

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

July 5, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JULY 5, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: Good morning. Thank you everybody who is here. My name is Kelly King, Chair of the Maui County Council. Today we have the regular full Council meeting of July 5, 2019. It is nine o'clock and I'm calling the meeting to order.

We'll start with roll call, Mr. Clerk.

### ROLL CALL

PRESENT: COUNCILMEMBERS NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, AND CHAIR KELLY T. KING.

EXCUSED: COUNCILMEMBERS G. RIKI HOKAMA, SHANE M. SINENCI AND VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ.

*(Councilmember Hokama was not present when the roll call was called; however, he arrived at 9:02 a.m.)*

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, that is six Members present, one Member absent, and two Members excused. A quorum is present to conduct the business of the Council.

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

For Councilmembers and those in the audience, if you didn't know, our Vice-Chair is not here because he had a death in the family. Her father passed away two days ago.

And so, I would like to have a moment of silence right now for a minute. If everybody could just, if you have any head gear, remove it and take a moment of silence.

MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE,  
OBSERVED A MOMENT OF SILENCE IN MEMORY OF THE LATE  
CHARLTON "KANA" WALLACE.

(Councilmember Hokama arrived at the meeting at 9:02 a.m.)

CHAIR KING: Okay, thank you everybody. It's out of respect and condolences for our Vice-Chair Keani Rawlins-Fernandez.

I'd like to recognize Member Riki Hokama, who just joined us. Thank you for being here, Mr. Hokama.

And we'll go to opening remarks from Councilmember Alice Lee.

### OPENING REMARKS

The opening remarks were offered by Councilmember Alice Lee.

CHAIR KING: Mahalo, Councilmember Lee. Maybe we should have done the moment of silence after that. We're all very sad and wish the family on Molokai all the best as they go through this intense period.

And, with that any who would like to join me, please stand in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

CHAIR KING: Thank you. And before we proceed with the agenda, may I please request everyone silence your noisemaking devices; any phones or iPads you have, out of respect for testifiers.

Mr. Clerk, will you call our testifiers.

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

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

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

Currently we have no testifiers waiting at our District Offices. Madam Chair, we have about nine individuals who have signed up to testify in the Council Chamber.

First person to testify in the Chamber is Jeffrey Paisner, testifying on County Communication 19-291. To be followed by Warren Watanabe.

**CHAIR KING:** Okay. First testifier. Mr.--

**COUNTY CLERK:** Jeffrey Paisner.

**CHAIR KING:** --Paisner.

**COUNTY CLERK:** Next testifier is Warren Watanabe, testifying on County Communication 19-287 and County Communication 19-292. To be followed by Peter Horovitz.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. WARREN WATANABE, MAUI COUNTY FARM BUREAU (testifying on County Communication Nos. 19-287 and 19-292):

Good morning, Chair King and Members of the Council.

**CHAIR KING:** Good morning.

**MR. WATANABE:** My name is Warren Watanabe and I'm the Executive Director of the Maui County Farm Bureau. The Maui County Farm Bureau appreciates the continued support by the Council for our efforts and we hope to work in collaboration for the benefit of Maui County.

The Maui County Farm Bureau strongly supports your consideration of CC 19-287, relating to the 2020 U.S. Census and CC 19-292, seeking to begin explorations of options to obtain a level of stability for Upcountry Water System. Both of these measures have a significant impact on our agriculture community. The census is important to Hawaii as it will shape how billions of dollars a year are allocated, including for schools and hospitals.

There are Federal programs available for, for wastewater systems; a subject of concern to our members who have cesspools. The level of funding for our experiment stations that our farmers and ranchers depend on for technical assistance is allocated based on this census. Related to that, as many of our, as many of us are aging, especially in the ag community, the numbers underpin the forecast for social security beneficiaries.

Also, for agriculture, there is another census that is critical, and that is the ag census in 2022. It is done every five years, the last one done in 2017. This census determines how USDA allocates other funding to the States, so we need every farmer to submit the information as requested. Many probably don't pay attention to request for census data. Yet, as our needs seem to outpace our limited State and County coffers, we need to make sure we our getting our fair return for the Federal taxes that we pay.

Moving on to item CC 19-292. We, we commend the Council for taking a proactive stance relating to water needs for Wailuku, Central, and South Maui. As these measures are implemented, a critical review of what we need to do in Upcountry is also important. We all know that Upcountry Maui is the water system most dependent on surface waters in the State. Legal uncertainties has left, has left the agricultural community and residents nervous about the future.

I am a third-generation resident of Upcountry. I recall when we depended on trucked water for our basic needs, and using buckets to irrigate our crops to make sure no water was wasted. When that happens, it is too late to plan. Let's work together to have a dialogue. The Water Use Development Plan is a start. But plans are only as good as implementation actions that occur, that occur with community support. We need a commitment to begin this journey to ensure reliable water supplies for the 37,000 residents and agriculture while meeting environmental and cultural needs.

We strongly urge the Council to recommend a working group tasked to address these various needs including extramural financing to enhance stormwater opportunities in the Upcountry system. Thank you.

CHAIR KING: Members, any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. Thank you, Mr. Watanabe for being here. So, if we move this discussion forward, which is the intent of, of this subject matter item, would the Maui County Farm Bureau be interested in participating in discussions?

MR. WATANABE: Yes, we would.

COUNCILMEMBER SUGIMURA: Thank you. I think it's an important voice. Thank you.

CHAIR KING: Thank you. Mr. Watanabe, do you see this item as being just about Upcountry? Is there a way, I mean, it looks like it's trying to kind of separating out a portion of the East Maui irrigation, or is it about the entire island of Maui?

MR. WATANABE: Well, I think the Water Use and Development Plan, I mean, covers the entire island. But I think the concern is for Upcountry because it is a surface water. We are all aware of what's happening on the State level. And, you know, it's not just Upcountry Maui. I, you know, we looking at it, although I'm a resident of Upcountry, my concern also is statewide.

CHAIR KING: Okay.

MR. WATANABE: You know that--

CHAIR KING: Alright. No, I'm just wondering if the EMI system is, is there a portion of it that just serves Upcountry, that we're just talking about that portion?

MR. WATANABE: I think--

CHAIR KING: In your opinion.

MR. WATANABE: Yea. I mean that system and any alternatives that may be feasible.

CHAIR KING: Okay.

MR. WATANABE: Yea.

CHAIR KING: So, it's appropriate to leave it for just the Upcountry, in the discussion just on Upcountry?

MR. WATANABE: Yes. Yes.

CHAIR KING: Okay. Alright, thank you. Any other questions? Okay.

Oh, Ms. Paltin.

COUNCILMEMBER PALTIN: I just was wondering if you also support farming in East Maui and them having adequate water as well?

MR. WATANABE: Yes. I think that's why we saying we need to find a balance where everyone's needs are, are addressed and you know, solved, resolved.

COUNCILMEMBER PALTIN: Thank you.

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

MR. WATANABE: Okay. Thank you.

CHAIR KING: I appreciate your cooperation with us too.

Mr. Clerk.

COUNTY CLERK: Next testifier is Peter Horovitz, testifying on Committee Report 19-72. To be followed by Anuheha Naki.

MR. PETER HOROVITZ (testifying on Committee Report 19-72):

Good morning, Madam Chair--

CHAIR KING: Aloha.

MR. HOROVITZ: --Members of the Council. My name is Peter Horovitz. I'm here representing Rick Markham on committee resolution, or Committee Report 19-72. Just to remind the Council, this was taken up in the Governance and Ethics and Transparency Committee a couple of weeks back about a 200-square foot structure that Mr. Markham failed to get a adequate building permit for. Took about 11 years and he finally got the permit.

I'd like to apologize to the Council for not being at that, that Committee hearing, I think it was on the 21st of June. I wasn't aware that it was going to be on, on calendar. We were still actually negotiating the settlement agreement, so I just didn't expect it but . . . that's, that was my fault for not being here and I hope you don't hold it against Mr. Markham.

I think at this point, Mr. Markham wishes he had never accepted the structure. It was a structure that was falling down on a friend's property and they trucked it over and put it on his; took about 11 years to get a building permit issued. There were three different times he had applied for it. At this point in time it is a fully licensed permitted structure. There's no, no code violations whatsoever on it.

My understanding is that the prime, one of the primary concerns of the, the Committee and perhaps this Council, or I assume this Council as well, was what he's using the structure for and whether it's, whether it's vacation rentals. Two points that I'd like to make. And, first is what we're, what we're trying to settle is the, the violations that were issued for the building permits only. And those have, have in fact been issued. So, that's sort of separate . . . from use, but use is important. It's not a vacation rental. It's long-term rental only.

I spoke with Mr. Markham this morning and have been texting him back and forth over the last couple of days. He's out of town right now. In the beginning of 2019, the entire property, and I think there's three structures on the property or so, the entire property was entered into a long-term lease for three years to the principals of the company that was intending to relocate or locate a branch of their business to, to Maui. That was a three-year lease, long-term lease, perfectly allowed. About four months into that, the company decided they weren't going to be relocating here. The property, right now, is up again on Craigslist for a long-term lease. I have a, at least for the cottage, a Craigslist ad where you can rent it for six to twelve months minimum. So, he is trying to long-term lease it at this stage.

I've only got about ten seconds left. I'm available to answer any questions now, of course. I'm going to stay here through deliberations and I'm available to answer any questions that the Council might have.

CHAIR KING: Okay. Thank you, Mr. Horovitz. Councilmembers is there any objection to having Mr. Horovitz stay, be a resource for this item when we get to it?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Alright. So, thank you for being here.

MR. HOROVITZ: Thank you.

COUNCILMEMBER SUGIMURA: So, I have a question.

CHAIR KING: You have a question?

COUNCILMEMBER SUGIMURA: Yea, I do.

CHAIR KING: Not pertaining, we're not going to deliberate right now.

COUNCILMEMBER SUGIMURA: No, we're not.

CHAIR KING: But if you have a question about his testimony.

