills, we will also...we also need to adopt a resolution to approve this property acquisition. My understanding is that...that the resolution is...is ready? Is not ready?

MR. NISHITA: Thank you, Chair. It wasn't ready in time for us to get everything posted for this Committee meeting. But we'll transmit it to Council under a separate cover, and then it can be taken up all together, assuming that Council wants to move forward.

CHAIR SUGIMURA: Okay.

MR. NISHITA: Thank you.

CHAIR SUGIMURA: So, assisting with us for discussion today is Managing Director Nishita, Deputy Director Landgraf, Director Arce, Mr. Hironaka, and Budget Director Milner. And I'll be asking for opening comments from all of the resources. And at this time, I'd like to start off with Director Nishita. Before I start though, thank you very much for coming last night and being with the Kula Community Association meeting. It was a roomful of community who was very interested in...in listening to your presentation, so please do proceed.

MR. NISHITA: Thank you, Chair. And I think in terms of opening comments, I think I'll cover for everybody. And then, you know, resources are available if there's any questions just for the...the sake of time. If I could ask BFED Committee Staff to put up the presentation. I'll...this is essentially the presentation I gave last night. The only addition, at the end, we'll talk about. I just tried to do...I'm sorry, just for a few minutes this morning I had time, try to jot down some notes about kind of an assessment of what came out of the community meeting that we can talk about. We can go to the next slide. While they're working on that, the...okay. There you go. So, just for everyone's awareness, this is the...the property area that we're looking at. It's the area that's highlighted in blue there on your screen.

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And what we really wanted to highlight to the community is that...really, the main question before us now is, do we want this property in public ownership, or do they want it in private ownership? You know, things...you know, at times when opportunities arise, things have to move very quickly, and this is one of those opportunities. And thank you, Councilmember Sugimura, for assisting us with kind of an expedited schedule to meet our time frames that's needed. But, you know, as...as we go through this process, just please understand that given the time constraints that we're under to either make this happen or not make this happen, there's things that we have to kind of expedite along the way, and there will be more time later on for kind of more in-depth and...and further discussions. Just to highlight, one of the testifiers mentioned about...I think it was related to entitlements and kind of what comes with the property. It's agriculturally-zoned, and I believe it comes with three water meters of like a residential type...that's what's currently on the property now. We'll get into some of the details here, but as I mentioned to the community, reiterate to Council again too, the...the main gist of why we're here is, do we want this in public ownership or private ownership? If you can, go to the next slide, please. Okay. So, the...the simple term of the deals that we have is about \$14 million, proposing it in general obligation bond funds. The appraisal came back roughly at about 13.1, and as a part of our deal, we're going to close by January 31st, 2025. So, once again, appreciate Council taking kind of expeditious review of this so that, assuming that there's approval, we'll be able to meet the time frames that we're asking for. Kind of some of the next steps involved, if there's agreement between all parties here, is we had the Kula Community Association meeting last night. We're at the BFED Committee meeting today. The funding request in there does also include, in addition to the \$14 million for the acquisition, roughly about \$100,000 for closing costs related to it, and then an appropriation request of \$100,000 as a grant to Haleakalā Waldorf School to assist in stewardship. I...I will get into this a little bit later regarding that piece, but the actual agreement on that...I'll just highlight to the...the Committee that, you know, the budget amendments are up or down vote. So, we're unable to kind of amend it at this point, but the decision on what that partnership will be, and what it will look like, and how it will be best for the community will be made in conjunction with Council at a...at a later point. And there'll be opportunity for community input on that. If passed by the Committee and Council, we'll look to close by January 31st. We will come forward to Council with some type of lease or stewardship arrangement...yeah, and I'll...I'll...I'll cover that in a little regarding some of the comments we heard from the Kula Community Association last night. And then if we are able to work out a partnership-stewardship type of agreement, we would apply for Congressionally Directed Spending/Community Project Funds, which are essentially Federal earmarks, in calendar year 2025, to assist with property fencing and maybe some minor improvements...similar to what we did with Kula Ag Park. You can go to the next slide. So, the...the budget proposal really just includes that funding request for the actual acquisition, and then a...a grant request. Just always send everybody back to the...the main question we're here

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is public ownership or private ownership, if that's what we want. And then when we present it to the community, we just said, you know, really, in full transparency, future uses that could be discussed or evaluated could include water right...watershed restoration efforts, grazing land, educational and agricultural activities and programs, park space, and water source development. And...and all of those different areas--some are fairly benign, and some may be a little bit more controversial in the community--but all those decisions would have an opportunity for community input, and ultimately Council decision-making on funding requests or, you know, we might have environmental processes that we'll have to go through and whatnot. So, those decisions about what ultimately will happen with the land is not really being made at this time just due to the expedited schedule that we're under. I would love to come to Council and say, here, we spent a year on this, and...and designed all this amazing plan, and have all this community buy-in, and...and did all these great things prior to coming forward to you with a property acquisition request. But given the time frames we're under, we really have to just present...this is our opportunity for public ownership, and do we want to take that step or not? We can go to the next slide. And...and there's...I'll just note, there's...there's a lot of other use. I just highlighted a couple things. There's a lot of other things that people have thrown out there. And, you know, not...not that any of these will go or...or...or won't go, that will be opportunity for all of us to really discuss on what's appropriate. I'm sure there's a segment of the community that will want pickleball courts.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MR. NISHITA: There's probably a segment that wants housing, and...and other kinds of things. But that may or may not be appropriate, and that's a decision that we'll have to make with the community and...and Council together. You can go to the next slide. I'll skip over this, it's just kind of recentering the community back again. Really, the main issue we're talking about here today is public ownership versus private ownership. There'll be lots of opportunities in the future to talk about those other areas. And then on the last slide here...so, this wasn't presented, of course, at the Kula Community Association meeting because this is a brief summary that I put together in a couple of minutes. I tried my best to kind of just very generally summarize some of the feedback we got. So, there was general questions and, you know, concerns, and whatnot, presented, just generally related to any type of property acquisition, just to better understand the situation, the proposal, maybe what land was involved, and whatnot...so, you know, to be expected. I would say generally--and Councilmember Sugimura and I'm sure...you know, we have Bobbie here today too--I'm sure they can maybe speak more elaborately on this, but my takeaway was, generally, fairly supportive of public ownership. I...I would note that I did have a few individuals express to me a desire to not have it in public ownership, or a concern over like the price, or other details related to public ownership. So, I wouldn't say that it was unanimous, but if I had to kind of ascertain, I would feel like, generally, people

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were okay with the public ownership model. And in fact, at least one individual, I think maybe one or two, identified appreciation to the County for hearing at the last go around, when there was talk about potential water development on the site, that there was a desire from the community for public ownership. And so, an appreciation of listening to the community and bringing that forward. And then the only other thing I would highlight is that there was some concerns expressed about a potential partnership. And I...I think what I want to really reiterate is, as I said before, the budget request here before you is really up or down. We wouldn't execute any grant funds or anything like that until...unless and until a lease agreement or...or some type of other instrument is in place for that, and that would have to come to the Council. So, we can have a discussion about that. That would also allow us time to put together...based on community feedback and input, addressing concerns, and things that came up during that time period. I really want to express a big...a big appreciation to Haleakalā Waldorf School. They've really been amazing partners. I...I would just say that we really wouldn't be here today in this discussion about whether we should pursue public ownership if it wasn't for their willingness to try to step up and help the community. I was very concerned about bringing a proposal to Council, even though it's in a short amount of time, with concerns over what are we going to do in the interim. And I think as...I think we all can acknowledge the County doesn't necessarily do the greatest job in taking care of our property or in land stewardship. We did talk to a variety of groups regarding this. I...I think Haleakalā Waldorf would be the...the first to tell you that, I think we kind of had to talk them into it . . . *(laughing)* . . . a little bit because it is...it's a big undertaking. But I think our anticipation, and a lot of the discussions that we had, centered around making sure that it's a public benefit, that there's community uses involved, that it's there...that that land is there to serve, really, the community at large. And, you know, I think some of the concerns expressed were regarding different groups, or different parties, wanting an opportunity...kind of have like a potential to...to be on the land, or...or utilize the land. And I think what we relayed and what really...you know, our overall intention was is, it's...it's tremendously hard for the County to work with a ton of different partners on a single parcel. And so, what we had asked Haleakalā Waldorf School, if they'd be willing to undertake, is to really be kind of our...our stand-in gap for our capacity issues related to that. And they'd be able to work with community partners on, you know, agricultural land being available for farmers, or grazing opportunities being available, or watershed restoration efforts that can provide community benefits. So, I...I just want to assure the Committee, there's no desire to...I think from either party, to do anything that the community doesn't want to do. We want to do what's absolutely best for the community. But I wouldn't have proposed this to the Council if I didn't at least have one willing party to work with us because...my concerns over liability of land and not proper oversight and...and management and stewardship of it. So, I just want to express appreciation for them willing to step up. And I think they are...well, I know that they are completely willing to make sure that whatever proposal comes to the table,

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including if that's changing what maybe we're originally looking at, is in the better community benefit. So, as we talk about...today I...I just want to continue to refocus on do we want it in public ownership or private ownership? And even though there's a funding request in there for Haleakalā Waldorf School, if the community, and the Council, and whatnot, decide that there's a alternative type of partnership, or a modification to that, or whatnot, that will come out in the lease agreement discussions. And we will not be executing any type of grant agreement until those type of discussions are had and...and there's--I wouldn't say consensus because, as you know, in the community, there's...hard to get consensus--but I think...I think if, you know, everybody feels that we're kind of on the right track, then, you know, we'll be able to move forward. So, thank you to Bobbie, and our outgoing KCA member Dick Mayer, and others for really championing, you know, Kula efforts, and...and Kula needs, and whatnot. And so, we're here today to really present that. And this is our kind of opportunity for public ownership for this property, and happy to address any questions that there may be following further testimony. Thank you.

CHAIR SUGIMURA: Did any of the other departments want to . . .*(inaudible)*. . . resource...want to speak?

MR. NISHITA: Well, I mean, ultimately, I'd defer to them, but I...I think, generally speaking, we kind of covered the --

CHAIR SUGIMURA: Okay.

MR. NISHITA: -- the gist of it. And, you know, we are looking forward to...just due to the timing, I...I would just note...and I know it came up in the community meeting last night about Department of Agriculture involvement and...and some other pieces. We are extremely looking forward to finding ways, long-term, how we can work in different aspects, including like natural resource protection, and whatnot, that may be a good future component to discuss in the Department of Agriculture. But we are under the gun here, and so just really grateful that we had a partner that was at least willing to step up, that we could provide this opportunity to Council to even consider.

