

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

MINUTES

November 28, 2023

Online Only via BlueJeans

CONVENE: 9:03 a.m.

PRESENT: Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Tasha Kama, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member (Out at 11:56 a.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U'u-Hodgins, Member

STAFF: James Krueger, Senior Committee Analyst
Kasie Apo Takayama, Senior Committee Analyst
Carla Nakata, Legislative Attorney
Maria Leon, Committee Secretary
Lenora Dinneen, Council Services Assistant Clerk
Jean Pokipala, Council Services Assistant Clerk
Shelly Espeleta, Supervising Legislative Analyst

Additional staff

Executive Assistant for Councilmember Tom Cook:
Jared Agtunong

Executive Assistants for Councilmember Gabe Johnson:
Kate Griffiths
Axel Beers

Executive Assistant for Councilmember Tasha Kama:
Evan Dust

Executive Assistants for Councilmember Tamara Paltin:
Angela Lucero
Christian Balagso

Executive Assistant for Councilmember Keani N.W. Rawlins-Fernandez:
Sarah Sexton

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Executive Assistants for Councilmember Shane M. Sinenci:

Dawn Lono
Don Atay
Gina Young

Executive Assistants for Councilmember Yuki Lei K. Sugimura:

Jocelyn Moniz
Jordan Helle

Executive Assistants for Councilmember Nohelani U'u-Hodgins:

Laura McDowell
Susan Clements

Residency Area Office (RAO):

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lānaʻi Residency Area Office
Zhantell Lindo, Council Aide, Molokaʻi Residency Area Office
Bill Snipes, Council Aide, South Maui Residency Area Office

ADMIN.: Kristina Toshikiyo, Deputy Corporation Counsel, Department of the Corporation Counsel (All)
Mimi DesJardins, First Deputy Corporation Counsel, Department of the Corporation Counsel (BFED-55)
Lance Taguchi, County Auditor, Office of the County Auditor (BFED-21(12))
Josiah Nishita, Deputy Managing Director, Department of Management (BFED-21(12), -21(13), -55, -51, and -52)
Maria Zielinski, Budget Director, Office of the Mayor (All)
Lesley Milner, Budget Specialist, Office of the Mayor (All)
Saumalu Mataafa, Deputy Director, Department of Housing and Human Concerns (BFED-21(12))
Scott Teruya, Director, Department of Finance (BFED-55)
Marci Sato, Accounting System Administrator, Department of Finance (BFED-21(12), -21(13), -55, -51, -52, and -53)
Samual Marvel, Chief of Planning and Development, Department of Parks and Recreation (BFED-56)
Andrew Martin, Prosecuting Attorney, Department of the Prosecuting Attorney (BFED-57)
Shayne Agawa, Director, Department of Environmental Management (BFED-52)
James "Kimo" Landgraf, Deputy Director, Department of Water Supply (BFED-53)
Bradford Ventura, Fire Chief, Department of Fire and Public Safety (BFED-54)

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OTHERS: Mark Wingate, Debris Task Force Lead, Federal Emergency Management Agency (BFED-52)
Paul Ruesch, On-Scene Coordinator, U.S. Environmental Protection Agency (BFED-52)

Testifiers

Bill Caldwell, President, Expeditions (BFED-55)
Jasee Law (BFED-52)

(9) additional attendees

PRESS: Akakū: Maui Community Television, Inc.

CHAIR SUGIMURA: ...*(gavel)*... Welcome to the Budget, Finance, Economic Development Committee. Today is November 28th, and it is 9:03 a.m. My name is Yuki Lei Sugimura, I'm the Chair of this Committee, and I'd like to welcome all of you to a full agenda. Thank you very much. I think we have nine of you here this morning. This...this online meeting is being conducted in accordance with the Sunshine Law. And as a reminder, when your name is called, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room, vehicle, or work...workspace with you today. Minors do not need to be identified. So, at this time, I would like to welcome our Vice-Chair, Member Tasha Kama.

VICE-CHAIR KAMA: Aloha kakahiaka, Chair. And according to our Council Chair, the word for the day is whappen. ...*(laughing)*...

CHAIR SUGIMURA: All right, got to hear what this is about. Whappen to you, and whappen, Council Chair.

COUNCILMEMBER LEE: Okay. So, from Jamaica--in case you go to Jamaica during this weekend, you can pretend like you know the language and say good mawnin' *(phonetic)*, everybody, and then say whappen. And that means good morning, how are you?

CHAIR SUGIMURA: ...*(laughing)*... So fabulous. All right. Next we have in the Chambers, Member Cook. Whappen to you.

COUNCILMEMBER COOK: Whappen up. ...*(laughing)*... Aloha, Chair, and good morning.