COUNCILMEMBER SUGIMURA: So, do you know why it took eleven years for him to get the building permit?

CHAIR KING: We can, we can ask that question when we get to the item.

COUNCILMEMBER SUGIMURA: Okay.

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

MR. HOROVITZ: Okay.

CHAIR KING: Thanks for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Anuheia Naki, testifying on Bill 38. To be followed by Novi *[sic]* Tihada.

MS. ANUHEA NAKI [testifying on Bill No. 38 (2019)]:

Aloha. My name is Anuheia Naki.

*(Spoke in Hawaiian.)*

Be thankful for what you have, no kind heart lacks a reward. We have been kicked off many beaches, yet, we are so thankful for Hanakao`o, the only beach we have left for paddling. After all we've been through, we are forever thankful for what we still have,



and we will not stop fighting. We are not the bullies. We love going to this beach. And like people say, they love going to Hanakao`o. The thing is love is a strong word.

I have learned that the aina comes first. You cannot think what could happen or think for yourself. The aina comes first. There is so many other places to scuba dive, and do commercial activities, and . . . . Mahalo.

CHAIR KING: Mahalo.

Please refrain from applause, then we can get through this faster. My goal is to get to the item, which is at the end of the, the agenda while folks are still here so you can be here when we make that vote.

Next testifier.

COUNTY CLERK: Next testifier is Novi *[sic]* Tihada, testifying on Bill 38. To be followed by Mike Tihada.

MR. NORI TIHADA [testifying on Bill No. 38 (2019)]:

Aloha. Good morning, Councilmembers, Chair.

CHAIR KING: Good morning.

MR. TIHADA. Nori Tihada, Coach, Napili Canoe Club. You know, when I thought about testifying today, I was just thinking, like, what more can we say that hasn't already been said? So, with that said, I have several things and I just kind of want to recap what, what we trying to do.

So, basically, like I said before, just a little history on the three clubs. Lahaina was started first, along with Kahana second, and Napili Canoe Club third. Lahaina in the 60's, Napili Canoe Club in the 70's, as well as Kahana. Kahana and Napili was originally started in Napili Bay and Kahana by two families, oh Naleieha family. From there, Napili Canoe Club, we moved to Honolulu Bay, DT Flemings due to development, yea. Honolulu Bay was because they turned it into a reservation. From DT Flemings, we went to Canoe Beach. Then from Canoe Beach, when they redid the park, we had to move to Mala by the Jodo Mission. Along with Kahana, they had to move several times, along with Lahaina.

So, we moved back to Canoe Beach in 1984; been there ever since. And, we've seen a lot of changes happen down at that beach. For us, there's no place else to go again. If, if that is taken away from us, basically we have no place to paddle.

Besides the paddling part, on the community side, as a member of Lahaina, I've seen Lahaina just go from no street lights to one street light, two street lights, to what we have today. Couple resorts having that openness to go the beach, any beach, go camp. We had everything before as far as freedom of going to the beach and enjoying the beach, not for any personal gain.

We've seen the growth of, of tourism as well as commercial activities, and we dealt with it for all these years. Until recently, it's, it's been getting too, too much for us to where when we try to practice with our kids, our keikis, we have to constantly look for scuba divers, being worried if they pop out of the water. Just going down to the beach and feeling like that's not our beach anymore. And not our beach in a sense that we own it, our beach in a sense that just to go down and enjoy it.

I just like finish up by saying, earlier in the year before the season started, we went up to Kahoma and all the three clubs worked up in the taro patches. And Archie Kalepa talked to us, and he said something real good that stuck in my, my head to this day. And he said, you know, in this day and age everybody puts their self first and personal needs first. But, if we just stop and put place first, everything would just, the world would be a better place yea. So, by asking you folks--

CHAIR KING: Mr. Tihada, could you conclude?

MR. TIHADA: Asking you folks to keep commercial activity out of Canoe Beach. We putting place first and our keikis first for the future. And again, I just like say thank you to the Councilmembers for stopping the Makila project.

CHAIR KING: I need you to stop.

MR. TIHADA: Heartfelt thank you.

CHAIR KING: I need to stop right there cause you're not supposed to talk about items that aren't on the agenda.

MR. TIHADA: Okay. Thank you.

CHAIR KING: Thank you, Mr. Tihada. Questions?

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Mike Tihada, testifying on Bill 38. To be followed by Colin Delos Reyes.

MR. MIKE TIHADA [testifying on Bill No. 38 (2019)]:

Aloha, Councilmembers. Aloha, Chair King.

CHAIR KING: Aloha.

MR. TIHADA: Today, I testifying on Bill 38. My name is Mike Tihada, resident of Lahaina. I am asking for your guys help, basically pleading with you guys for stop commercial activity at Hanakao`o Beach Park. It's a struggle, you know, basically living in Lahaina. We living with this tourism industry on a daily basis, 24/7. Real frustrating. Everything that happens, we always there, we always asking, you know, all the meetings everything is how we going support the tourism industry? How we going help these businesses? Growing up, hearing that all our lives; frustrating. Do something for the community. Do something for the people who live there. Nuff already. They get everything over there.

We asking for one small portion; Hanakao`o Beach Park. Just so we can congregate, hang out, and basically raise our keikis; something real simple. This beach that we talking about raised so much generations of keikis. These keikis here today is just one small portion. We was that keikis. These keikis, that beach raised them, it raised us, and it all produces community leaders who going be there for fight for what we get.

We heard the words "bullies", all this different stuff. If bullied is standing there and fighting for the small portion that you get left, call it what you want to. I no think that's bullying. I think that's just fed up and trying to fight for what you get. Sorry. That's it.

CHAIR KING: Okay.

MR. TIHADA: Aloha.

CHAIR KING: Aloha. Thank you.

Next testifier.

COUNTY CLERK: Next testifier is Colin Delos Reyes, testifying on Bill 38. To be followed by Rose Crichton.

MR. COLIN DELOS REYES [testifying on Bill No. 38 (2019)]:

Aloha Members of the Council, Chair.

CHAIR KING: Aloha.

MR. DELOS REYES: My name is Colin Delos Reyes. I am a resident of Waikapu, but I am here in support of Bill 38. Like Mike was saying, I am a keiki of that beach. I'm from Lahaina, but I moved to Waikapu. But, if I didn't sleep in Waikapu, I probably would be spending more time at Canoe Beach than any place else besides work.

But I am in support of this bill. I just got back from Mexico and I saw rampant commercialism on the beach over there. Unbelievable how much, how much things they had on the beach. I mean, it's not like that yet, but it made me sad. I talked to the people there. They cannot even go on the beaches, because, unless they're working, cause they're excluded from the beaches. We're not excluded from the beaches yet, but if you go to Kaanapali or any of the tourism places, you feel like you're excluded; limited parking, security follows you every place you go, you know. It's, we are foreigners in the resort areas. I wouldn't say foreigners. We are looked as trespassers in the resort areas. So, all we have left are the beaches that are not commercialized.

Canoe Beach is the last place for paddling. You guys heard everybody say that already. But we need to have that spot for the people of Lahaina and for the whole community; not only Lahaina. There's paddlers from all over this island that go there for the regattas and things like that. So, we need that community, I mean, that beach for all of us to practice the culture, to raise the kids, to raise them the right way, to respect everything. They don't only learn about paddling, they learn how to respect the ocean, how to respect the aina. They, we, we teach them all kinds of things there, okay. But, please support this bill. Thank you.

CHAIR KING: Thank you. Any questions? No.

Next testifier. Thank you very--

COUNTY CLERK: Next testifier is Rose Crichton, testifying on Bill 38. To be followed by Walker Crichton.

MS. ROSE CRICHTON [testifying on Bill No. 38 (2019)]:

Good morning, County Councilmembers.

CHAIR KING: Good morning.

MS. CRICHTON: First off, condolences to Keani Rawlins and her ohana on Molokai. My name is Rose Crichton and I am a Lahaina resident, also a member of Lahaina Canoe Club and I've paddled for all three clubs on the Westside.

I am for the bill, which would prohibit commercial activity, sorry ocean recreational activity at Hanakao`o Beach Park. You know, I don't know what else to say. Like they've been saying I feel like we've said it all as well. The one thing that stands out in my mind is that we are not Maui, or we are not Hawaii without our local people.

And coming from probably the fourth generation of keiki that grew up on that beach, I stand here, you know, saying as, as testimony that we only bring up what we produce and what we teach. And, we stand here today in front of all of you folks pleading with you guys again to just try to keep what we have left. And we cannot stress anymore, you know, what, what we are fighting for.

I hope to one day, you know, share with my keiki what I've learned on those beaches and, and cannot imagine what would happen if they didn't have the chance to experience that. You know, I'm there every day after work or before work and on the weekends taking care of the place alongside all three canoe clubs, all the other canoe clubs. And I'm there because of what people taught me. And I'm in my place and position today because of what people taught me.

As I was driving over here in the passenger seat, I was reading a few things and I read it off to my husband. And I read a few reviews that people left on Google and one of them was, "This beach was very nice compared to the fancy hotel beaches in Kaanapali. A lot more sand and waves, not as crazy, nice for swimming, plus it has a local vibe to it, which is kind of nice". Another one was, "Really relaxing, enjoyed the sunset, watching the young people get in their canoes. A beautiful place to take pictures".

For me, Canoe Beach, or Hanakao`o, in general is a place for people to kind of gather their thoughts, you know, when they, they pau hana or to come with their families. It's, it's just a place where everybody can get away, including the tourists, not just the local people now. This is the tourists as well. They're there to get away from the hustle and bustle. You know, it sucks that we have to fight with these commercial activity peoples,

you know, just to keep the safety for everyone. But, I'm not only here for the community, but for everyone that comes to enjoy this place, just so that we can relax and enjoy with everyone alongside us. Thank you. Mahalo.

CHAIR KING: Thank you, Ms. Crichton. Thank you for painting that picture of the beach.

Next testifier.

COUNTY CLERK: Next testifier is Walker Crichton, testifying on Bill 38. To be followed by Megan Koeberle.