CHAIR SUGIMURA: Okay.

MR. NISHITA: Thank you.

CHAIR SUGIMURA: Thank you very much. Then, I will ask if there's any other testifiers. I think we have some lined up. Staff?

MR. PASCUAL: Yes, Chair. The first testifier is Bobbie Patnode, to be followed by Faith Chase.

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. . . OPEN PUBLIC TESTIMONY (BFED-112). . .

MS. PATNODE: Good morning --

CHAIR SUGIMURA: Good morning.

MS. PATNODE: -- Chair Sugimura and Councilmembers. I'm very excited to be here today. This is an exciting opportunity. So, in my history of talking to Council, this is the first time I don't have prepared testimony. So, I'm hoping you'll help me out if I goof up. I am testifying for myself today because we have not had a chance, as a KCA board, to discuss this. But what I'd like to do is let you know my version of events last night, my...my perceptions are, and then I'd like to give you my personal...my personal testimony. We really appreciate Mr. Nishita bringing this to us and asking for help and getting community feedback. And we did have kind of an exciting meeting, I think, last night. We had a lot of people come who I don't see all the time, and I been on the board for 15 years, and that's great. The more stuff we can do to bring our community together, the better. I would say he did a fantastic job of focusing people on, do we want private versus public. In fact, I wish I had a buck for every time he said, we're not going to talk about all that other stuff, it's about is it private or public. So, good job on that. It was clear to me that at least 90, if not more, percent of our audience there favors public ownership. They all remember what happened with the Free Market Venture people, and why don't we own this land? Why doesn't the County own this land? So, there was a lot of feedback in that vein. In fact, the only time we really had a lot of applause was when people talked about we appreciate the County talking to us about this, and we do want it to be public. What came up that I wasn't prepared for was, there are a lot of concerns about Haleakalā Waldorf School being involved. There's a little confusion about that. I have had the chance to talk more to people this morning about that, and I would say, I feel confident, like Josiah said, that we will be able to work out how that's going to work. There isn't a lot clarified at this point, but what I do...but I feel strongly that there are good intentions here. So, I feel pretty good about that. And so, I think people are excited about it. So, that's how I think the meeting went. I want to . . . *(timer sounds)*. . . oh, I'm so sorry.

CHAIR SUGIMURA: Yeah.

MS. PATNODE: Two minutes, one more minute?

CHAIR SUGIMURA: No, 30 seconds. Go ahead.

MS. PATNODE: Thirty seconds. Okay. So, my position is, this couldn't be a better fit for us. It fits so perfectly with the KCA mission and vision of preserving open space, and supporting agriculture, and working together as a community. It's a

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perfect fit. And I think we were...we all really would like it if it was a thumbs-up today. And I think that's enough.

CHAIR SUGIMURA: Okay. Good job, Bobbie.

MS. PATNODE: Okay. Thank you.

CHAIR SUGIMURA: Anybody have question for president...you're done?

MS. PATNODE: Almost president.

CHAIR SUGIMURA: Almost president.

MS. PATNODE: Lame duck president. . . *(laughing)* . . .

CHAIR SUGIMURA: She's almost done. Thank you very much for all your community work. Anybody have questions? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Patnode, for your testimony. I just was wondering, usually when it's Open Space, we use Open Space Funds. They're saying it's bond...lapse bond funds. Was it presented that this was going to be an Open Space acquisition?

MS. PATNODE: My understanding is that that's our intent, is to keep it as agriculture...keep it in agriculture. We have ranchers who are excited about the opportunity for younger ranchers who cannot afford property to be able to be involved with this property. And we had a guy who has lost his lease on his aquaponics farm who wants to put aquaponics on the property if he could. So, I...I think it...we think it's open-land agriculture.

COUNCILMEMBER PALTIN: Okay. So, it's currently zoned Agriculture, and there's no....no plans to change it out of Agriculture.

MS. PATNODE: No, not that we know of. And we like it that way.

COUNCILMEMBER PALTIN: It's...it's zoned Agriculture?

MS. PATNODE: Yes.

COUNCILMEMBER PALTIN: Okay. All right. Thank you.

CHAIR SUGIMURA: Thank you. Member...oh, Member Kama. Sorry.

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VICE-CHAIR KAMA: Thank you, Chair. Thank you, Ms. Patnode, for being here. I wasn't clear if you were in support of it being a public or a...or a...what was it? Public --

CHAIR SUGIMURA: Or private.

VICE-CHAIR KAMA: -- or private.

MS. PATNODE: Okay. I want to be as clear as I possibly can. We want it to be public.

VICE-CHAIR KAMA: Okay. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Anybody else have questions for...all right. Thank you very much. Good job, Bobbie.

MS. PATNODE: Thank you.

CHAIR SUGIMURA: Next testifier.

MR. PASCUAL: Chair, the next testifier is Faith Chase, to be followed by Dick Mayer.

MS. CHASE: Aloha, Council, Committee. I actually wanted to testify on 69, but this is a really fascinating conversation, and thanks for the updates. I would say right away that keeping it in Ag is good. I have mixed feelings about a private school being...shepherding the project. I'm sure that that...there'll be a bigger...a deeper dive into that later. I can't help but be alarmed about things that are like popcorn, or whatever...expedited. Like, what's the rush? That's always an alarm for me, but I'm willing...I'm glad that this will just have more conversation. Obviously, if the KCA board hasn't even discussed it, then there's more to come. So, that's my short comments on this. Following this closely. Thank you.

CHAIR SUGIMURA: Any questions for...Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify what you said, you want to keep it in Ag. Did you care if it was public or private ownership?

MS. CHASE: You know, I've come here many times attesting that Hawai'i's, you know, under illegal occupation. I don't believe in the TMKs. I...ownership, that's why I'm coming...coming to speak about Bill 69. I have concerns about that. So, my...I'm not...Ag, yes. I'm sorry, what was the question?

COUNCILMEMBER PALTIN: If you had a preference for public or private ownership.

MS. CHASE: Definitely for the people.

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COUNCILMEMBER PALTIN: For this (*audio interference*)...okay.

MS. CHASE: And...and I...I do think that the agriculture community has been deficient in having 'āina to do what they need to do. I'm super sympathetic to ranchers, having been a rancher myself. And I do understand that...I do know the farmer that is looking for aquaponics. And so, that would be...that would be good. Hope that answers.

COUNCILMEMBER PALTIN: Yes. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Okay. Thank you. Anybody else have questions for Faith Chase? Seeing none. Next testifier.

MR. PASCUAL: Thank you, Chair. The next testifier is Dick Mayer.

MR. MAYER: Good morning, Councilmembers. This will be the shortest testimony you ever hear from me. So, I...I am in favor of it being public. And secondly, I would urge you to think about the...the wording where you mentioned Haleakalā Waldorf School as being the potential steward. I would urge you to change that slightly and say, Waldorf Haleakalā School or some other appropriate entity. Because they may not be the best entity to do this. It's...I think they have a K through 12 program they have to run. Also--and it's a small school--and whether they have the capability to...to be the best stewards of the land is something still in question. So, I would just leave it open. I'm not speaking against them, I just want to make sure that when they really look at what that would involve, they would say, you know, we're...we may not be the best group. It may be a farming...farmers group, it may be the community association. Just leave it open so you don't tie yourself down to just one potential steward with 100,000 appropriation and with the overall wording that you have in the reso. And I thank you very much.

CHAIR SUGIMURA: Any questions for Mr. Mayer? Seeing none. All right. Thank you. I just want to also thank you for your 40 years of service of being on the KCA board and helping to create it. And you were honored...honored last night at the Kula Community Association meeting. So, congratulations to you and your wife, who was also present. Thank you very much, Mr. Mayer. Any more testifiers?

MR. PASCUAL: Chair, that's all the individuals signed up to testify. Would you like me to do a last call?

CHAIR SUGIMURA: Yes.

MR. PASCUAL: This is the last call for oral testimony. Please come up to the podium or raise your hand on Teams if you would like to testify. The countdown is three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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CHAIR SUGIMURA: Okay, very good. Appreciate Bobbie being here today. When I talked to her last night after the meeting, I said, oh, so, what do you think? How many people are supportive, right? Because we never really, you know, counted. I think there were like over 75 people there in the audience. It was a packed crowd, but we never counted. But it was majority did say that they support it to be public, and to be...to continue to be involved in terms of what's going to happen with this land in the future. Appreciate Managing Director Josiah, who handled the questions very well, and who really stressed, do you want this public or private? He said it at lea...like Bobbie said, if we could have received a dollar, I would have taken \$10 at least, for every time he said that. You know, it was...it was very well focused. So, appreciate that a lot. So, Members --

MS. APO TAKAYAMA: Chair, my apologies. Can we close public testimony before getting into deliberations?

CHAIR SUGIMURA: Oh, sorry. Okay, close public testimony, and receive any --

COUNCILMEMBERS: No objections.

. . .CLOSE PUBLIC TESTIMONY (BFED-112) . . .

CHAIR SUGIMURA: Okay. Okay, thank you. All right. So, now, I want to go into deliberations. So, at this time, I'll start with our Vice-Chair of this Committee, Member Kama.

VICE-CHAIR KAMA: Thank you, Chair. So, I have a question for Mr. Nishita. Are we asking questions, Chair?

CHAIR SUGIMURA: Yes, three minutes. And after that --

VICE-CHAIR KAMA: Oh, okay.

CHAIR SUGIMURA: -- Member Cook.

VICE-CHAIR KAMA: Okay. Thank you. Oh, okay. I'm sorry. I was waiting for him to appear and he's already there. I was looking for him on my screen. Sorry. Okay. So, thank you, Mr. Nishita, for such a great summary of last night's meeting in terms of what the other testifiers have...from their perspective, what they had heard and what they had learned. So...so, today's meeting, really, is that you just want to make sure that...that it's clear to us, the Council, that you'd like to see us either go in a public or a private direction. Is that what you're...you're...you're wanting to get from us today, aside from appropriation of the...the money to purchase the property?

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MR. NISHITA: Thank you, Chair. Thank you, Vice-Chair Kama, for the question. The...yes. In essence, the proposal before you is to place this property in public ownership.

VICE-CHAIR KAMA: Okay.