CHAIR SUGIMURA: Aloha. And next, we have Member U'u-Hodgins all dressed up today. Whappen.

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COUNCILMEMBER U‘U HODGINS: We are. Aloha, whappen.

CHAIR SUGIMURA: Whappen. Member Sinenci, whappen.

COUNCILMEMBER SINENCI: . . .*(inaudible)*. . . Chair, and aloha kakahiaka, and Hau‘oli lā Kū‘oko‘a ia oi. And I don't think there's any testifiers today in Hāna. We'll soon find out. Thank you.

CHAIR SUGIMURA: Good morning. And online, we have Member Rawlins-Fernandez. Oh, I can't--you were muted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, *Akakū* can hear me.

CHAIR SUGIMURA: Just a second.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so can the public. So --

CHAIR SUGIMURA: Did you say something? Oh, there, we can hear you now. Thank you. Thank you, James. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kākou, my Moloka‘i nui Ahina. I'm at the Moloka‘i District Office, alone on my side of the office. And we currently have no testifiers here at the Moloka‘i District Office. Hau‘oli lā Kū‘oko‘a kākou.

CHAIR SUGIMURA: Thank you. Good morning. Next, we have Member Johnson in...on Lāna‘i.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, Committee Members. There's no testifiers at the Lāna‘i District Office. I'm home alone--well, with my snoring dog, and I'm here and ready to work. Mahalo, Chair.

CHAIR SUGIMURA: And we have Member Paltin in Lāhainā. You're muted.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . . Really?

CHAIR SUGIMURA: Can hear you.

COUNCILMEMBER PALTIN: Hmm.

CHAIR SUGIMURA: We can hear you.

COUNCILMEMBER PALTIN: How about now? How about now?

CHAIR SUGIMURA: Yes, we can hear you. Yes.

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COUNCILMEMBER PALTIN: Oh, okay.

CHAIR SUGIMURA: Yes. Yes.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou. My dog is also snoring, and --

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

COUNCILMEMBER PALTIN: -- my laundry is banging. Streaming live and direct from Nāpili. And it's just me and King over here, and we're doing laundry.

COUNCILMEMBER LEE: Is your hair green? Is your hair green?

COUNCILMEMBER PALTIN: No, it's --

COUNCILMEMBER LEE: Oh, okay.

COUNCILMEMBER PALTIN: It's the lighting.

COUNCILMEMBER LEE: Oh . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: I get all kine different colors. Check this.

CHAIR SUGIMURA: . . .*(laughing)*. . . Oh, you must have parties at your house . . .*(laughing)*. . . for your kids.

COUNCILMEMBER PALTIN: Disco.

CHAIR SUGIMURA: Very good. All right. From the Office of the Mayor, I'd like to welcome Maria Zielinski, Budget Director; Lesley Milner, Budget Specialist. Office of County Auditor--wow, we have Lance Taguchi here today. Director of Finance, Scott Teruya; Department of Housing and Human Concerns, Lori Tsuhako; Department of Parks and Recreation, Patrick McCall, and Sam Marvel, Chief of Planning. From the Department of Management, Josiah Nishita, Deputy Managing Director, soon to be Managing Director, I guess? And this is still November. Department of Prosecuting Attorney, Andrew Martin; Department of Environmental Management, Shayne Agawa; Department of Water Supply, James Landgraf, which is Deputy Director; Department of Fire and Public Safety, Brad Ventura, Fire Chief; Department of the Corporation Counsel, we have Kristina Toshikiyo. And later in the agenda, there may be resources, which I will bring in under 18(A) for the item regarding DEM, Department of Environmental Management. And Committee Staff, thank you very much, Maria Leon, Committee Secretary. James Krueger and Kasie Apo Takayama, thank you very much for working super hard and here we go for another big agenda. Carla Nakata, Legislative Attorney, good to have her back; Lei Dinneen, which is Clerk in the...in the Chambers. Thank you very much,