MR. WALKER CRICHTON [testifying on Bill 38 (2019)]:

Aloha, Council. Walker Crichton, Lahaina Canoe Club. Again, like my wife said, condolences to Keani Rawlins and her family. You going hear this a lot today, you don't know how much more we can say. The facts has already been put down, but I will get on a personal note with what this beach has taught me personally. This beach has taught me family. And what it's taught me is that, me personally, is that where one go, we all go.

Now, this County chambers may not be full right now like the first time we came around, and that's in light of the holiday. And we get it, family. The holiday has brought family together, you know. A passing of a father, that's a big deal. I was standing over there trying to figure out what I was going to say. But, honestly, you got to understand this beach, to us, is not just a place, it's not just a area; the beach is our family.

That is where we learn a lot of things, whether it's somebody that's been there for 30, 40 years or a visitor passing by telling us something that had happened in their place where they're from that is similar to what's going on now. So, we learn every single day, something new. It's never the same thing. You never learn the same thing. The waters change, you know. Paddlers in the canoe change. Everything has change to it. Everything has success. Everything moves forward.

So, for us, and my keiki, and the keiki of Lahaina community, I, I really do believe that there's so much more to learn. With commercial activity coming in, it's going to be harder for us to teach. I am a coach, and I'm proud to say that my coaches over here, Kai Keahi, you know, Nori Tihada, Mike Tihada, you know, Bear Keahi, and the other adults that has given me the opportunity to step forward and teach the younger generation what I learned, I, I proud for say that my family is from Lahaina. And I'm not from here. I moved here 15 years ago, came over from airplane from Big Island. So, for somebody from Big Island for come over here and tell you guys I learning way

more from the people that surround me than what I can teach. I, I learning every single day.

We are Lahaina strong. Whether it's a fire, whether it's the beach we fight for, or whatever else it may be, where one go, we all go. We are Lahaina strong. Thank you guys very much for having us here. You guys have a wonderful day.

CHAIR KING: Mahalo, Mr. Crichton.

Next, next testifier.

COUNTY CLERK: The next person to testify is Megan Koeberle, testifying on Bill 38. To be followed by Shay Chan Hodges.

MS. MEGAN KOEBERLE [testifying on Bill No. 38 (2019)]:

Good morning, Councilmembers, and thank you for letting me talk. My name is Megan Koeberle in support of this bill. I just want to say that Canoe Beach has been a home. When I first moved here, I felt like I didn't know anybody, I was meeting really weird people. Canoe Beach took me in and taught me a lot of things.

Canoe Beach is a place for baby showers, showers, parties, graduations, weddings, funerals, and other events for the community. Without Canoe Beach there is nowhere to safely hold these events. Canoe Beach is crucial to the continuation of many cultural practices. Events at this beach include but are not limited to imu, hula, oli, pule, surfing, canoe, fishing, diving, speaking of Hawaiian Pidgin and other languages. Commercial activity will limit the access and the ability to hold these cultural practices.

Safety is also a concern. Commercial activity has been, and could be in the future, a cause of injury and death. Moving boats in and out of the water has become dangerous for both the paddlers and the swimmers. Swimmers are completely oblivious to the canoes as they paddle by, and they get in the way, often angry with paddlers for ruining their day.

Canoe Beach is a safe place and anything that, there's nothing that can take its place for the community. The community needs to have this place. The kids need this as a place to go when they have no one else, and I need this place. We all do. And I'm forever grateful for Canoe Beach and all the paddlers, everybody taking me in as an outsider and including me in their family. So, thank you.

CHAIR KING: Thank you.

Next testifier.

COUNTY CLERK: Next testifier is Shay Chan Hodges, testifying on County Communication 19-292. To be followed by Shaun Kana.

MS. SHAY CHAN HODGES (testifying on County Communication No. 19-292):

Good morning, Council Chair.

CHAIR KING: Aloha.

MS. HODGES: Hi. I'm testifying on Yuki Lei Sugimura's communication about exploring options to purchase the East Maui Irrigation water delivery system. I am the Chair of the Maui County Board of Water Supply. I'm not speaking on behalf of the Board, but I did want to let you folks know various things that are going on.

You may be aware that at our last meeting a similar topic was raised and that at the next meeting, we will be proposing as a agenda item, forming a temporary investigative group. This was, the motion was made by Norm Franco and it was seconded by Joseph Aquino. And the idea is there are many concerns that have been raised in our Board about the community having control over the water delivery system and not being at the mercy of private corporations coming into our community.

And so, I did want to just, you know, present myself as a resource and let you folks know, I don't know how much you folks follow the Board of Water Supply, but there were some articles recently. And then the previous meeting is on Akaku and there is some very interesting discussion. We have a very diverse Board and a lot of things are being spoken about.

We are also, have a real commitment to stakeholder participation. And last December we went around to the community from Lahaina to Hana, and we heard a lot of different concerns. And we did convey to you folks through Director Pearson a 30-page document that did cover a lot of our concerns ranging from everything from watershed protection, to keeping the water in the streams, to injection wells, etc. So, it's something you may want to look at just in general.

The other thing that we've been focusing on is transparency. So, if you go to our website, in response to community concerns, we are putting up a lot more documents



related to our board meetings. So, you will see that 30-page document. You will see a letter that we are sending out to other private purveyors.

We have been really wanting to look at the water system as a whole. And so, I hope that when you folks, hopefully you will take this up. Hopefully continue to communicate with us because we are really trying to bring in as many community members as possible. As you can imagine, since the newspaper articles came out, lots of people in the community have, okay, I'm going to be quick, have contacted us.

The other thing I hope you look at, there is a letter up there from Mahi Pono to Jeff Pearson from July 1 that makes it this much more urgent. And I hope that whatever you folks do, that you're looking at how, not if, how we can move forward so that we are in control of our water as a community, including all stakeholders so that all from East Maui to Upcountry, and also looking at climate change because the situation is going to get worse before it gets better. Thank you.

CHAIR KING: Okay. Thank you. Thank you for wrapping that up.

So, just a question on, you said you were going to be proposing a TIG. Is that for the County Council?

MS. HODGES: So, the TIG, no for us as a Board.

CHAIR KING: Okay.

MS. HODGES: So, we will be forming a TIG. And obviously, we can only make a recommendation. So, the recommendation would be either to the Council and/or the Mayor based on our findings. And we're looking at not only purchase, well beyond purchasing and other alternatives because as members of the Water Board, we know that there are issues related to energy. There are lots of studies out there. There's different ways we can look at making sure that everybody's needs are met.

CHAIR KING: Okay. And then is the, the, the TIG going to be looking at the EMI system for the entire island?

MS. HODGES: Yes.

CHAIR KING: Okay. Okay.

Councilmember Paltin. Question?

COUNCILMEMBER PALTIN: Oh, I was wondering if you could share with us the name of the website that you referenced?

MS. HODGES: So yes. It's the Maui County Board of Water Supply website. So, if you look, it's, it's not super easy to find. But, if you look, it'll say "meetings, agenda items". And then it says something like, "additional documents".

CHAIR KING: Can you, can you give us the title of that website? Do you know what it is?

MS. HODGES: It's, it's just the Maui County Board of Water Supply.

CHAIR KING: Okay.

MS. HODGES: So, it's--

CHAIR KING: Dot org or dot?

MS. HODGES: So, if you go, yea, it's just part of the County of Maui.

CHAIR KING: It's under County of Maui?

MS. HODGES: Yea. Yea.

CHAIR KING: Okay.

MS. HODGES: Anything else?

CHAIR KING: I think that was the question.

COUNCILMEMBER PALTIN: Thank you.

MS. HODGES: You're welcome. Thank you.

CHAIR KING: Thank you. Oh, wait one more question.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thanks for being here--

MS. HODGES: You're welcome.

COUNCILMEMBER SUGIMURA: --Shay. The Mahi Pono July 1, letter. Can you share that?

MS. HODGES: Yea. I have it right, do you want me to read it to you or, I mean?

CHAIR KING: No, you don't have to read the entire thing. But, if you could, if you could give it to our Clerk and then we can make copies for other Councilmembers, that would be good.

MS. HODGES: Yea. Sure.

COUNCILMEMBER SUGIMURA: Could you summarize it?

MS. HODGES: Oh, I, well I can just read you. There's two main lines that were of concern to me. It says, you know, we are committed. "We've been committed to supplying the County of Maui - and by extension, the Upcountry Maui community - with water from the EMI system. Having said that, our ability to supply water is 100 percent dependent on our right to legally access and deliver water".

The other statement that I was concerned about is, they were talking about the Carmichael decision and the revocable permits. And says, "That said, if an RP is successfully obtained - whether by A&B, EMI, or Mahi Pono - then the County will continue to receive water for the Upcountry Maui community".

So our concern as a Board has been what happens, will you commit to giving, making sure we have water if you don't get the permits? This letter appears to be saying that they will not commit to that.

CHAIR KING: Well, this is a letter from Mahi Pono too.

MS. HODGES: This is a letter--

CHAIR KING: So, this is not the County saying that they're not--

MS. HODGES: No, no. Yea, this is a letter from Grant Nakama to Jeff Pearson dated July 1, so.

CHAIR KING: Okay. Alright. Thank you.

MS. HODGES: Thank you.

CHAIR KING: Okay. Mr. Clerk.

COUNTY CLERK: Next testifier is Shaun Kana, testifying on Bill 38. To be followed by Kekai Keahi.

MR. SHAUN KANA [testifying on Bill No. 38 (2019)]:

Hi. My name is Shaun Kana. I'm 15 years old. I go to Lahainaluna High School. I paddle for Napili Canoe Club and I support the passage of Bill 38, to decommercialize Hanakao'o Beach. I support this because this is a place where our community can come together and paddle canoe and hang out. Mahalo.

CHAIR KING: Mahalo.

Next testifier.