MR. NISHITA: We believe that that's the best route for this property. We do believe that there is, at least, a majority of community support related to that. And then there are a lot of other details that we're going to have to work through in the future, right? I...I think one of the testifiers noted, you know, about when things get rushed through, you know, there's additional questions, I think. And I...I have the same exact concerns. Really, what it comes down to is, the Von Tempsky family was going to put the property up for sale on the market. And we were able to negotiate something quickly where we're able to keep it in...a potential for public ownership rather than some other, you know, potential private investor, developer, or whatever the case is for that property. So, unfortunately, we're having to rush this thing through a little bit, but that's...that's the primary reason why. And, you know, all of the other decisions, as I mentioned earlier, will come up in further discussion by Council and in other items in the next term. Thank you.

VICE-CHAIR KAMA: Thank you. So, as...as we move forward in terms of making the decision to purchase and to...and to the private partnership--public partnership, I'm sorry--but that all the other issues that were mentioned from our testifiers earlier about the future uses of...of the...this land in terms of what the County might have planned, so on and so forth, will come later?

MR. NISHITA: Thank you. Yes, that...that is correct. Unfortunately, given the time constraints --

VICE-CHAIR KAMA: Yeah.

MR. NISHITA: -- other than kind of conceptual things being discussed or, you know, unable to kind of put something more thorough together and get community feedback on prior to asking for the acquisition. But, yeah, all of those discussions, you know, will be able to occur later with Council and the community. And it will require...you can be assured that we're going to need funding, we're going need, you know, approvals on leases, and...and other types of things like that. So, there are mechanisms that will-- . . .(timer sounds). . . of which we want to engage with the Council. But even if you feel otherwise, we have to come back to the Council for things. So...so, don't worry, there'll be additional opportunities to...to discuss those items.

VICE-CHAIR KAMA: Okay. Thank you, Mr. Nishita. Thank you, Chair.

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CHAIR SUGIMURA: Okay. Very good. Next testifier is Member Cook, then going to Member Johnson, and then Chair Lee.

COUNCILMEMBER COOK: So, Chair, if I may ask Deputy Director Landgraf. The...during the Free Market Ventures conversation, there was discussion about the potential advantage of connecting the Upcountry waterlines through this property...or it was optimum in location. Would that...and potential storage tanks and...be a potential use of this property, and would it help the Department of Water Supply and its servicing Kula's water?

MR. LANDGRAF: Yeah. Thank you for the question, Councilmember Cook. Yes, what you said is exactly right. It'll allow us more connectability [sic] to the upper and lower systems. And right now, if we do have this property, and we did put a tank on it, we can pretty much go right into our lower Kula system once the well gets developed.

COUNCILMEMBER COOK: So, even without doing a well or any source development, it would have the benefit for transmission and storage?

MR. LANDGRAF: Yes. Currently we do have one of our waterlines that has a easement through this property.

COUNCILMEMBER COOK: Thank you. My other question--I don't know who would answer this--is what's the flood waters through this property? It looks like there's a rather large gulch that goes through it. Is it a high volume, and is there any potential for retention basins or other flood mitigation available on the property?

MR. NISHITA: Thank you. I...I think the short answer is further analysis would be needed on the actual flood waters going through. We have talked about watershed restoration efforts that would assist and/or improve in those areas. My estimation is because of the large area involved, it...there's probably a decent amount of water that flows down there in heavy storms. And like I said, all of those things are possibilities, and it's certainly things that we can discuss with the community and Council to see if--you know, like storm water retention, and things like that--on the property makes sense. But, you know, before us here today is really, do we want to own it or not.

COUNCILMEMBER COOK: No, thank you for your answer. My...my questions is basically just sort of touching on milestones as far as the benefit to the public, providing we proceed with this. So, are there any dump sites on the property that we know of?

MR. NISHITA: I'm not aware of anyway.

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COUNCILMEMBER COOK: Okay. So, anyway, due diligence. There's...there's still more to be discovered. I won't ask any more detailed questions. Thank you very much, Chair.

CHAIR SUGIMURA: Okay, very good. Next we have Member Johnson, then Chair Lee.

COUNCILMEMBER JOHNSON: Thank you, Chair. I have...I wrote down eight questions. So, if I get the answer, I'm just going to interrupt you, and I beg your pardon. Director Arce, how's this look for Ag park...potential Ag park expansion?

MS. ARCE: Thank you for the question. That would have to be determined as well. You know, we don't know yet the lay of the land, and like to get more input with community and with our Managing Department.

COUNCILMEMBER JOHNSON: Does anybody know the history of the land? Has it been farmed, has it been grazed, has it been anything?

MR. NISHITA: Well, my...my general understanding is, it...it was utilized in some type of agriculture operation some years ago.

COUNCILMEMBER JOHNSON: Plantation days?

MR. NISHITA: Well, honestly, I would have to do further research to let you know. But I think it's been a part of like maybe some grazing pastures or something --

COUNCILMEMBER JOHNSON: Okay.

MR. NISHITA: -- way back in the day.

COUNCILMEMBER JOHNSON: And the title is a clear title? It's been in the Von Tempsky family for years, I assume?

MR. NISHITA: Guy, would you be able to address that?

MR. HIRONAKA: Yes. Can you hear me?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER JOHNSON: Loud and clear.

MR. NISHITA: Yes.

MR. HIRONAKA: Okay. We have reviewed the preliminary title report, and it is a clear title.

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COUNCILMEMBER JOHNSON: Wonderful. Thanks for that. You chose bonds to fund this. Can you explain why you chose bonds?

MR. NISHITA: The very short answer--happy to elaborate more, if you need--but it's a large dollar amount, and we're not quite to the point of getting our assessments for what kind of carryover savings, and whatnot, we have available. So, we're indicating that. And we'll work through it for the next budget on the appropriation being made to pay for it, but I think our initial estimation is, we'll take that bond fund proceeds...oh, the...I guess to pay for the debt service from the Open Space Fund because our intention is to have, you know, agriculture on the open space.

COUNCILMEMBER JOHNSON: Any intention for housing?

MR. NISHITA: As I sit here right now, no. But I want to be cognizant that we are asking the community to assist us in what should happen. So, I doubt that the community is going to ask us to put housing on it. But if there was overwhelming support, then, you know, we would consider that on behalf of the community.

COUNCILMEMBER JOHNSON: Ag labor dwellings would be...I mean, that's...that sounds perfect for that position but...okay. Three water meters, and you said it's for residential. What...what does that mean? May...maybe Deputy Director can *(audio interference)* --

MR. LANDGRAF: I guess, before the...they're just basically three 5/8 water meters that exist on the property. Yeah, that's...is...is for residential. I don't know what it was actually put on there for, but there are three 5/8 water meters.

COUNCILMEMBER JOHNSON: Would that...is that enough water to water the whole parcel?

MR. LANDGRAF: No. No.

COUNCILMEMBER JOHNSON: Not even close.

MR. LANDGRAF: No. We don't know what it was...it must have been something in the past and --

COUNCILMEMBER JOHNSON: Okay.

MR. LANDGRAF: -- we can *(audio interference)* --

COUNCILMEMBER JOHNSON: And they're functional?

MR. LANDGRAF: Yeah.

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COUNCILMEMBER JOHNSON: The...the Haleakalā \$100,000... . . .*(timer sounds)*. . . I'll be back. All right. Hey, I got more. I got halfway through the list. Thank you, Chair.

CHAIR SUGIMURA: . . .*(laughing)*. . . Okay. Chair Lee, then followed by Member Paltin, then Member Sinenci.

COUNCILMEMBER LEE: So, Deputy...I mean, not Deputy, but Director Nishita, you mentioned that Haleakalā Waldorf would be sort of the facilitator of...of working with the community to...to come up with a plan...a general plan and vision for this property?

MR. NISHITA: Thank you, Chair. Thank you, Chair Lee, for the question. Like...I think, like I said earlier, the actual decision on what that is will come to Council at a later point. I think...I didn't feel comfortable coming to you folks and saying, we want to buy 273 acres, and not even have a semblance of like what a partnership could be to actually take care of the property. So, this may or may not be what the community desires, or what we're initially thinking may or may not be what ultimately is proposed to Council. But that will be able to be ironed out, and then discussed with Council in the next --

COUNCILMEMBER LEE: So, who will be in charge of working with the community preliminarily? Who...which Department, yours...I mean, the Managing Director's?

MR. NISHITA: Thank you, Chair. Currently, that's how it sits. I think long-term would be...essentially because we want to do natural resource protection, and agriculture activities, and...and that kind of opportunities on the property. We see that as a good fit for the area that eventually...and I think this would come with like expansion requests, and whatnot, that maybe that overseeing could occur either in a joint...joint partnership with Department of Management and Department of Ag, or something related to that, just because of the proposed uses of the property. But we'll have to see what comes up from the community on...on what they want.

COUNCILMEMBER LEE: So, potentially, it could be Public/Quasi-Public perhaps, in whole or in part?

MR. NISHITA: Well, I...I'm not quite sure what you're meaning by that because Public/Quasi-Public is actually like zoning designation. So, we're not intending to change it from...from Ag. They do have kind of an...I guess, as a means of the property, they are able to do, like, an agricultural subdivision on the property. But that's not our intention at this time.

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COUNCILMEMBER LEE: Okay. Thank you.

CHAIR SUGIMURA: Thank you, Chair. Next, we have Member Paltin, then Member Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. Same like Member Johnson. I might cut you off if I got my answer. But I...I did want to mention to Member...or not Member, Managing Director Nishita that Director Agawa did...seen you up at our last night's community meeting for securing the land for the PDS. So, my first question is, has this run through the Conversation Planning Committee, or is that not even a thing yet? Is it a thing?

MR. NISHITA: That...the...well, the short answer is no. If you --

COUNCILMEMBER PALTIN: Okay.

MR. NISHITA: -- if you want to use more time, then --

COUNCILMEMBER PALTIN: No. And then the next thing, it looked like it was appraised for 13.1 but we're paying 14, and then one...point 1 for management. Is...is it...are we able to pay 900,000 over the appraised price? Is that allowed? And why would we do that?

MR. NISHITA: Thank...thank you, Councilmember. I'll defer to Guy if he...if he wants to elaborate on anything. I think the actual appraised value--Guy, if you have it--I think it was, like, 13.08, or something like that, but I...I just rounded it. And then in relation to, can we pay over? I think that's what we have to justify to you folks, that it's worth it for public ownership to pay over appraised value. But that is the lowest that we'd be able to pay without going to market. And Guy, if you want to clarify on anything?

MR. HIRONAKA: Yeah. So, the appraisal value was \$13,076,000.

COUNCILMEMBER PALTIN: Okay. I haven't seen Government pay over the appraised value before. And usually, I've seen people be able to get an appraiser to say the number that they wanted. But we'll come back to that. Next question is, has the Department of 'Ōiwi Resources been contacted about this and allowed to weigh in?

MR. NISHITA: Well, regarding the appraisal, just...just real quick. With the PDS site, you likely are going to get asked that again because we're going to end up paying over-appraised value for the PDS site. The...regarding the Department of 'Ōiwi, we plan to have those discussion in...when we're determining the actual like use management and utilization for the community of that with it. As I said, time is...I mean, literally, we had like days to put this together. But if the Council

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wants to move forward with it, that is our plan to...to make sure it's culturally appropriate. And we understand any --

COUNCILMEMBER PALTIN: Okay.

MR. NISHITA: -- historical uses of the property or anything like that. Thank you.

COUNCILMEMBER PALTIN: Thank you. And then for Ms. Toshikiyo. I didn't see a signature on Bill 167. Is that a timing issue?

MS. TOSHIKIYO: . . .*(timer sounds)*. . . Thank you, Chair. Actually, it's more of an oversight of my part issue. I thought that I had signed it. But I don't have any concerns about the bill. So, I apologize, that was a me issue.

COUNCILMEMBER PALTIN: Oh, okay. Well, I'm glad the answer is favorable in that case. And I heard the bell. Thank you.

CHAIR SUGIMURA: All right. Thank you very much. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, my question was about the appraisal too. So, mahalo for Member Paltin for asking it. But I can defer the rest of my time if she has other questions. Thank you.

CHAIR SUGIMURA: Okay. Thank you very much. So, then, at this time, I have a question. So, Water Department, is there a well on the property?

COUNCILMEMBER LEE: Chair, he was giving his time to Member Paltin --

CHAIR SUGIMURA: Oh, sorry. I didn't hear that. You have more questions, Tamara?

COUNCILMEMBER PALTIN: Well, I just...you know, in the past when we purchased the Save Honolua...or the Honolua lands, we were impressed upon that Government couldn't pay more than appraised value. And, you know, if we need the land for the PDS...if we need this Von Tempsky land because we want it to be in public, I just want to know that it is possible to pay over the...if it is possible for Government to pay over the appraised value. Because...I mean, maybe guys were lying to me, but that's what I was told when we tried to purchase...have the state purchase the Honolua lands, that we needed the appraisal to come in at this amount. Otherwise Government couldn't pay over the appraised value. And even same thing, I think, for nonprofits because that's what Lahaina Community Land Trust has been told. Like you can't pay...you...there's like, you know, so much...you can get like a number of appraisals...oh, I guess that's the question--how many appraisals have been done, and legally, can we...is it possible for us to pay over the appraised value?

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MR. NISHITA: Okay. Thank you. I...I think I'll defer to Guy and Kristina, maybe, if they want to address that. And I'd be happy to cover anything on the...the back end that may be missed.

COUNCILMEMBER PALTIN: Okay.

MS. TOSHIKIYO: Chair, if I may?

CHAIR SUGIMURA: Yes.

MS. TOSHIKIYO: Yes. And I'm sorry, Member Paltin, I'm not familiar with the...the acquisition for the Save Honolulu project. But...but I'm looking at Section 3.44.015 of our Code for acquisition of real property. So, it requires...so the...basically, Subsection B, the Director may negotiate for the purchase of real property for purposes of the public interest. So, the requirement is under the Subsection 1, in that negotiation, the Director is required to get an appraisal. And that's part of the negotiation. But ultimately, the negotiation is looking at what is in the public's interest. So, I think at...that's the price that the negotiation's going to be determined, and whether or not the Council also believes that this purchase price, which is above the appraised value, which was used as part of the negotiations--it's ultimately going to be up to the Council whether or not you want to approve that.

COUNCILMEMBER PALTIN: Okay, cool. And then is it the only one appraisal we got? And who did it? And before final reading, will we see a copy of the appraisal?

MS. TOSHIKIYO: I will defer to Mr. Hironaka on...on the appraisal.

MR. HIRONAKA: So, the appraisal was done by ACM Consultants. . . .*(timer sounds)*. . .

COUNCILMEMBER PALTIN: And...and we can get a copy of the appraisal before --

MR. HIRONAKA: Yeah. So, when...we will transmit it...I assume it's going to be transmitted with the resolution.

COUNCILMEMBER PALTIN: Okay. And that was the only one appraisal we got?

MR. HIRONAKA: Right. That was the one appraisal. Usually, we just get one appraisal.

COUNCILMEMBER PALTIN: Okay.

MR. HIRONAKA: And it was reviewed by Real Property Tax to make sure that it was...you know, that there was nothing wrong with it.

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COUNCILMEMBER PALTIN: Okay. Awesome. I did hear the bell. Thank you. Thank you, Chair. Thank you, Member Sinenci.

CHAIR SUGIMURA: Managing Director, did you want to say anything? You were kind of looking like you wanted to.

MR. NISHITA: Oh. If Guy didn't cover it, I was just going to say that yes, we will give you the appraisal as a part of the...the authorization to acquire the land. Yeah.

CHAIR SUGIMURA: Okay. So, I was going to ask about that. So, is the resolution ready to be submitted? In the works? Where are we?

MR. NISHITA: It...I...I guess, I'll say that it for sure will be ready by the time you take it up on second and final reading. We'll...we'll make sure it's...it's submitted together with the bills when Council takes it up.

CHAIR SUGIMURA: Okay.

MR. NISHITA: Yeah. I can't give you an exact date at this point.

CHAIR SUGIMURA: Okay. And for the Water Department question that...this might be a rumor, but I heard that there's a well on the property. Is that not right?

MR. LANDGRAF: Okay. So, there is, but it's a test well. Okay. So, there's a test well that was supposedly dug...drilled, and it was confirmed with CWRM that there is a test well. They do not have any of the results from the test well, but if Council decides to purchase that property, we will go and confirm it and check out the test well. If we have to put a pump in, and run it, and see what it is, then we'll do that.

CHAIR SUGIMURA: Okay, very good. So, speaking of CWRM then, if we do decide to drill and find new resource, then we still have to get CWRM's approval to use --

MR. LANDGRAF: Yes. But it's --

CHAIR SUGIMURA: -- the water?

MR. LANDGRAF: -- it's easier Upcountry because it's not under the surface and...it's not a surface and groundwater management area. So, the process is a little easier.

CHAIR SUGIMURA: Okay. We still have that.

MR. LANDGRAF: We still have to go through it, but it's not as intense.

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CHAIR SUGIMURA: All right, very good. Okay. So, I'll go through a second round of questions, everybody, back in the order. Is that all right? So, Vice-Chair Kama, then I'll go to Member Cook, then Member Johnson.

VICE-CHAIR KAMA: Thank you, Chair. So, this question is for Mr. Nishita. So, I'm looking at Bill 166, Section 2, under functions and programs, item 4, where it says, up to 100,000 must be for Haleakalā Waldorf School for land management and watershed restoration. So, if you're looking at doing just a public partnership...public...to purchase the...the...the property, is there still a need for \$100,000 for Haleakalā?

MR. NISHITA: Thank you, Councilmember Kama. The...I mean, that proposal is generated on the basis of we know that there needs to be oversight and stewardship of the property. Otherwise, we're going to leave it fallow, and it'll be just a community risk. So, that's why we, you know, really express our appreciation to Haleakalā Waldorf School for really stepping up to the plate under very tight time frames to be willing to take on a...you know, if that's what the community desired, to take on a lot of the, I guess, operational issues for us so that we can move forward with the purchase. There was some comment earlier about, can we change that language, you know, to say Haleakalā Waldorf School or some other appropriate entity, or something like that. I...I would just note that we can't...Council can't change the amendment that was submitted. But, you know, you do have our commitment that when we come back for actual discussion about the use of the property, if it is determined that, you know, it should be some other entity, or a collection of agencies, or whatever the case is, we can come in with a budget amendment to amend, you know, the language, or whatever, at that time. But, you know, I did relay this to the community previously. We...if we came with nothing, and just said we want to buy this, we would get slammed for not having anything in place on...or any thoughts as to how we're going to take care of it, and a concern over it just being fallow and unmanaged. And so, this is our attempt, in the very short time frame that we had, to help us hold over that, so we're...we're taking good care of this for the community. Thanks.

VICE-CHAIR KAMA: So, the \$100,000, how long will it last in terms of how long they can actually manage and...the...the land and the watershed?

MR. NISHITA: Thank you, Chair. The...I...I think the actual cost...operational cost related to the land. I think we'll still have to determine based on what the community and Council decides with us on use of the property. The...and...and then, of course, you know, like if it's...if the community wants grazing land, or...or things like that then, you know, maybe that gets put more on the rancher to help, you know, facilitate a lot of the care . . . *(timer sounds)*. . . and maintenance of the property, or whatnot. This funding would be through the...the rest of this fiscal year which, you know, any unused funds...assuming that, you know, we move

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forward in this direction, any unused funds could be encumbered as a part of the grant, and then used for a portion after. But given the amount of acreage and amount of care that the...the property needs, you know, this...this is just really a small measure to help get things started so that, you know, this property is...is cared for as it should be.

VICE-CHAIR KAMA: Okay. Thank you. Thank you, Chair.

CHAIR SUGIMURA: Okay. Great. So, it's now like 10:21. I'm going to go through the second round of questions, and then we'll take a recess. Okay.

UNIDENTIFIED SPEAKER: Okay.

CHAIR SUGIMURA: Go ahead. Member Cook, Member Johnson, and Member Lee --

COUNCILMEMBER COOK: Thank you. So, Managing Director Nishita, would I be...to...would I be accurate in summarizing the Haleakalā School could be...for any...anytime the County purchases Open Space or properties, we need to mitigate and manage the liability, operation, and maintenance of those properties? And that has historically been one of the resistance to the County purchasing property because then it's like who's going to take care of it and what's going to happen? So, is this...Haleakalā School, basically they would be managing...they...that contractually, the liability on the property, the operating and maintenance to the property, but the County would still own title?