COUNTY CLERK: Next testifier is Kekai Keahi, testifying on Bill 38. Kekai Keahi is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. KEKAI KEAHI [testifying on Bill No. 38 (2019)]:

Howzit. I going try not talk about what everybody else talk about. I was kind of rushing around trying for find parking, so we might be parked illegally. I might have to pay one ticket, but that's okay; I here.

I think when you listen to everybody, get one underlying sentiment going on of loss. No matter what they speaking about, there's always some stance where they speaking about we have lost in the past. And when you talk to local people, and especially if you Hawaiian, you know what lost is. We lose all the time. We real good losers. We know how to lose; take our beach, take our access to the mountain, push us into one corner. Eh, guess what, that beach, let's commercialize that. We lose all the time. And, and from what I hear everybody saying, it's all about loss, being moved out. You guys got to understand that.

Also, again, bringing perspective to living in a resort area. We got to deal with the tourists all the time. And, what, even bother me, actually really piss me off is that the County now allowing B&B's into our neighborhoods where now the tourists is living with us in our neighborhoods. We no more one relief from these guys. I understand tourism is what makes the island go around. But it's real hard that we cannot get one retrieve from tourism; that you actually put them in our neighborhoods too now.

And so one place like Canoe Beach, 100 yards. And I hope you guys adding Wahikuli to this because Wahikuli just right few hundred yards down the beach; that's another 100-yard beach. We need that beach too for our locals. That's where they go.

I get pissed off too that I got to beg for something like this, or our community got to beg for, for small little areas. You guys quick to build out for tourism and stuff like that. But, you know, it wasn't you guys but it was the guys in the past. But then they not thinking about the consequences of the continued build out of tourism on the Westside, yea.

Just recently, we had south swell, high tides, water crossing the road. What we do? I mean, the traffic was backed up. If we get one emergency, what we do? And so all this kind stuff pays, plays into what we got to live with on the Westside.

I come from the island of Lahaina. That's what I tell everybody. Because when on, we on that side, it's like we forgotten. Let's throw the tourism over there and let's reap the benefits so that the County can use them for whatever roads, parks, whatever the County got to do. But, we got to pay the price. Us guys in Lahaina pay the price so the rest of the County can enjoy and reap the benefits. It's one hard, it's one hard life living Lahaina.

And it's hard growing up throughout your life and hearing about loss. And I'm pretty sure a lot of you heard from your parents, "oh, I remember we used to go this beach before, but eh no can, now get the hotel over there. They tell us we no belong." We hear the stories from our parents all the time. So, when we born as kids, and we hear the stories of our parents, already the loss is put into us.

CHAIR KING: Mr. Keahi, could you conclude? The, beep, it didn't beep but the red light is on.

MR. KEAHI: Oh. Anyway, I just wanted for bring that up, but.

CHAIR KING: Thank you.

MR. KEAHI: Enough loss for us already.

CHAIR KING: Thank you. I just, I also wanted, want to let you know that today is the last and final hearing and so far you're winning.

MR. KEAHI: Yea.

CHAIR KING: So, I hope you don't see this as a loss.

MR. KEAHI: I, I when miss the last one. I was in America, so I when miss um.

CHAIR KING: Okay. And I wish I could help you with your parking ticket, but we can't even do that for our own staff. Our own staff gets parking tickets all the time.

Okay, Mr. Clerk, is that the last testifier?

DEPUTY COUNTY CLERK: Madam Chair, there are no other individuals in District Offices nor the chamber who wish to offer testimony. And we have received written testimony.

CHAIR KING: Okay. Is there any objection to receiving written testimony into the record?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM WARREN WATANABE, OF THE MAUI FARM BUREAU WAS MADE A PART OF THE RECORD OF THIS MEETING.

CHAIR KING: Objections? Okay. And is there any objection to closing testimony at this time? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNCILMEMBER LEE:

NO OBJECTIONS, AND I DON'T HAVE ANY OBJECTIONS TO MOVING THIS ITEM TO THE FRONT OF THE CALENDAR EITHER.

CHAIR KING: Okay, let me just close testimony first. So, we're going to go ahead and close public testimony for this, for this session. Testimony is, written testimony is recorded. Is there a, do, do you want to--

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: --make a motion, Ms. Okay, I'm going to take that as a motion, Councilmember Lee, and seconded by Member, Member Kama.

All those in favor of redoing the agenda to move item or Bill 38 to the next item on the agenda, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Okay. Motion passes. We're going to go ahead and take up Bill 38.

Mr. Clerk.

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

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 38 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI  
COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL  
ACTIVITY AT HANAKAO'O BEACH PARK

CHAIR KING: Okay. Councilmember Kama for Councilmember Sinenci since, in his absence.

COUNCILMEMBER KAMA: Thank you.

I MOVE TO PASS BILL 38 ON SECOND AND FINAL READING.

COUNCILMEMBER LEE:

SECOND.

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

Ms. Kama, any comment?

COUNCILMEMBER KAMA: Thank you, Chair. Bill 38 prohibits activity requiring a commercial ocean recreational activity permit at Hanakao`o Beach Park, Lahaina, also known as "Canoe Beach".

At first reading, the Council voted 8-0 to recommend passage of Bill 38 on first reading. I appreciate the Members full support of my motion. Thank you, Chair.

CHAIR KING: Okay. Thank you. Any comments or discussion?

Councilmember Paltin.

COUNCILMEMBER PALTIN: Yea, I just wanted to thank everybody, including members of the audience. And you know, it was told to me a couple times that not everybody needs to come out and not everybody needs to talk. But, I think, you know, it's just indicative of West Maui and their trust in government thus far that, you know, they really want to see this through the end. And you know, as, as the talk about loss, how important this is to the West Maui community. And I thank you folks for listening to them and hearing them out.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I want to thank fellow Member Tamara Paltin for bringing this issue forward. And you can tell from the responses that we've got through Committee meeting, first reading, and even the people who are here today for second and final reading, that this is something that is important to them.

I also hope that the State will look at what permits they have at this, this beach so that, you know, they can have a comprehensive look. Our CORA permits are now, with the passage of this, will not be allowed at this beach. But, there's also, I think, the State permits which you hear some of the testifiers referencing actions taken that, I hope that we'll continue that discussion. So, thank you very much for bringing this forward. I support this wholeheartedly.

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



AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero. And that's second and final reading, so thank you to everybody who is here to support the bill. And have a great day. Have a great weekend.

Okay. Mr. Clerk, next.

*(The members of the canoe clubs in the gallery chanted the Oli Mahalo.)*

CHAIR KING: Mahalo for being here. Okay. Let's take a short recess while everybody files out to enjoy Hana`ako [*sic*], Hanakao`o Beach.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:50 A.M., AND WAS RECONVENED AT 9:51 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER SINENCI AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED)

CHAIR KING: This meeting come back to order please.

Mr. Clerk, continuing on with the agenda.

COUNTY CLERK: Madam Chair, proceeding with the minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 15, 2019 were presented at this time.

CHAIR KING: Okay. Councilmember Kama.

COUNCILMEMBER KAMA: Chair, may I request that you direct the Clerk to call up County Communications 19-267 through 19-271 at this time?

CHAIR KING: Okay. I think we're on the minutes of February 12.

COUNCILMEMBER KAMA: Oh, I'm sorry.

CHAIR KING: 15, I mean.

COUNCILMEMBER KAMA: Sorry.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR  
MEETING OF FEBRUARY 15, 2019.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Member Kama, seconded by Member Lee.

Any discussion? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: All those opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Member Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

## COUNTY COMMUNICATIONS

NO. 19-266 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 21, 2019)

Informing that funds from the Countywide Costs Program totaling \$47,738.51 have been transferred to the Department of Police, Uniformed Patrol, Central Maui, relating to the purchase of a replacement vehicle.

CHAIR KING: Okay. Now, Councilmember Kama.

COUNCILMEMBER KAMA: Chair, may I request you direct the Clerk to also call up County Communications 19-267 through 19-271 at this time.

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections. Okay, Mr. Clerk.

NO. 19-267 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 19, 2019)

Transmitting Modification Order No. 3, from the State of Hawaii, Executive Office on Aging, for the Kupuna Caregivers Program in the amount of \$65,700 for the period of December 31, 2017 to June 30, 2020.

NO. 19-268 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,  
(dated June 21, 2019)

Transmitting a notice of grant award from the No Kid Hungry program in the amount of \$5,000 for the period of June 10, 2019 to September 30, 2019.

NO. 19-269 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated June 5, 2019)

Transmitting two grant modifications from the Office of National Drug Control Policy for the 2018 High Intensity Drug Trafficking Areas grant to increase the budget by \$55,600.

NO. 19-270 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated June 4, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the Positive Outreach Interventions grant for the period of May 1, 2019 to April 30, 2020 in the amount of \$85,263.

NO. 19-271 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated June 7, 2019)

Informing of the receipt of Forfeiture Funds in the amount of \$9,605 from the Department of Attorney General, State of Hawaii.

CHAIR KING: Thank you, Mr. Clerk.

Councilmember Kama.

COUNCILMEMBER KAMA:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-266  
THROUGH 19-271.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Kama, seconded by Councilmember Lee.  
Any discussion?

Ms. Kama.

COUNCILMEMBER KAMA: These communications are for informational purposes only and does not require Council action, and therefore, I request that they be filed.

CHAIR KING: Okay. Any further discussion on the item? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Member Sinenci,  
Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

NO. 19-272 - MICHAEL P. VICTORINO, MAYOR,  
(dated June 17, 2019)

Informing of a vacancy on the Affirmative Action Advisory Council due to the  
resignation of Janet Driggers on June 17, 2019.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION ITEM 19-272.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Mayor advised the Council of  
a vacancy on the Affirmative Action Advisory Council due to the resignation of  
Ms. Driggers on June 17, 2019. And we would like to thank her for her service to our  
community in that capacity. Thank you.

CHAIR KING: Okay. Any further discussion? If not, all those in favor of the motion, say  
"aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

NO. 19-273 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 24, 2019)

Informing of the acceptance of a Dedication Deed for Road Widening Lot, First Assembly of God Subdivision, Lot 2-C-4-B-2, TMK: (2) 3-8-080-038.