MR. NISHITA: Thank you, Chair. Yeah, the County would own the property. And, you know, through community input, and whatnot, could determine that--assuming you wanted to move forward in that direction--it could be short-term lease, it could be a long-term lease, it could have different stipulations in the lease about like different organizations to work with, and whatnot. There are a lot of different caveats related to that. But yes, it would maintain in public ownership. And Haleakalā Waldorf School is anticipating, if..if this did move forward and the community wanted it, to work with many different organizations to be able to actually steward the property. Because they...you know, they do understand that there are organizations that are very good at what they do in a particular area. And so, it made complete sense to, you know, partner with those agencies to...to help make it happen. But I think...I hope that answers your question.

COUNCILMEMBER COOK: Well, yeah, I guess in general. I'm just trying to...like anytime we buy property--we, being the County--we're trying to indemnify ourselves as much as possible and have somebody else manage it...so it's not Parks or Public Works. And then the maintenance of it, potentially we may share in it if we change our Open Space funding mechanism where we have another facet, where we don't just buy the property, but we do that. So, anyway, I'm...I accept your explanation, and thank you.

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MR. NISHITA: Thanks, Chair. And I'd just note that I think the County has to assume that there is risk in any time we're purchasing land. Whether or not we have groups helping us, or whatever the case is, the underlying owner does face risk for...for owning the property. I think we make a better argument in the assessment of that risk when we have active management, and...and partnerships on the property, and making a demonstration that we're taking good steps forward. But, you know, this...this whole piece, I mean, I'm...as I mentioned earlier, I'm hesitant to bring things to Council without at least a semblance of . . . *(timer sounds)*. . . what could be. And we are struggling with that with another potential acquisition that we got grant funding for in Ma'alaea to be able to have partnerships available so that we're not just buying a fire hazard, basically, but something that can actually be put into community use. So, that's...that's what we're hoping to do, ultimately. And I know that...that's what Haleakalā Waldorf School wants to do, too.

COUNCILMEMBER COOK: Thank you, Chair.

CHAIR SUGIMURA: Yeah, great. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Since the first round, my questions expanded, sorry. . . *(laughing)*. . . So, real quick --

CHAIR SUGIMURA: . . . *(laughing)*. *(inaudible)*. . . --

COUNCILMEMBER JOHNSON: -- the fencing. Is that going to be deer-proof fencing?

MR. NISHITA: Thank you, Chair. So, that's my anticipation. Now, of course, if the community doesn't want that, or wants different uses on the property--like if they wanted housing, for example, then maybe it doesn't make sense to put --

COUNCILMEMBER JOHNSON: Right.

MR. NISHITA: -- put ten-foot high fencing. But my estimation of hearing from the community, and whatnot, is...like they want it pretty much open, agriculture activity. So --

COUNCILMEMBER JOHNSON: Okay.

MR. NISHITA: -- to do grazing and other farming type operations, it would need deer fencing.

COUNCILMEMBER JOHNSON: Right. Important. So, when...when will you come back to the Council to discuss this? I know you said we'll come back and let you know how's it going. Do you have a timeline when?

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MR. NISHITA: Well, I think we're slated to--you know, fingers crossed--close by January 31st, assuming we get Council approval. And then we'll be working, in the meantime, to try to put together--you know, with Department of Ag and Department of 'Ōiwi Resources, and Water Supply, and Haleakalā Waldorf, and other partners--to put together kind of what that plan could be. I can't...can't guarantee you that it will be like February or something --

COUNCILMEMBER JOHNSON: Okay.

MR. NISHITA: -- but, I mean --

COUNCILMEMBER JOHNSON: Well, for us, it's --

MR. NISHITA: Yeah.

COUNCILMEMBER JOHNSON: -- our...our budget discussion is in April, as you know, so that's...maybe before April is what I'm trying to pin down. If you could (*audio interference*) --

MR. NISHITA: We'll definitely try our best --

COUNCILMEMBER JOHNSON: Okay.

MR. NISHITA: -- before April.

COUNCILMEMBER JOHNSON: This next one's for Corporation Counsel Toshikiyo. State law does...does it or does it not allow us to go...overbid the...the appraisal? I...I thought there was a state law that might have had a say on that. Is that...can you...do you know anything about that?

MS. TOSHIKIYO: Thank you, Member Johnson. Actually, I don't. So, I will look into that --

COUNCILMEMBER JOHNSON: Okay.

MS. TOSHIKIYO: -- (*audio interference*) --

COUNCILMEMBER JOHNSON: Sure. I'll move on to my other questions. For Deputy Director Landgraf. So, those three...those three water meters, if we were, hypothetical now, if we were to build Ag...Ag labor dwelling on that parcel, how many units could you get out of three...you said the size of the meter, I don't recall.

MR. LANDGRAF: 5/8.

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COUNCILMEMBER JOHNSON: Three 5/8. Is there...how many homes could you build out there?

MR. LANDGRAF: Well, for sure, you could build three. . . .*(laughing)*. . .

COUNCILMEMBER JOHNSON: . . .*(laughing)*. . . Yeah. Okay.

MR. LANDGRAF: And it'll probably only get you to be like accessory dwelling besides, so three. I would say three, three-bedroom and three accessory dwellings.

COUNCILMEMBER JOHNSON: Okay. So, a very small --

MR. LANDGRAF: Yes --

COUNCILMEMBER JOHNSON: -- amount.

MR. LANDGRAF: -- 5/8.

COUNCILMEMBER JOHNSON: All right. Okay. And so, that's...there's only potable water available. There's no nonpotable water over there? There's not --

MR. LANDGRAF: Not that I...

COUNCILMEMBER JOHNSON: Okay. If we're going to turn this into Ag lots, or an Ag area, how are they going to get water if we only have 5/8 for just a couple homes?

MR. LANDGRAF: I am --

MR. NISHITA: Well, thank you, I...I guess I'll take that question. I...I think when we did the initial assessment as to how much water theoretically could flow from three 5/8 meters, I think it was...think it was like 100-something-thousand gallons a day, something like that. So, you could do small like agricultural operations maybe on like one-half of the property with the existing meters. Now, as I mentioned before, there is an opportunity for water source development --

COUNCILMEMBER JOHNSON: Right.

MR. NISHITA: -- on the site.

COUNCILMEMBER JOHNSON: Yeah.

MR. NISHITA: And as I noted to the community, we're having these ongoing dialogue with East Maui Water Authority, and EMI, and Mahi Pono, and whatnot. There could potential . . .*(timer sounds)*. . . for additional capacity being available. But

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all that will need to be taken into account when we kind of come up with what a potential plan could be.

COUNCILMEMBER JOHNSON: Okay. Thank you for that. Thank you, Chair.

CHAIR SUGIMURA: Okay. Chair Lee.

COUNCILMEMBER LEE: No questions. Support.

CHAIR SUGIMURA: Good. Member Paltin, and...and then followed by Member Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. It does sound like it's worth paying possibly over 900,000 over the purchase price if State law allows it for the benefits to the Water Department. I know that the Water Department is, generally speaking, a self-funded entity. Is any monies coming in from the Water Department for this purchase?

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: Got to ask.

MS. MILNER: Thank you, Councilmember Paltin. As Managing Director referred to earlier, we are discussing how the payment on this debt service will be funded. I think once we have a better idea of the use of the property...you know, obviously, depending on how it's used, we're looking at a portion or all of it coming from Open Space Funds, a portion may come from the Water Department depending on how much the property is used for water purposes. So, that's going to be part of our larger discussions as well. Thank you, Chair.

COUNCILMEMBER PALTIN: And this is considered part of you guys' Upcountry watershed? Because I know they give watershed grants as well...the Water Department.

MR. LANDGRAF: Yes, I think it is.

COUNCILMEMBER PALTIN: Like management and maintenance.

MR. LANDGRAF: Yes, I think if this parcel is part of that area.

COUNCILMEMBER PALTIN: Okay. And I don't know too much about Kula area, but from the slide that Managing Director showed of the picture, it looks fairly dry. Is this near the area where Kula had its fire that burned down houses? And is it a serious concern if it isn't managed about fire starting on this property?

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MR. NISHITA: Thank you, Councilmember Paltin. If...if we're talking about the same fires that I'm...I'm aware of anyway, it's on separate properties farther away. That...that land is very dry. I haven't walked the whole property, but there isn't...there's a lot of cactus, really, from what I recall, on the property. And it is right above the existing Kula Community Center.

COUNCILMEMBER PALTIN: Oh, okay. And is that...like when you say far away from the August 2023 fires--like five miles, ten miles--like do you have an estimation? Because I never did see the fires up there because we had fires over here.

MR. NISHITA: Chair, I'd have to get back to you. I...I mean, I...I wouldn't want to guess.

CHAIR SUGIMURA: *(Audio interference)* --

MR. NISHITA: Yeah, I...I would have to get back to you on that.

COUNCILMEMBER PALTIN: Okay. But the fire was in Kula, and this property is in Kula.

MR. NISHITA: Yeah. Yeah. Well, the...the fire didn't occur on this property, I can tell you that. As to the exact distance, I...I would have to get back to you.

COUNCILMEMBER PALTIN: Okay. And then the gulch that Member Cook was mentioning, it looks kind of green along that one pathway. Is it a perennial stream, or do we know what type of stream that is?

MR. NISHITA: Thank you, Chair. I'm not aware of it being a perennial stream.

COUNCILMEMBER PALTIN: Okay. Intermittent?

MR. NISHITA: Thank you, Chair. I'd have to defer to the experts, but my recollection is it...it's...it basically is capturing like storm water runoff that...that occurs. And so, that's where you're likely getting the greenery, is the...the...you know, rainwater, and whatnot, is funneling down into that gulch.

COUNCILMEMBER PALTIN: Okay. And so, it's mostly like invasives along there and on the property?

MR. NISHITA: Thank you, Chair. We...we haven't done like a flora and fauna study, or anything like that, on the property. But my guess is that there's likely invasive grasses and...and things like that on the property. And so, as a part of, you know, restoration and...and natural resource protection efforts, I...I think that would be an amazing project on this property, is kind of restoring, you know, native plants and species to the property. Thanks.

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COUNCILMEMBER PALTIN: Thank you. And then the Von Tempsky family, are they in support of this deal for public acquisition? Because they were the ones talking to Free Market Ventures. And was their intent to sell it to Free Market Ventures when they said it was going to go out on the open market, and they gave the County the first like right of refusal opportunity to negotiate because they would like to see it in public hands?

MR. NISHITA: Yeah, that...there was...I'll try to remember all the points of that. Yes, they are in favor of selling it to the County. We negotiated with them and . . . *(timer sounds)*. . . they're in favor of the deal presented before you. If I recall the Free Market Venture piece correctly, they...they were going to acquire the property from the Von Tempskys as a part of that...that deal. And yeah, this is our...our...our shot, basically, at...at negotiating with them to...to get the property for public ownership.

COUNCILMEMBER PALTIN: Okay. All right. Thank you. I heard the bell. Thank you.

CHAIR SUGIMURA: Thank you, Member Paltin. Member Sinenci.

COUNCILMEMBER SINENCI: No more questions, Chair. Thank you.

CHAIR SUGIMURA: Okay. Thank you very much. So, at this time, I just want...I don't know if the Members remember this, but my home is one lot away from the Kula Community Center. And all this discussion, I...I've said it's amazing how much work is going on...or activity is going on right in my neighborhood. Because it...before, it was very quiet, right? My greatest act...my greatest activity that happened around my house was Haleakalā Waldorf School. So, I see their Halloweens, I see their kids. I mean, really, my street is alive and vibrant, really, because of the school. So, I have the highest regard for my neighbors, and that's...that's Haleakalā Waldorf School. And what is behind my house, which is the Von Tempsky property, is a lot of cactus. So, we don't have a lot of special things going on there. And I...we...we did have cattle and horses when, I think, the Von Tempskys were allowing, you know, the...the cattlemen to rent the space. So...and...and because of the water, right, they were able to do that. But it's a very quiet kind of neighborhood until the Von Tempskys took a little change in their...in their strategies of what the family's going to do. So, they sold us the land. You know, thank you very much, the Kula Community Center is now part of the community. And then, now, this is the other part. And I look forward to, you know, seeing what we can do. Because it's not very often that you have this 273 acres of land become available for...for the community, really. So, I just want to disclose that because as I'm sitting here, I'm saying, okay, these are talking...we're talking about my neighbor.

UNIDENTIFIED SPEAKERS: . . . *(laughing)*. . .

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CHAIR SUGIMURA: Talking about what goes on behind my house, and there was horses and cattle there when we first moved in. And I have no more questions on this. So, at this time, Members, I'm going to take a ten-minute recess, and then we'll come back to deliberations. Is that all right?

COUNCILMEMBER COOK: Okay.

CHAIR SUGIMURA: Or unless you have more questions. Okay. Okay. So, at this time then I'm going to come back at 10:50. . . .(gavel). . .

RECESS: 10:37 a.m.
RECONVENE: 10:52 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Welcome, Members, back to the BFED Committee. It's now 10:52, and we're going to resume questions with Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair, and I appreciate an extra round. But basically, it's a follow up with...with Ms. Toshikiyo in regards to...can the County go above a --

CHAIR SUGIMURA: Appraisal.

COUNCILMEMBER JOHNSON: -- an appraisal? And...because, you know, just like what Councilmember Paltin would say, for years, we heard we couldn't. So, maybe Ms. Toshikiyo can speak on that.

CHAIR SUGIMURA: Ms. Toshikiyo.

MS. TOSHIKIYO: Yes. Thank you, Chair. I...I think that we try to stay as close to the appraised value as possible. But we're also looking into other factors, not just, you know, what we're looking into budgetary-wise and using taxpayer monies, but also, you know, what is within the public interest. So, there are often projects that, you know, the County needs to move forward on that we may have to negotiate a price that is higher than what the appraised value. But for the County, there is value in what we need to accomplish for...for the community. So --

COUNCILMEMBER JOHNSON: Okay.

MS. TOSHIKIYO: -- I...I would say that, yes, best practices would be to stay as close to the appraised value. But again, it...it's on a case-by-case basis, depending on the circumstances and the County's needs.

COUNCILMEMBER JOHNSON: Thank you. I appreciate that response from my previous question. So, my new question is, you know, on the...on that parcel of

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land, there's black wattle, right. And black wattle is a tree that is really bad for fire. So, do...when we talk about those folks...the...the school...the...will they be the ones who will be cutting down black wattle, or do we need to contract out tree trimmers and those kinds of folks? Because we...obviously, like you said, we don't want to leave it fallow and have a fire hazard, and black wattle is a notorious bad tree to have.

MR. NISHITA: Thank you, Chair. So...I mean, those components of it would need to get worked out in the actual like lease agreement or partnerships that we come forward to Council with. But, you know, like some of the organizations that potentially could like assist Haleakalā Waldorf with that could be like Mālama Kula, for example.

COUNCILMEMBER JOHNSON: Yeah.

MR. NISHITA: Like that's a lot of the work that they do now. So, there could be a potential partnership with them helping to like oversee and coordinate those aspects. And then an organization like Mālama Kula actually doing the work of the watershed restoration effort. So...I mean, that's...just could be an example. But that...those kinds of pieces would be put together in terms of the lease agreement.

COUNCILMEMBER JOHNSON: Was the name of that person Kyle? Was it . . . *(inaudible)* . . .

MR. NISHITA: Kyle Ellison, yeah.

COUNCILMEMBER JOHNSON: Those folks have been doing a great job. I...I really appreciate those kind of partnerships. Thank you, Chair. No further questions.

CHAIR SUGIMURA: Yeah. Thank you. So, anybody else have any further questions? If not, I'm going to go to Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I try not to disappoint. My question, I think, is for Ms. Milner. And it's usually Chair Lee's question, but I didn't hear her ask it, so I'll...I'll...I'll cover for her. When it says that the source of funding is bond, lapsed bond, how much of it is lapsed bond? And what was it...the project that it's lapsed from?

MS. MILNER: Thank you, Chair. Thank you, Councilmember Paltin. This would all be new bond funds, it would not be any lapsed bond funds included for this project. That line item just includes both. If lapsed bonds were included, there would have been another bill included in the packet to show the use of lapsed bond funds. Thank you, Chair.

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COUNCILMEMBER PALTIN: Okay. And then what is the debt service on the new bonds?

MR. NISHITA: Thank you, Chair. And I...I...sorry, I don't have the number in front of me, but I did ask Finance this earlier. And I believe it was right around the...it was a little over a million dollars a year was the debt service, assuming a 20-year GO bond at like the going interest rate.

COUNCILMEMBER PALTIN: So, it could cost a total of like 34 million?

MR. NISHITA: Thank you, Chair. I...I think the...if it was a 20-year bond, assuming that, you know, we don't end up changing it to a cash appropriation at some point, or paying off the bond, or whatever the case is, I...I think the number was about \$20 million over the course of 20 years if we decided to, you know, just pay it for that entire duration.

COUNCILMEMBER PALTIN: \$20 million debt service on top of the 14.1 million purchase price?

MR. NISHITA: The...sorry, Chair, I'll just clarify. So, it'd be the, you know, 14.1, or whatever, principle, and then I guess, roughly 5.9, or something around that, in interest.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR SUGIMURA: Okay. You're done?

COUNCILMEMBER PALTIN: Just that...I just wanted to double check...clarify. What I heard was that debt service could come from Open Space Funds, or it could come...a combination of Open Space funds and the Water Department; is that correct? Or maybe some other mixture?

CHAIR SUGIMURA: Ms. Milner.

MS. MILNER: Thank you, Chair. Thank you, Councilmember Paltin. Yes. Once the use of the property is determined, we'll calculate how much is allowable under the Open Space Fund...how much is being used for Water and how much is being used for, let's say . . .*(inaudible)*. . . property as a hypothetical...although that would be Open Space Fund, so never mind. How much would be appropriately charged to the General Fund and appropriate the debt service accordingly.

COUNCILMEMBER PALTIN: And if it was leased out for ranching, say, comparable to what the Von Tempskys did, could that lease money go to the debt service possibly? Or it would just go into General Fund and it'll sort itself all out? . . .*(timer sounds)*. . .

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MR. NISHITA: Thank...thanks, Chair. I...I guess--and...and this will be subject to Council approval, and community input, and whatnot--in my layperson estimation, just knowing how the ranchers are struggling, and getting land taken away, and agricultural farmers not being able to afford land, and whatnot, I...I wouldn't...I wouldn't want to propose generating a lot of revenue from this site on the backs of the farmers and ranchers. So, I...I...I mean, I think the answer is, yes, it...we could have a source of revenue that could help offset some of the cost, but at...at least where I sit here today, I...I don't think that that will be my proposal at this time. Thanks.

COUNCILMEMBER PALTIN: Okay. I think I heard the bell; is that correct?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you. I guess, that was more than one question.

CHAIR SUGIMURA: I'm not surprised. Chair Lee.

COUNCILMEMBER LEE: Thank you, Member Paltin, for asking my question. But I have a question for James Landgraf, Deputy [sic], Water Department. What is the capacity of that test well?

MR. LANDGRAF: I...you know, I don't know what it is. It's only a test well, so you only going to pump a certain volume. And I don't know what kind of pump they actually had in it when they did the test. But we will find out whatever the casing size in, and we'll put an appropriate size pump, and run the test.

COUNCILMEMBER LEE: So, when...when do you think that...assuming all of this goes through, when do you think you might be doing that?

MR. LANDGRAF: Well, if this all is done by January, I would think in February.

COUNCILMEMBER LEE: Okay.

MR. LANDGRAF: We can start preparing if we know this is going to go through.

COUNCILMEMBER LEE: Yeah. Yeah. Because it...potentially we could get a lot of water from that --

MR. LANDGRAF: Yes.

COUNCILMEMBER LEE: -- well.

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MR. LANDGRAF: Yeah.

COUNCILMEMBER LEE: Okay. Thank you very much.

CHAIR SUGIMURA: Okay. Anybody else have questions?

COUNCILMEMBER COOK: Can we get the motion?

CHAIR SUGIMURA: Okay. Wait, let me...you're ready. . . .*(laughing)*. . . Okay. You're ready to go. Okay. So, Members, I will entertain a motion to recommend passage on first reading of Bill 166 (2024) entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, OFFICE OF RECOVERY PROGRAM; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT; AND APPENDIX C, DEPARTMENT OF MANAGEMENT," incorporating any nonsubstantive revisions. And also, Bill 167 (2024) entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5659, BILL NO. 62, CD1 (2024), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT)," incorporating any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Made by...motion made by Member Cook, and seconded by Chair Lee. Any discussion?