CHAIR KING: Okay. Councilmember Lee.

COUNCILMEMBER LEE: Chair, may I request that County Communications 19-274 through 19-277 also be brought up at this time?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR KING: No. Okay, Mr. Clerk.

NO. 19-274 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 13, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot, Land Court Application 1320, Map 37, Lot 1557, TMK: (2) 2-3-010:052.

NO. 19-275 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 24, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 17, Haliimaile Road, Baldwin Ranch Estates, TMK: (2) 2-5-003:054.

NO. 19-276 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 20, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 58, Kualono Subdivision, TMK: (2) 2-3-011:131.

NO. 19-277 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 19, 2019)

Informing of the acceptance of Waterline Easements W-1, W-2, W-3, and W-4, Kehalani Module 8 Subdivision, TMK: (2) 3-5-001:111 por.

CHAIR KING: Okay. Councilmember Lee.

COUNCILMEMBER LEE:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-273  
THROUGH 19-277.

COUNCILMEMBER MOLINA:

SECOND.

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

Ms. Lee.

COUNCILMEMBER LEE: Members, these five communications are for informational purposes only. Section 3.44.015H, Maui County Code requires that the Director of Finance notify the Council in writing of any acquisition by, or conveyance to the County pursuant to this section.

The four roadway lots were constructed to County standards and provide the necessary right-of-way width. No County funds were used.

The waterline easement will facilitate maintenance of the County's infrastructure. No County funds were used for the dedication of this easement. I ask for the Members support of my motion.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero with two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

NO. 19-278 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE, (dated June 28, 2019)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF PEDRO VENENCIANO TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI".

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO DISCHARGE THE GET COMMITTEE FROM  
FURTHER CONSIDERATION OF THE PROPOSED  
RESOLUTION ATTACHED TO COUNTY COMMUNICATION  
ITEM 19-278.



COUNCILMEMBER LEE:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Reason for the discharge is due to the deadline, impending deadline of July 8, 2019 for the Council to approve or disapprove Mr. Venenciano to the Liquor Control Commission.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you again, Madam Chair.

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

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: No further discussion.

CHAIR KING: Okay. We have no questions or discussion. All those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero with two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION ITEM 19-278,  
AND TO FILE COUNTY COMMUNICATION ITEM NO. 19-278.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET meeting, your GET Committee met with Mr. Venenciano at its meeting this past Tuesday, July 2, 2019. And at the, at that meeting, your Committee noted that the political

affiliation aspect on his application listed it, listed himself as Democratic, but confirmed that he is not a registered or card-carrying member of the Democrat or any other political parties. So, your Committee agreed to allow him to revise his application to state "none" on top of everything else that was discussed in Committee. So therefore, I would like to ask for the Members consideration of Mr. Venenciano to the Liquor Commission. Thank you.

CHAIR KING: Okay. Members, any discussion? If not, all those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero with two Members excused; Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-118.

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

NO. 19-279 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated June 25, 2019)

Relating to an energy efficiency audit of county facilities.

The recommended action is that County Communication No. 19-279 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-280 - TASHA KAMA, COUNCILMEMBER,  
(dated June 4, 2019)

Relating to affordable housing impact fees.

The recommended action is that County Communication No. 19-280 be referred to the Economic Development and Budget Committee.

(See pages 42 and 43 for discussion.)

NO. 19-281 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated June 28, 2019)

Relating to amendments to Appendix A, Grants and Restricted Use Revenues – Schedules of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2020.

The recommended action is that County Communication No. 19-281 be referred to the Economic Development and Budget Committee.

NO. 19-282 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,  
(dated June 28, 2019)

Relating to amendments to the Fiscal Year 2020 Budget to authorize transfers between categories of use within a program or department.

The recommended action is that County Communication No. 19-282 be referred to the Economic Development and Budget Committee.

NO. 19-283 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated June 19, 2019)

Reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of May 31, 2019.

The recommended action is that County Communication No. 19-283 be referred to the Economic Development and Budget Committee.

NO. 19-284 - TASHA KAMA, COUNCILMEMBER,  
(dated May 17, 2019)

Relating to Activity Goals and Measures – Fire and Public Safety Department.

The recommended action is that County Communication No. 19-284 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-285 - ALICE L. LEE, COUNCILMEMBER,  
(dated June 17, 2019)

Relating to legal and illegal fireworks on Maui.

The recommended action is that County Communication No. 19-285 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-286 - MICHAEL P. VICTORINO, MAYOR,  
(dated June 21, 2019)

Transmitting a proposed resolution entitled "REMOVAL OF BONNIE DE ROSE FROM THE COST OF GOVERNMENT COMMISSION".

The recommended action is that County Communication No. 19-286 be referred to the Governance, Ethics, and Transparency Committee.

THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 19-286 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 19-119. COUNTY COMMUNICATION NO. 19-286 WAS THEN FILED. See pages 39 through 42 for discussion and action.

NO. 19-287 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated June 21, 2019)

Relating to counting every resident of Maui County and the impact of the 2020 U.S. Census.

The recommended action is that County Communication No. 19-287 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-288 - ALICE L. LEE, COUNCILMEMBER,  
(dated June 27, 2019)

Relating to Waiehu Golf Course, Muni Golf Course comparisons.

The recommended action is that County Communication No. 19-288 be referred to the Healthy Families and Communities Committee.

NO. 19-289 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated June 24, 2019)

Relating to transportation options, including ferry services during natural disasters and in emergency situations.

The recommended action is that County Communication No. 19-289 be referred to the Multimodal Transportation Committee.

NO. 19-290 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,  
(dated June 21, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS".

The recommended action is that County Communication No. 19-290 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-291 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated June 21, 2019)

Relating to the status of the Upcountry water meter list and water capacity in light of the IIFS decisions.

The recommended action is that County Communication No. 19-291 be referred to the Water and Infrastructure Committee.

NO. 19-292 - YUKI LEI SUGIMURA, COUNCILMEMBER,  
(dated June 21, 2019)

Relating to exploring options to purchase the East Maui Irrigation water delivery system for food security, agriculture and the 37,000 residents of Upcountry Maui.

The recommended action is that County Communication No. 19-292 be referred to the Water and Infrastructure Committee.

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

Councilmember Molina.

**DISCUSSION RELATING TO  
COUNTY COMMUNICATION NO. 19-286**

COUNCILMEMBER MOLINA: No objections, but I would ask for the consideration of the body for County Communication item 19-286.

CHAIR KING: You want to take that--

COUNCILMEMBER PALTIN: I would also.

CHAIR KING: You want to take that up now?

COUNCILMEMBER MOLINA: Yes.

COUNCILMEMBER PALTIN: I support that and I'd like to speak to it.

CHAIR KING: Okay, do you want to make a motion?

COUNCILMEMBER MOLINA: Yes.

AS A MATTER OF FACT, I WOULD LIKE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE RULES OF THE COUNCIL, AS IT RELATES TO COUNTY COMMUNICATION ITEM NO. 19-286.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Paltin.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. Approval of this motion by a two-thirds vote will enable the Council to consider the proposed resolution today, which allows the Council to consider acting on this resolution and this Cost of Government Commission the opportunity to meet its quorum requirements.

CHAIR KING: Okay. So, this is for the waiver from Committee referral process. All those in favor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

COUNCILMEMBER PALTIN: Is there discussion on this?

CHAIR KING: Would you like a discuss, this is just a discussion of waiver. We haven't gotten to the item yet.

COUNCILMEMBER PALTIN: Oh, okay. Aye.

CHAIR KING: Okay. Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero. Two Members excused, Members Sinenci and Rawlins-Fernandez.

Councilmember Molina.



COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION ITEM 19-286,  
AND TO FILE THE COMMUNICATION AS WELL.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Paltin.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. As noted in a correspondence in the Granicus dated June 21, 2019 from the Mayor, the Mayor has requested the removal of Ms. Bonnie De Rose from the Cost of Government Commission effective immediately. Ms. De Rose has been unable to attend any meetings since being reappointed to the Cost of Government Commission due to personal reasons.

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

And I know Ms. Paltin has something to say because you brought this up when we did the original approval. So, you have comments?

COUNCILMEMBER PALTIN: Yea. I just, I wanted to speak in favor of Ms. Bonnie De Rose and just say that, you know, she's a wonderful person. I know the family. Although I don't know her personally, her grandson paddles with our canoe club. And, and she's, you know, she's all that we could ask for in a Cost of Government Commission member. And it just, due to circumstances, I just wanted to, you know, speak up on behalf of her character and her commitment. And it's not due to any of those reasons that I would support removing her. It's, it's solely due to unforeseen circumstances beyond her control. And, and I don't want anyone watching or looking to think that she didn't take these responsibilities seriously and that she's not, that she's being removed for any cause that was through a fault of her own. So, just wanted to make it clear on the record.

CHAIR KING: Okay. Yea, thank you for those comments. Any other discussion? Okay, if not, all those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Okay. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: For item number 19-280 from Councilmember Kama, relating to affordable housing and impact fees. I totally respect the work that our fellow Councilmember does with affordable housing. I do have an item in my Committee regarding impact fees in general and I just wonder if you would like us, me to take it up when I take up impact fees instead of separating it, separating it out. The decision is yours.

COUNCILMEMBER KAMA: Where do all the impact fees go? I mean, what Committee?

CHAIR KING: They, they go to various, impact fees go to various amounts of monies. So, this one would be specific to--

COUNCILMEMBER KAMA: Housing.

CHAIR KING: Affordable Housing. Right. So--

COUNCILMEMBER KAMA: Do you, do you, so are you saying you want that?

COUNCILMEMBER SUGIMURA: I'm taking up impact fees as it relates to my Committee, but I can take up this at the same time, so. It'll be a comprehensive look at the, at what's in Maui County Code.

CHAIR KING: Right now it's, it's set to be referred to--

COUNCILMEMBER KAMA: To go to EDB.

CHAIR KING: --the Economic Development and Budget Committee. And it would take all the Councilmembers approval to, to move it off into a different Committee. It's still, it's a separate item. It's going to be a separate item either way. But it, right now, it's set to go through--

COUNCILMEMBER KAMA: EDB.

CHAIR KING: --the Budget, yea.

COUNCILMEMBER KAMA: Let it stay in EDB. It's okay. Thank you.

CHAIR KING: Okay. So, we'll keep this one at EDB.

Any other objections? If there's no objections, then we'll move on from there.

Mr. Clerk.

COUNTY CLERK: Madam Chair, and just for the record, we're taking the no objections that was just received to refer the other items as read by the Clerk.

CHAIR KING: Correct.

COUNTY CLERK: Madam Chair, proceeding with general communications for referral.

### GENERAL COMMUNICATIONS

NO. 19-3 - TYLER KIMURA, SPIRE HAWAII LLP,  
(dated June 21, 2019)

Transmitting the Performance and Fiscal Audit of the Maui Invasive Species Committee.

The recommended action is that General Communication No. 19-3 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

CHAIR KING: Okay. So, Members, is there any objection with referring this to--

COUNCILMEMBER KAMA: EACP.

CHAIR KING: --to the appropriate Committee as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 19-63 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that County Communication 19-191, from the Director of Finance, transmitting the Fiscal Year 2020 certification of net taxable real property valuation, in accordance with Section 3.48.135 and 3.48.580, Maui County Code, be FILED.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: I'm sorry, Chair. I was looking at the General Communication 19-3. What Committee did that go to? I just want to make sure I didn't skip anything.

CHAIR KING: Let's see. Mr. Clerk, which one?

COUNTY CLERK: EACP to Councilmember Sinenci's Committee.

COUNCILMEMBER KAMA: Okay. Yea, thank you.

CHAIR KING: And that, the reason why that was a general communication is because that came from an outside entity, but it was pertinent to actions that have been taken by the Council previously.

Okay. Councilmember Kama, would you like to address the Committee Report 19-63?

COUNCILMEMBER KAMA: Yes. And so, Chair, may I request that the Clerk also call up Committee Reports 19-64, 65, and 66 at this time, please?

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. Mr. Clerk.

**COMMITTEE REPORT**

NO. 19-64 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that County Communication 19-117, from the Budget Director, transmitting the Affordable Housing Fund Program Fiscal Year 2019 Annual Plan and the following proposed bills entitled: 1) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (HALE MAHAOLU EWALU PHASE II)"; 2) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (KA HALE A KE OLA, WESTSIDE STAIRCASE)"; and 3) "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (KA HALE A KE OLA, RENEWAL PROJECT PHASE III BUILDING 7)", be FILED:

**COMMITTEE REPORT**

NO. 19-65 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that County Communication 18-349, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR; ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019; be FILED.

COMMITTEE REPORT

NO. 19-66 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that County Communication 19-109, from the Acting Director of Finance, transmitting two reports on the settlement of claims as of December 31, 2018, be FILED.

CHAIR KING: Okay. Councilmember Kama.

COUNCILMEMBER KAMA:

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORTS 19-63 THROUGH 19-66.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Kama, second by Councilmember Lee.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. These communications relate to information discussed or otherwise resolved in the Fiscal Year 2020 Budget, therefore, filing is appropriate. Mahalo, Chair.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COMMITTEE REPORT

NO. 19-67 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Resolution 19-120, entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A FISCAL AND PERFORMANCE AUDIT OF THE MAUI REDEVELOPMENT AGENCY," be ADOPTED; and
2. That County Communication 19-214, from the Chair of the Economic Development and Budget Committee, be FILED.

CHAIR KING: Okay. Councilmember Kama.

COUNCILMEMBER KAMA:

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 19-67.

COUNCILMEMBER LEE:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KING: Okay, moved by Councilmember Kama, seconded by Member Lee.

Ms. Kama.

COUNCILMEMBER KAMA: The purpose of the proposed resolution is to authorize the Council Chair to contract for a fiscal and performance audit of the Maui, Maui Redevelopment Agency. Your Committee determined an audit could help guide future policy relating to the MRA.

Your Committee voted 9-0 to recommend adoption of the proposed resolution and filing of County Communication 19-214. Thank you, Chair.

CHAIR KING: Okay. Thank you, Ms. Kama.

Any discussion? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-119 *[sic]*.

COMMITTEE REPORT  
NO. 19-68 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 39 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.44, MAUI COUNTY CODE, RELATING TO BOND COVERAGE FOR MEMBERS AND SUBORDINATES OF THE MAUI REDEVELOPMENT AGENCY," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-157, from the Director of Finance, be FILED.

CHAIR KING: Okay. Councilmember Pro Temp Kama.

COUNCILMEMBER KAMA:

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 19-68.

COUNCILMEMBER SUGIMURA:

SECOND.



CHAIR KING: Okay. Moved by Council Pro Temp Kama, seconded by Councilmember Sugimura.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. The proposed bill is to amend Chapter 2.44, Maui County Code, to permit the Director of Finance to procure a bond for the members and subordinates of the Maui Redevelopment Agency in accordance with Section 53-2(b), Hawaii Revised Statutes.

Your Committee notes HRS Section 53-2(b) states, in part: "Each member shall be required to give bond in the sum of \$15,000 for the faithful performance of the member's duties, and the agency may also require any of its subordinates to give bond, the premiums upon the bonds to be paid by the agency."

Your Committee voted 9-0 to recommend passage of the proposed bill on first reading and filing of the communication. Thank you, Chair.

CHAIR KING: Okay. Thank you.

Any discussion? If not, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven, zero with two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. Just correcting the record, back to Committee Report 19-67, that's RESOLUTION 19-120.

CHAIR KING: Oh, one, okay.

COUNTY CLERK: And relative to Committee Report 19-68, for the record, BILL 39 (2019).

COMMITTEE REPORT  
NO. 19-69 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-121, entitled "RELATING TO THE APPOINTMENT OF MANDY SAITO TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-69.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Member Molina, seconded by Member Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee, Committee met on June 4, 2019 to discuss the proposed resolutions relating to the appointment of Ms. Saito as an Alternate (Engineer) to the Urban Design Review Board, for a term expiring on March 31, 2024.

After discussion and questioning, your Committee voted 9-0 to recommend adoption of the proposed resolution approving her nomination. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Okay. Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-121.

COMMITTEE REPORT

NO. 19-70 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-122, entitled "RELATING TO THE APPOINTMENT OF LEONARDO SEQUEIRA TO THE COUNCIL ON AGING," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-70.

COUNCILMEMBER LEE:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on June 21, 2019 to discuss Mr. Sequeira's nomination to the Council on Aging. And your Committee voted 9-0 to recommend adoption of the proposed resolution approving his nomination. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

I guess we could have taken all three of these up together.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you. Sorry.

CHAIR KING: Oh, Mr. Clerk. Mr. Clerk, I'll let you read it.

COUNTY CLERK: For the record, RESOLUTION 19-122.

COMMITTEE REPORT

NO. 19-71 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-123, entitled "RELATING TO THE APPOINTMENT OF STEPHEN WEST TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-71.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, second by Member Lee.

Any discussion?

COUNCILMEMBER MOLINA: Hang on, Madam Chair. Could I just say a few things?

CHAIR KING: Oh, I'm sorry. Mr. Molina, go ahead.

COUNCILMEMBER MOLINA: Yea. Your GET Committee met on June 21 to discuss Mr. West's nomination to the BVA. And after a Q&A session, a very long drawn out discussion, your Committee voted 5-4 to recommend the adoption of the resolution approving his nomination. Thank you.

CHAIR KING: Okay. Any discussion? I guess I'll, did you, did you have a, earlier you had your--

Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, I don't have any discussion. But I won't be able to support this nomination.

CHAIR KING: Okay. Mr. Clerk, let's do a roll call on this since it was such a close vote in Committee. If there's no other discussion.

COUNTY CLERK: Councilmember Shane Sinenci.

CHAIR KING: EXCUSED.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

COUNTY CLERK: Councilmember Tamara Paltin.  
COUNCILMEMBER PALTIN: NO.  
COUNTY CLERK: Councilmember Yuki Lei Sugimura.  
COUNCILMEMBER SUGIMURA: AYE.  
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.  
COUNCILMEMBER KAMA: AYE.  
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.  
CHAIR KING: EXCUSED.  
COUNTY CLERK: Chair Kelly T. King.  
CHAIR KING: NO.

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, AND SUGIMURA.

NOES: COUNCILMEMBER PALTIN AND CHAIR KING.

EXCUSED: COUNCILMEMBER SINENCI AND  
VICE-CHAIR RAWLINS-FERNANDEZ.

COUNTY CLERK: Madam Chair, there's four "ayes", three "noes", two "excused"; motion fails.

CHAIR KING: No, I think there's five "ayes".

COUNTY CLERK: I apologize. I thought Councilmember Hokama said "no".

COUNCILMEMBER SUGIMURA: He said "yes".

COUNTY CLERK: Okay, so five "ayes", two "noes", two "excused"; "noes" being Councilmember Paltin and Councilmember King.

CHAIR KING: Okay. Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-123.

COMMITTEE REPORT

NO. 19-72 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-124, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI VS. RICK MARKHAM, ET AL., CIVIL NO. 17-1-0393(2)," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-72.

COUNCILMEMBER LEE:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The, this matter had to do with a complaint that seeks declaratory and injunctive relief related to alleged violations with the Building Code for the construction of an unpermitted dwelling and deck in Paia, Maui.

After an executive session Committee meeting, your Committee voted 8-0 to recommend adoption of the revised proposed resolution which authorizes the Department of Corporation Counsel to settle the case. Thank you.

CHAIR KING: Okay. Thank you.

Councilmember Lee.

COUNCILMEMBER LEE: Yes, thank you, Madam Chair. I believe we have the attorney for Mr. Markham here, and I would like to ask him a couple of questions please.