COUNCILMEMBER COOK: Thank you, Chair. And thank you, the Department...Administration for bringing this to us. I understand and accept the short time frame because that's the way that real estate transactions on Maui often happen. I think that we did have extensive community conversations regarding the Free Market Ventures. The fact that they were willing to spend hundreds...hundred-plus million dollars on this property indicates the potential value. And having seen West Maui be for sale for Amfac and like from Amfac, and the County, or the state not purchase it, different other properties be available and not purchase it, I'm very supportive of this. It's problematic and it's not perfect, but I am more than willing to support this. And thank you, Chair, for having this.

CHAIR SUGIMURA: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. For my discussion, you know, I...I vaguely not...I wasn't involved in a lot of the Free Market Ventures talks because

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I was otherwise occupied over here. But from what I recall, plenty folks were getting vilified, including yourself, Member Cook, the Water Department, and I just wanted for my discussion to reflect that if that proposal hadn't come through, we wouldn't be at this point right now. And so, you know, if we can talk everything out, whether it's the Free Market Ventures or this project, and understand like that's a part of the process of...of learning what's important to the community, and...and also to thank the Von Tempsky 'ohana. I...I didn't realize that Free Market Ventures was willing to purchase it for \$100 million, and that they were willing to sell it for the public to own it for \$14.1 million, even if that's 900,000 over the asking price. That does put things into perspective that they're losing out on, you know, 76 million, or whatever, I...public math and all. But I just...I just want whoever is watching to...to realize that we had to go through that to get to this. And things don't all the time make sense in the moment, but I think that where we're at right now is a pretty good place. What we do in the future will determine if we're...if it's a good decision in the end or a bad decision, but I...I can say that I...I trust the Managing Director, you know, because we're taking his word. He pretty much made this happen. And so, a little bit...whether he wants it or not, it's on his shoulders to make this be a success, given us agreeing with him. So, I will vote in support. Thank you.

CHAIR SUGIMURA: Okay, very good.

COUNCILMEMBER COOK: Thank you.

CHAIR SUGIMURA: Member Cook, wants to --

COUNCILMEMBER COOK: Chair, may I clarify my statement? Member Paltin, when I said \$100 million they're willing to invest, that wasn't necessarily the purchase price of the property. That was their purchase price of the property and their intention to spend that much money to do a well, et cetera. So, they felt that the value of the property was such that they were willing to spend over 100...you know, \$120 million, they were saying. So, for...it wasn't the purchase price, but that was the point of reference that this property is a really good deal for the community, and that's just . . . *(inaudible)*. . . But I didn't want to confuse it. They didn't offer that much money for the property. Thank you.

COUNCILMEMBER PALTIN: Oh, okay. Thank you. I appreciate your clarification. Thanks, Chair.

CHAIR SUGIMURA: Okay. Anybody else? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm going to rise in support of the motion. I want to thank everybody--there's a lot of people involved in this. But I got to say, Director Nishita made a really good point at the public meeting. I wasn't there, but I heard over and over the public versus private, and exactly

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right...it's exactly a great point you make. Because public is service-driven, private is profit-driven. So, you want to turn that land over to private entities, they have to make a buck, right? And there's many ways that they would do...many things they would do to make a buck that might not...the community might not agree with. So, the fact that the folks have a say in this, they...like you said, a lot of this will...we don't know yet because we want to reach out to the community, see what they would want. And that's exactly what good government should do, is listen to the community. We often say it, community-driven, government-supported. So, I support this. Thank you, Chair.

CHAIR SUGIMURA: Very good. Anybody have any comments before we vote? No. Okay. I just want to say, thank you very much. Good meeting last night, Director, and also handling the many questions that came up. I want a...a special thanks out to Bobbie Patnode with Kula Community Association, the President. She's retiring, she's going to become a special retiree on the board.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR SUGIMURA: So, last night was her last official meeting. So, thank you very much. I just wanted to thank you. And, of course, Dick Mayer, who's retiring after 40 years. But Haleakalā Waldorf School really went from a very quiet position to all of a sudden last night was kind of exploded in the community of, you know, a very important element to manage this--now it sounds like it's going to be a public property--and I do want to just say to them that all the years that I've been living in Kula, they have been this quiet development of this educational component that has really grown, and they've developed. They never ask for anything. They no even come and use my parking or anything, you know, they just there. It's a very busy time in the morning and the afternoon. But I want to commend the organization and all the things that people were questioning. I think it's because you quietly do your job, and you don't ask the community for very much except please support our children. So, thank you very much Haleakalā Waldorf School. Thank you very much, Managing Director, for recognizing that. I think they would be good stewards, and management of the property, and want to work with the community. And I look forward to hearing more from you as we go along. So, at this time, then...I think this will be a voice vote. All in favor, Members, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Aye. So, who's not here is Member Rawlins-Fernandez.

COUNCILMEMBER COOK: Member Sinenci.

CHAIR SUGIMURA: Oh, Member Sinenci?

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COUNCILMEMBER LEE: Nohe.

VICE-CHAIR KAMA: He's here. He's here.

CHAIR SUGIMURA: Oh, he's here. Okay.

COUNCILMEMBER LEE: Nohe.

CHAIR SUGIMURA: What was the vote? Oh, Nohe. So, it's seven, two.

MS. APO TAKAYAMA: Yes, Chair, that's seven "ayes," zero "noes," two excused, Members Rawlins-Fernandez and U'u-Hodgins.

CHAIR SUGIMURA: Okay, thank you.

MS. APO TAKAYAMA: Motion carries.

CHAIR SUGIMURA: Motion carries. And thank you very much.

VOTE: **AYES:** **Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Paltin, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Rawlins-Fernandez and U'u-Hodgins.**

MOTION CARRIED.

ACTION: Recommending **FIRST READING** of Bill 166 (2024), and Bill 167 (2024) by C.R.

CHAIR SUGIMURA: So, we look forward to the resolution with appraisal and everything else to come before us. Did you say second reading or...or first?

MR. NISHITA: By --

CHAIR SUGIMURA: By second reading.

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MR. NISHITA: -- yeah, hopefully, the first reading, but by second --

CHAIR SUGIMURA: Okay. That...that'll be the goal. Thank you very much, Members.
So, we're done.

MR. NISHITA: Thank you. Well, thank you.

CHAIR SUGIMURA: Thank you.

**ITEM 30: BILL 69 (2023), RELATING TO ACCEPTANCE OF
CONSERVATION EASEMENTS (BILL 69 (2023))**

CHAIR SUGIMURA: So, the next item on our agenda is BFED-30, Bill 69, Relating to Acceptance of Conservation Easements. And I think I'm having Members who are leaving this meeting. So, either, we can pass this really fast. If there's a whole bunch of questions, then I might just defer this to the next term, Members. So, this authorizes the Director of Finance to acquire real property or easements without Council approval. If the conveyance is approved by the Mayor and is required by a grant agreement, it requires the provisions and grant agreements to land conservation organizations specify that Council approval be obtained by resolution. Assisting us today is Member [sic] Hironaka, Ms. Milner...and also, I spoke to Corp. Counsel about this. So, maybe we'll start off with you--well, first of all, do we have anyone here to testify? Oh, we have one person to testify. Oh, that's Faith Chase. Faith, do you want to listen to what is going to be said, and then you want to testify, or are you ready to testify now? Ms. Chase?

MS. CHASE: I'd like to hear what they have to present. Thank you.

CHAIR SUGIMURA: Okay. So, we'll hear from the resources first, and then we can hear your testimony. Ms. Milner.

MS. MILNER: Thank you, Chair. In reviewing the bill, it looks like this is streamlining the process. Section 3.88.070(A)4, which is Open Space Fund, does state that a grantee has to convey to the County of Maui closing a perpetual conservation easement if they receive a fee simple title to the property. So, by approving inclusion of those grants in the Open Space Fund, the Council is sort of already approving that conservation easement. And currently, the way it stands, you have to go through another legislative process to formally approve it again, even though you've already approved it under the Open Space Fund. So, that would remove that double approval. And it also clarifies that certain other things under the Open Space Fund can be approved in one reading by resolution rather than two readings by an ordinance. So, I just look at it as a streamlining the process, but I'm happy to answers any questions. Thank you, Chair.

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CHAIR SUGIMURA: Very good. You have to leave? Okay. Thank you very much. Member...Member Cook has to leave the meeting. Does Ms. Toshikiyo have anything that you want to add to this? Corp. Counsel.

MS. TOSHIKIYO: Thank you, Chair. Not much. I think that Director Milner summarized it very well. Yes, this is another step in the process of what is already a Council-approved appropriation from the Open Space Funds. I will say, just as a practical matter from...from my standpoint, is that we also then have to wait for the approved resolution from Council before we execute the grant agreement. And...and then there are other processes, and we're involved with the land conservations and...you know, the state is involved in reviewing and making sure that the conservation easement has all the requirements in...in our Code. And you could see that in those other sections. But yes, that's just another step in the process on sometimes what is already just recently been appropriated and approved by Council.

CHAIR SUGIMURA: Okay. Thank you very much. Mr. Hironaka, do you want to add to this?

MR. HIRONAKA: Oops. Chair, not much, other than, you know, sometimes we do have a time constraint, you know, especially when we're dealing with approvals, trying to get State and everyone else. So, this would help, you know, get things done in a timely manner.

CHAIR SUGIMURA: Thank you. Thank you very much. Now, shall we open up for public testimony?

MR. PASCUAL: Yes, Chair. The first testifier is Faith Chase.

. . . OPEN PUBLIC TESTIMONY (BFED-30) . . .

MS. CHASE: Aloha --

CHAIR SUGIMURA: Aloha.

MS. CHASE: -- Chair and aloha, Committee. First of all, I...if this is not going to...if this is going to be deferred, I think I'd appreciate that --

CHAIR SUGIMURA: We're talking about --

MS. CHASE: -- until next session, or what have you.

CHAIR SUGIMURA: We're talking about it now.