CHAIR KING: Okay. If there's no objections, we'll bring the attorney, Mr. Horovitz to the floor. If you could join us at the podium.

FIRST DEPUTY CORPORATION COUNSEL EDWARD KUSHI JR.: Madam Chair. Why would you ask him a question? He's the opposing Counsel.

COUNCILMEMBER LEE: Well, apparently, he wasn't able to be here during our Committee meeting and he asked if we needed any clarification. And that's why he stayed for this meeting.

CHAIR KING: We, we already cleared, Mr., we already cleared the, the, no, there were no objections using him as a resource for this item.

FIRST DEPUTY CORPORATION COUNSEL: Well, Madam Chair, for the record, if I may ask Mr. Horovitz a question?

CHAIR KING: May you?

FIRST DEPUTY CORPORATION COUNSEL: May I ask him a question?

CHAIR KING: You may after Councilmember Lee. Okay.

COUNCILMEMBER LEE: I'll yield.

CHAIR KING: Will you yield? Okay, we'll yield to Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL: No, just one simple question, Madam Chair, cause this may proceed further.

Mr. Horovitz, you understand the Brian Bilberry represents the County?

MR. HOROVITZ: Yes, I do.

FIRST DEPUTY CORPORATION COUNSEL: And you represent the Plaintiff.

MR. HOROVITZ: Yes, I do.

FIRST DEPUTY CORPORATION COUNSEL: Okay. At any time--

MR. HOROVITZ: Oh no, I'm sorry I represent the Defendant.



FIRST DEPUTY CORPORATION COUNSEL: The Defendant, excuse me. At any time, did you ask Mr. Bilberry permission to address our clients?

MR. HOROVITZ: I didn't request permission, but it's a public item on a matter involving my client.

FIRST DEPUTY CORPORATION COUNSEL: No. The question is, at any time did you request of Mr. Bilberry permission to speak to our clients directly?

MR. HOROVITZ: I didn't ask him directly to be able to address this Council. I didn't know that I needed it. But, no, I did not.

FIRST DEPUTY CORPORATION COUNSEL: You understand that this Council is a client?

(Councilmember Hokama was excused from the meeting at 10:21 a.m.)

MR. HOROVITZ: This Council has to approve a, approve a settlement. And, I'm not certain, it says County of Maui, so that I, I haven't really spoken with anyone directly in the County other than Mr. Bilberry about this.

CHAIR KING: Do you, do you need a recess to confer with Mr. Bilberry? Okay. Alright well, Ms., Councilmember Lee has a question.

Councilmember Lee.

COUNCILMEMBER LEE: Yes. Thank you, Mr. Horovitz for being here. We, we actually had a pretty involved discussion on this matter. And, of course, we didn't hear the other side because there was no other side present. Did you, did you have new information to provide the Council that perhaps we didn't have at that time?

CHAIR KING: Okay and I, I think we'll have to rely on Corp. Counsel if we get into matters that should be in executive session, Ms. Lee. We'll go ahead as long as we don't hear any objections.

Mr. Horovitz.

MR. HOROVITZ: I'm not certain what information was provided. I did review, you know, watch what was the video recording that's on the County's website.

COUNCILMEMBER LEE: Let me be more specific.

MR. HOROVITZ: Thank you.

COUNCILMEMBER LEE: Like, for instance—

CHAIR KING: Ms. Lee, we're not allowed to share anything that was discussed in executive session in public. So, just wanted to caution you there.

COUNCILMEMBER LEE: I'm not sure.

COUNCILMEMBER KAMA: Okay. We should stop the discussion.

CHAIR KING: Then, then we need to, we need to stop the discussion and confer with Corp. Counsel.

COUNCILMEMBER LEE: Okay.

CHAIR KING: Okay. Short recess. 10:22.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:22 A.M., AND WAS RECONVENED AT 10:29 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBERS HOKAMA, KAMA, SINENCI AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR KING: Okay. Members, it's 10:29. We're back in session for the July 5 regular County Council meeting. And thank you for that brief recess so we could get clarity on what can be asked on the floor so that we don't violate the sanctity of executive session.

And I'll go back to Councilmember Lee, if you want to continue with your question.

COUNCILMEMBER LEE: Thank you, Madam Chair. No, I don't. I'm going to withdraw my request to ask questions, because it appears that it, it might, I, I might be going into areas that were discussed in executive session. So, I would just suggest to the attorney who's here to discuss any new information if he has new information with our attorney.

(Councilmember Kama returned to the meeting at 10:29 a.m.)

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I had a question. And I guess it was mentioned that I, we would wait for this time. And my question, what I, what I asked Mr. Horovitz was, why did it take so long for them to get permitted, I think it was?

CHAIR KING: Do you want, do you want to--

COUNCILMEMBER SUGIMURA: That's, that's the question I had; 11 years.

CHAIR KING: Do you want to bring Mr. Horovitz?

COUNCILMEMBER SUGIMURA: I don't know if it's allowed, so I don't want to ask anything that's not allowed.

CHAIR KING: Mr. Bilberry.

COUNCILMEMBER SUGIMURA: Eleven years to permit some structure.

DEPUTY CORPORATION COUNSEL BRIAN BILBERRY: You know, to the extent, we did discuss that in executive session. I don't know that you necessarily need to ask him that. I think you're going to get a different answer than what was discussed in executive session.

CHAIR KING: We just, Mr. Bilberry, just let us know if it's a violation, this question would be a violation of--

DEPUTY CORPORATION COUNSEL: Yea, you know what, what I would ask is that--

COUNCILMEMBER SUGIMURA: I withdraw, I'll withdraw my question.

DEPUTY CORPORATION COUNSEL: I would ask that since you put your question out there along with the additional information that Ms. Lee has requested, if Mr. Horovitz has anything to offer in response to that question, he can present it to me, and I'll bring it to you.

COUNCILMEMBER SUGIMURA: Okay. Fine.

CHAIR KING: Okay. You're good with that?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay. Thank you. Thank you for being willing to answer questions.

And, any other discussion? If not, okay, we have a motion on the floor to approve the recommendations in county, in Committee Report 19-72. All those in favor, say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,  
PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA, SINENCI AND  
VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes six "ayes", three "excused"; Mr.'s, Councilmember Sinenci, Councilmember Rawlins-Fernandez, and Councilmember Hokama.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-124.

COMMITTEE REPORT

NO. 19-73 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-125, entitled "AUTHORIZING PARTIAL SETTLEMENT OF OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., SCAP NO. 180000578.

CHAIR KING: Councilmember Molina.

(Councilmember Hokama returned to the meeting at 10:32 a.m.)

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair:

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-73.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, second by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee meeting met, Committee met on June 21, 2019 for a meeting on this particular matter. And following an executive session meeting, your Committee voted 8-0 to recommend adoption of a proposed resolution authorizing partial settlement of the case. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-125

COMMITTEE REPORT

NO. 19-74 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-126, entitled "AUTHORIZING SETTLEMENT OF LOUIS CAMBRA V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-16-00151," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-74.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Moved by Councilmember Molina, second by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Committee met on this particular matter, which has to do with a workers' compensation claim alleging work-related injuries sustained by Louis Cambra. The injuries occurred on December 29, 2015.

And following an executive session meeting, your Committee voted 8-0 to recommend adoption of the resolution authorizing settlement. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr., Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-126.

COMMITTEE REPORT  
NO. 19-75 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-127, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30180603955-0001 OF STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AS SUBROGEE OF REGINALD BALIDOY," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-75.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Moved by Councilmember Molina, second by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Committee met on June 21, 2019 to discuss this case which is a claim that alleges damages to Reginald Balido's vehicle resulted from sulfuric acid being discharged from an exhaust fan at the Kihei Wastewater Reclamation Facility's laboratory back on March 27, 2018.

Your Committee voted 8-0 to recommend adoption of the proposed resolution to authorize settlement. Thank you.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-127.

COMMITTEE REPORT

NO. 19-76 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. That Resolution 19-128, entitled "AUTHORIZING THE PROPOSED MAUI INVITATIONAL BASKETBALL TOURNAMENT LICENSE AGREEMENT, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 18-318, from the Director of Parks and Recreation, be FILED.

CHAIR KING: Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair.

I MOVE THAT THE COMMITTEE REPORT 19-76, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Hokama, second by Councilmember Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, your Committee did a complete review of the departmental's revised proposal along with our new licensee, Kemper Sports Marketing. We have a ten-year agreement. We have made adjustments that allows increases in fees that the Tournament will pay the County of Maui. We have a new



option that will allow the County, for the first time, to have a concession space at the Tournament for departmental benefits, that through our concession bill.

And for Mr. Molina, cause I know he's interested in the collegiate area, we are going to need to do some additional maintenance because the regulating entities have ruled that the new three-point line will be in effect this coming session, the season, excuse me. So, the Department needs to make some adjustments, but the Department has reviewed and has found sufficient funds in the current year budget to address any concerns. So, if there's any questions, I'm happy to respond. Thank you.

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

Any further discussion? I just have one question. Because I think when we talked about those lines, we were talking about a couple of seasons away. So, the, the next season starts when?

COUNCILMEMBER HOKAMA: Yea, November, cause we're finishing the current, well, the professionals finish, we finished already yea?

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: So, it'll be for the upcoming Fall.

CHAIR KING: This, this year.

COUNCILMEMBER HOKAMA: The new line is going to have to be--

CHAIR KING: Okay. And basically, it's just painting on the line. They're not redoing the floor at this time.

COUNCILMEMBER HOKAMA: Correct. Yea. They've made it longer and more difficult now.

CHAIR KING: Okay. I guess that makes it more interesting.

Okay, any other discussion, questions? If not, I'll call for the question. All those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

And Members, I'm going to go ahead and finish the last page of recommendations, because we, we did the, the last item which is second and final reading. So we can get done rather than taking our break if everyone's okay just powering through.

Okay, Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-128.

COMMITTEE REPORT

NO. 19-77 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That County Communication 18-434, from the Director of Water Supply, transmitting water use reports for Maui, from the State of Hawaii Commission on Water Resource Management for September 2018, be FILED;
2. That County Communication 19-33, from the Director of Water Supply, transmitting water use reports for Maui, from the State of Hawaii Commission on Water Resource Management for October 2018, be FILED;
3. That County Communication 19-133, from the Director of Water Supply, transmitting water use reports for Maui, from the State of Hawaii Commission on Water Resource Management for January 2019, be FILED; and
4. That County Communication 19-210, from the Director of Water Supply, transmitting water use reports for Maui, from the State of Hawaii Commission on Water Resource Management for March 2019, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE  
RECOMMENDATIONS IN COMMITTEE REPORT 19-77.

COUNCILMEMBER MOLINA:

SECOND.

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

Any discussion?

COUNCILMEMBER LEE: Your Water--

CHAIR KING: Ms. Lee.

COUNCILMEMBER LEE: Thank you. Your Water and Infrastructure Committee met on June 3, 2019 to review water use reports from the State Commission on Water Resource Management. These reports were transmitted by the Director of Water Supply for informational purposes only. Thank you, Chair.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COMMITTEE REPORT

NO. 19-78 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending that County Communication 19-209, from the Director of Water Supply, transmitting the Department's Monthly Source Reports and Groundwater Use Reports for the month ending April 2019, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE RECOMMENDATION  
IN COMMITTEE REPORT 19-78.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Molina *[sic]*.

Ms. Lee.

COUNCILMEMBER LEE: Your Water and Infrastructure Committee met on June 3, 2019 to review Department of Water Supply Monthly Source Reports and Groundwater Use Reports. These reports were transmitted by the Director of Water Supply for informational purposes only. Thank you, Chair.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COMMITTEE REPORT

NO. 19-79 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following

1. That County Communication 19-134, from the Director of Finance, informing of the acceptance of Sewerline Easement 2, T. Oda Subdivision at 403 Waiale Road, Wailuku, TMK: (2) 3-4-003:030 por, be FILED; and
2. That County Communication 19-135, from the Director of Finance, informing of the acceptance of Sewerline Easement S-1, Kaanapali Vista Subdivision at 144 Halelo Street, Lahaina, TMK: (2) 4-4-009:011, por be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE  
RECOMMENDATIONS IN COMMITTEE REPORTS 19-79.

COUNCILMEMBER MOLINA:

SECOND.

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

Ms. Lee.

COUNCILMEMBER LEE: Your Water and Infrastructure Committee met on June 3, 2019 to consider notifications from the Director of Finance reporting on the acceptance of a Sewerline Easement in the T. Oda Subdivision in Wailuku and a Sewerline Easement in the Kaanapali Vista Subdivision in Lahaina. These notifications are for informational purposes. Thank you, Chair.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Members Sinenci and Rawlins-Fernandez.

Mr. Clerk.

COMMITTEE REPORT  
NO. 19-80 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending that County Communication 19-136, from the Director of Finance, informing of the acceptance of a Warranty Deed for Road Widening Lot 17-E, Puuomalei Tract, TMK: (2) 2-7-002:010 por, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Your Water and Infrastructure Committee met on June 3, 2019. I'm sorry.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE  
REPORT 19-80.

COUNCILMEMBER MOLINA:

SECOND.

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

Ms. Lee.

COUNCILMEMBER LEE: Your Water and Infrastructure Committee met on June 3, 2019 to consider a notification from the Director of Finance informing of the acceptance of a

Warranty Deed for road-widening lot in the Puuomalei Tract in Haiku. This notification is for informational purposes. Thank you, Chair.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI AND VICE-CHAIR  
RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes seven to zero, two excused; Member Sinenci and Member Rawlins-Fernandez.

Mr. Clerk.

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

CHAIR KING: Okay. Thank you very much, Council. It is 10:42 and we are adjourning the Maui County Council meeting of June 5, 2019 *[sic]*.

## ADJOURNMENT

The regular meeting of July 5, 2019 was adjourned by the Chair at 10:42 a.m.



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MARGARET C. CLARK, DEPUTY COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII



## Maui County

### HEARING BEFORE THE MAUI COUNTY COUNCIL

July 5, 2019  
9:00 AM  
Council Chambers

#### TESTIMONY

**CC: 19-287 RELATING TO COUNTING EVERY RESIDENT OF MAUI COUNTY AND THE IMPACT OF THE 2020 U.S. CENSUS**

**CC:19-292 RELATING TO EXPLORING OPTIONS FOR EAST MAUI IRRIGATION WATER DELIVERY SYSTEM**

Chair King and Members of the Council:

My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau. We are a County Chapter of the Hawaii Farm Bureau, representing 200 farm families and organizations on the island. Our mission seeks to protect and increase the viability of farms and ranches while ensuring the social and environmental wellbeing of the island.

MCFB appreciates the continued support by the Council for our efforts and we hope to work in collaboration for the benefit of Maui County.

MCFB **strongly supports** your consideration of CC 19-287 relating to the 2020 U.S. Census and CC 19-292 seeking to begin explorations of options to obtain a level of stability for our Upcountry water system.

Both of these measures have a significant impact on our agricultural community. The Census is important to Hawaii as it would shape how billions of dollars a year are allocated, including for schools and hospitals. As many of us are aging, especially in the agricultural community, the numbers underpin the forecasts for Social Security beneficiaries. For agriculture, there is another census that is critical that is the ag census in 2022 ..it is done every 5 years, the last in 2017. This census determines how USDA allocates funding to the states so we need every farmer to submit the information as requested. Many probably don't pay attention to requests for census data. Yet, as our needs seem to out pace our limited State and County coffers, we need to make sure we are getting a fair return for the Federal taxes we pay.

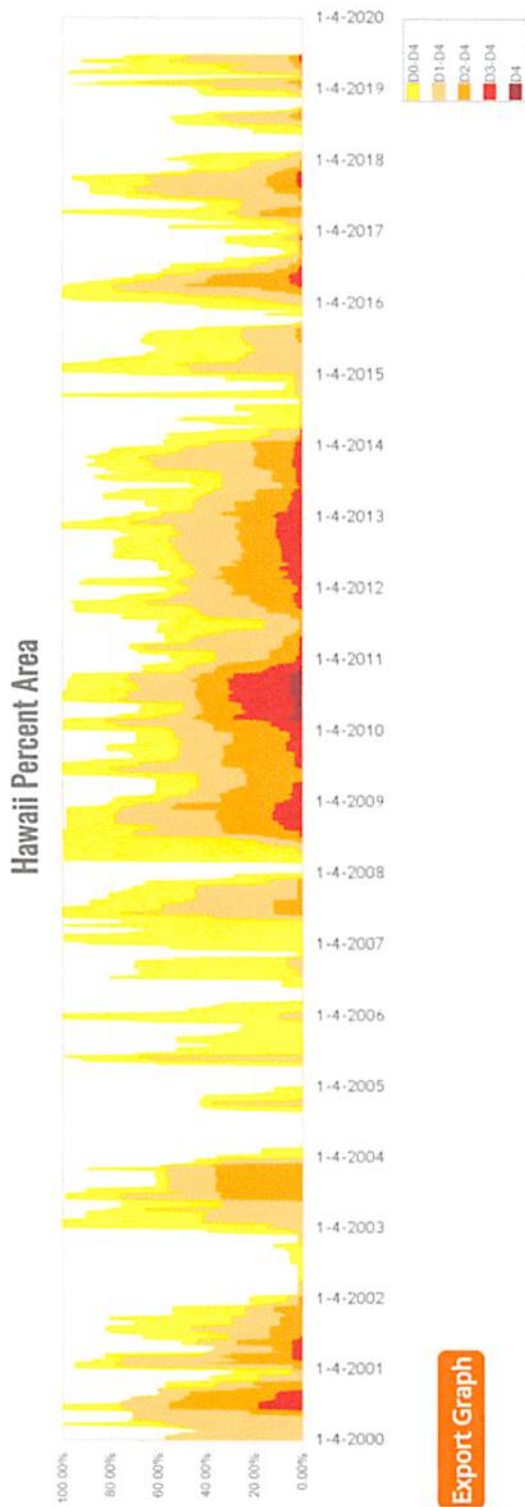
On the second item relating to the Upcountry Water System. We commend the Council for taking a proactive stance relating to the water needs of Wailuku, Central and South Maui. As these measures are implemented, a critical review of what we need to do in Upcountry Maui is important. We all know that Upcountry Maui is the water system most dependent on surface waters in the State. Legal uncertainties has left the agricultural community and residents nervous about the future. Under traditional conditions, the abundance of rainfall provided for most of our needs. However, continued years of droughts have highlighted competing uses putting access to water by our residents and farmers in question. The attached graph by the Climate Center illustrates drought conditions over time. What happens when the severe droughts of 2010 to 2013 recurs?



Our population has grown while our resources are reduced. We strongly support serious dialogue with owners and users of the system to identify ways to meet all of the various uses ..not just agriculture but residential, cultural and environmental ..not placing a priority but seek ways so all needs can be met. How will the system be maintained? Can stormwater use be expanded? This will take time and resources. There are many facets be it education, research, or conservation. I am a third generation resident of Upcountry. I recall when we depended on trucked water for our basic needs, and using buckets to irrigate our crops to make sure no water was wasted. When that happens, it is too late to plan. Let's work together to have a dialogue. The Water Use Development Plan is a start. But plans are only as good as implementation actions occur with community support. We need a commitment to begin this journey to ensure reliable water supplies for the 37,000 residents and agriculture while meeting environmental and cultural needs.

We strongly urge the Council to recommend a working group tasked to address these various needs including extramural financing to enhance stormwater opportunities in the Upcountry system. Thank you for providing us the opportunity to present our views.

Graphic illustrating Drought impacted Area in Hawaii. (Maui trends follow this graph; white areas note no drought conditions)



## Drought Conditions August 2010

Note Watershed areas are abnormally dry .. meaning streamflow may not be occurring due to no rainfall.

### Drought Classification