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MS. CHASE: Yeah. Because it...it's first reading or...anyway I...I've missed a lot of meetings this year. I'm trying to catch up. And I'm just concerned about...I'm trying...I understand like the process, what...what was just explained, that it would expedite stuff. But generally, overall, when it comes to land ownership, I have some questions. I need to dig a little bit deeper. Like I want to know what...what section defines the land conservation organization. And I just need a deeper read on this. But also, just because there's some new information at the State level with your former...actually, your former...our former Councilmember Elle Cochran, has asked Anne Lopez to clarify jurisdiction. And it's been over 60 days, and she hasn't answered. And so, there's a lot of different conversations around land . . . *(inaudible)*. . . that I just am really concerned about for our County. And I feel like they're a little bit more in-depth than maybe Councilmember Tamara Paltin's land statement before her Committee meetings. Like there always needs to be...there needs to be an acknowledgement of the status that we're in right now. You know, I mean...I mean, just remind everybody on record, you know, that we are...there's an unlawful occupation. And so, how do you...how do you as...how do you legally operate by serving the people, but then being conscientious of transitional issues when it comes to land? So, I'm super hypersensitive about all this. And so, I see that it's first reading, if that. And so I'll dig in more, and I will come back to this. But --

CHAIR SUGIMURA: Okay.

MS. CHASE: -- yeah, just kind of concerned about--also, I guess maybe if this wasn't...and, you know, all these different departments that are mentioned, there's stuff in this...in this that I would like to see added and changed. Like number 2, like why would they only...why would this grantee only provide annual reports for the first three years? So, maybe that's language construction that is not actually being talked...you know, voted on, or anything like that. But like now that I...you put it in front of me, I'm like wow, that's not really...why only three years? And then also, all these departments that are mentioned--you have the Parks, and you have the Water Department, you have Environmental Management. How about the Department of Housing and Human Concerns? What if they wanted to do something on conservation land that was to protect the...you know, the rough sleepers? So, why aren't they added? So, anyway I need to do a deeper dive, and I just want to be very...I just want this Council to be super hypersensitive, like me, to the land conversation because . . . *(timer sounds)*. . . we're in this little interesting quandary, right? So, that's all.

CHAIR SUGIMURA: Okay.

MS. CHASE: And I'd like it to be addressed before I run for office, frankly, because I want...I want you guys to lead the way in how to address this. I want you guys

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to give suggestions on how to deal in this transitional time. It's tricky. So, that's all. Thank you.

CHAIR SUGIMURA: Okay. Thank you. Anybody have questions for Ms. Chase? I see none. Okay. Thank you very much for making the time and hanging out with us. Any more testifiers?

MR. PASCUAL: Chair, that's currently all the individuals signed up to testify. If anyone in the audience or on Teams would like to testify, please come up to the mic and begin your testimony or use the raise-your-hand function on Teams, and Staff will unmute you. Here's the countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

CHAIR SUGIMURA: Thank you. At this...at this time, then, I like to close public testimony with your approval, and receive written testimony.

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: Thank you.

. . . CLOSE PUBLIC TESTIMONY (BFED-30) . . .

CHAIR SUGIMURA: All right, Members. So, anybody have questions or discussion? Oh, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I'm not going to say how many questions I have because I always turn into a liar, but two main themes. An easement isn't ownership, just clarifying; is that correct? Or is that wrong? I don't know if that's a lawyer question.

CHAIR SUGIMURA: Ms. Toshikiyo.

MS. TOSHIKIYO: Oh. Am I on?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER PALTIN: You're on.

CHAIR SUGIMURA: Question to you.

MS. TOSHIKIYO: Oh. Oh, there I am. I'm in the bottom left --

CHAIR SUGIMURA: Oh.

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MS. TOSHIKIYO: -- corner. No. So, the way these typically work is that, you know, we're granting to an...an...a nonprofit land conservation organization that's going to hold fee simple title. And what we'd have is a conservation easement. So, they kind of restrict the type of activities that they're allowed to do on the property in order to maintain conservation of the land.

COUNCILMEMBER PALTIN: Okay. And then --

MS. TOSHIKIYO: So, it is a property interest, but it...we don't own the property --

COUNCILMEMBER PALTIN: *(Audio interference)* --

MS. TOSHIKIYO: -- in these types of scenarios. Sorry.

COUNCILMEMBER PALTIN: Oh, no worries. The second theme of question I had was, I seen that it says annually. Would anybody be opposed to change that to quarterly? And what would be the method of delivery? Would it be like through the communications log?

MS. TOSHIKIYO: Sorry --

COUNCILMEMBER LEE: Yes.

MS. TOSHIKIYO: -- is that question for me?

COUNCILMEMBER PALTIN: Whomever wants to answer.

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER PALTIN: So, we can do it quarterly, and it would be through the communications log?

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER PALTIN: Finance...Finance is okay with quarterly?

CHAIR SUGIMURA: Ms. Milner, do you...

MS. MILNER: Thank you, Chair. Councilmember Paltin, are you referring to 3.88.070, number 2, annual reports?

COUNCILMEMBER PALTIN: I believe so. I...I didn't have the...the...the number memorized. But I can go onto my other page on my computer, and pull it up, and see if that's the correct number.

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CHAIR SUGIMURA: Yeah, it's number 2.

MS. MILNER: Okay. So, instead of annual reports will be provided to the County as specified in the perpetual conservation easement, it would be quarterly reports will be provided?

COUNCILMEMBER PALTIN: That...that would be my preference, if the Members support it.

MS. MILNER: I would defer to Mr. Hironaka on that.

COUNCILMEMBER PALTIN: Okay.

MR. HIRONAKA: You know, Finance will do whatever is in the Code, if it's quarterly or annual, and we follow the...whatever the deadlines are for filing reports.

COUNCILMEMBER PALTIN: That's a great answer. Thank you, Mr. Hironaka.

MR. HIRONAKA: Because we already do quarterly reports for certain things and annual reports for other ones, so...

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: Okay. At the appropriate time, that's my main thing.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: I don't know if anyone else has anything.

CHAIR SUGIMURA: Anybody else have any questions? Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a...a clarifying question, maybe for Ms. Toshikiyo. What...I don't see there...the entire bill. So, what would perpetual conservation easement mean, the definition?

MS. TOSHIKIYO: Oh. Thank you, Chair. That's already existing within the existing Chapter 3.88. In the Section 070, there is a section on ownership use and long-term stewardship of property acquired by land conservation organizations. So, there are requirements within that section that have to be in the conservation easement which you...not quite sure what you're looking for.

COUNCILMEMBER SINENCI: I was just curious. Does that have different authorities under it, like...like a state perpetual, county perpetual? Does it have those types of distinctions?

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MS. TOSHIKIYO: No. No.

COUNCILMEMBER SINENCI: No.

MS. TOSHIKIYO: So, these are the requirements for the County.

COUNCILMEMBER SINENCI: For the County.

MS. TOSHIKIYO: A lot of times when we're doing...we've done a couple of conservation easements where the State was also involved, and they also have their own requirements as well.

COUNCILMEMBER SINENCI: Got it. Okay. Thank you for that clarification. Thank you, Chair.

CHAIR SUGIMURA: Okay. Anyone else have any questions? Seeing none. All right, Members. So, at this time, I'd like to...to take up the second item, and to entertain a motion to recommend passage on first reading of Bill 69 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.44.015 AND 3.88.070, MAUI COUNTY CODE, RELATING TO ACCEPTANCE OF CONSERVATION EASEMENTS," incorporating any nonsubstantive revisions.

COUNCILMEMBER LEE: So moved.

COUNCILMEMBER JOHNSON: I'll second it.

CHAIR SUGIMURA: Second. Okay. Member...Chair Lee made the motion, seconded by Member Johnson. This amendment...go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I move to amend Section 3.88.070, number 2, strike annually and insert quarterly.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Okay. Motion made by Member Paltin, seconded by Chair Lee.

MS. MILNER: Chair?

CHAIR SUGIMURA: Oh, yes. You have a comment.

MS. MILNER: Sorry, just a clarifying question. I don't know if I'm allowed to do that, but the word annual appears twice in section 2. The grantee has to submit to the Mayor annual reports for the first three years, and then the final sentence says annual reports will be provided to the County. So, I just wanted to clarify if both of those we're changing or just one.

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CHAIR SUGIMURA: Both, yeah.

COUNCILMEMBER PALTIN: The second one was mine, but I'm open to what the body wants.

CHAIR SUGIMURA: Second one?

COUNCILMEMBER LEE: The second one. Okay.

CHAIR SUGIMURA: Second one, yeah. Okay. You're fine. Are you okay, Member Paltin? We are just doing the second one.

COUNCILMEMBER PALTIN: That second one. Uh-huh.

UNIDENTIFIED SPEAKER: So...okay.

CHAIR SUGIMURA: Okay, very good. All right. Members, at this time, then raise your hand, all in favor say "aye" for the amendment.

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Aye. How many people are left? We have six, yeah, because...motion passes. There's no Member Cook, Member U'u-Hodgins, and --

COUNCILMEMBER LEE: Yeah, there's six of us.

CHAIR SUGIMURA: -- Member Rawlins-Fernandez. Yeah.

BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES
Council of the County of Maui

November 21, 2024

VOTE: **AYES:** **Chair Sugimura, Vice-Chair Kama, and Councilmembers Johnson, Lee, Paltin, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Cook, Rawlins-Fernandez, and U'u-Hodgins.**

MOTION CARRIED.

ACTION: APPROVE amendment to main motion

COUNCILMEMBER PALTIN: Thank you, Members.

CHAIR SUGIMURA: At this time, I would like to take up the main motion...any more amendments? Seeing none. Main motion as amended. Raise your hand and say, "aye."

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Thank you. That's six "ayes." Motion carries.

BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES
Council of the County of Maui

November 21, 2024

VOTE: **AYES:** **Chair Sugimura, Vice-Chair Kama, and Councilmembers Johnson, Lee, Paltin, and Sinenci.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Cook, Rawlins-Fernandez, and U'u-Hodgins.**

MOTION CARRIED.

ACTION: Recommending **FIRST READING** of Bill 69, CD1 (2024) by C.R.

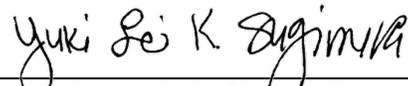
CHAIR SUGIMURA: Right on, as amended.

COUNCILMEMBER LEE: We're done.

CHAIR SUGIMURA: We're done. We're done for this meeting, yeah. So, at this time then, Members, the BFED Committee is now adjourned at 11:24. . . .(gavel). . .

ADJOURN: 11:24 a.m.

APPROVED:



YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

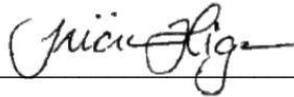
BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE MINUTES
Council of the County of Maui

November 21, 2024

CERTIFICATION

I, Tricia Higa, hereby certify that pages 1 through 53 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23rd day of December 2024, in Mililani, Hawai'i



Tricia Higa