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Members. Today we have a full agenda. We have nine items on the agenda. And the reason we have so many items is because we know you're not going to ask many questions, and that we have a recess meeting that I have scheduled just in case for next week, Tuesday, at 9:00, if you can make it. And...and that today, for--I'm going to announce this earlier because usually when I take an item up, we have James who comes running up to the...to the Chair's desk and asks, how many minutes do the Members have, if you have questions. So, if we do have questions, I'm going to--it'll be three minutes per...per member. All right, James? We have announced it. Okay. So, the items on the agenda, which is BFED-21(12), General Excise Tax Review of Developer Records, Reports, Files, and other documents. This is Keani's bill. BFED-21(13), General Excise Tax Fund on Department of Hawaiian Home Lands, is Vice-Chair for this Committee, Member Kama's bill. BFED-56, Bill 116, which is to add lights for parks...Keōpūolani Park. BFED-57, Bill 117, Amending Fiscal Year '24 Budget, Appendix A, Part 1, Department of Prosecuting Attorney Criminal...Career Criminal Program and Victim Witness Assistance Program, which we'll see Andrew Martin here. BFED-55, Bill 125, Intergovernmental Agreement with the State of Hawai'i, HI-EMA, for Public Assistance Grants relating to the August 24th Wildfires. BFED-51, Bill 121, Amending Fiscal Year '24 Budget relating to Management, Office of Recovery, Appendix A, Part I, Department of Management. These are the employees they are asking to hire. BFED-52, Bill 122, Amending Fiscal Year '24 Budget, Department of Finance, Countywide, and Department of Environmental Management Solid Waste Operations Program, Lāhainā Wildfire Final Disposition Site, and this is on the Olinda site. BFED-53, Bill 123, Amending Fiscal Year '24 Department...Budget, Department of Finance, Countywide Costs, and Department of Water Supply. And Department...I'm sorry. BFED-54, Bill 124, Amending Fiscal Year '24 Budget, Department of Fire, Public Safety, Fire and Rescue Operations. So, these are all the bills that we'll be taking up, and so therefore, three minutes per question. If you don't have a question, you know, just let me know. Do we have any testifiers? Oh, we do? Okay. Okay. So, we're going to move into public testimony at the beginning of the meeting. Oral testimony via phone or video conference will be accepted. In addition to in-person testimony, individuals wishing to testify in person may sign up with the Staff member at the entrance of the Chamber. For those joining the meeting via BlueJeans, please let Staff know in chat if your wish...if you wish to testify. Testifiers wanted to provide video or audio testimony should have joined the online meeting via BlueJeans link or phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via eComments. Oral testimony is limited to three...three minutes per person, and if you go beyond that, you'll have an additional 30 seconds. The Chair will recognize oral testimony for all agenda items now at the beginning of the meeting, and as the agenda item is called up. When testifiers are signed up to testify, they...they must let Staff know whether they wish to testify at the beginning or...or...or before an agenda item is taken up, otherwise, we will assume that you are going to be testifying at the beginning. We ask that you state your full name, but if you prefer to

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identify...testify anonymously, Staff will identify you and refer to you as "Testifier" and give you a number. You may indicate in the chat if you do not wish to testify; however, just remember that chat should not be used for discussion or comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, if you do not wish to testify, you can also view this meeting on *Akakū* 53, Facebook Live, or mauicounty.us/agendas. Thank you very much for your cooperation. Let's call up the first testifier.

MS. APO TAKAYAMA: Chair, the only individual signed up to testify right now is the individual calling in with the last four digits 5111.

CHAIR SUGIMURA: Okay. Individual 5111...1.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. CALDWELL: Aloha, Chair Sugimura, Vice-Chair Kama, and Members. My name's Bill Caldwell. I am the President, CEO of Hone Heke Corporation, d/b/a Expeditions, the Lānaʻi-Maui Ferry. I have also put written testimony as...on BFED-55 bill on eComment, and I do oppose this budget cut.

CHAIR SUGIMURA: Are you done with your testimony?

MR. CALDWELL: I am. I just would like for you to read...take a look at--when you can, when it comes up, I believe, is my...my written testimony.

CHAIR SUGIMURA: Okay. The item that you were testifying on--and...and what organization were you from? I didn't hear clearly.

MR. CALDWELL: This is BFED-55, Bill 125.

CHAIR SUGIMURA: 120--oh, okay, 125. Okay. All right. Any questions for Mr. Caldwell? I see no--oh, there's--now we have--Member Johnson has a question for you.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Caldwell. Good to hear your voice. So, you mentioned that you oppose this Bill 125, and I...I--the way I'm reading it is that the Feds are going to give the County Departments some fundings. And where would you like those fundings to go to? Would they go to help your...your company, your...your workers, or...where would you like the funding to go then?

MR. CALDWELL: Absolutely. Thank you, Gabe Johnson. Yeah, that's exactly it. At...at current, we are applying with the OED for a grant --

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COUNCILMEMBER JOHNSON: Um-hum.

MR. CALDWELL: -- and we're...we...we are listing what we will and need to use it for. Bringing back more employees, replacing parts and supplies for our offices that were completely destroyed, as well as our entire inventory of boat parts as well. So, it's very important for us to have this grant, and hope that the County Budget does not cut out any...any grant monies or any monies for OED and others. Thank you.

COUNCILMEMBER JOHNSON: Thank you so much.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER JOHNSON: Thank you, Chair.

CHAIR SUGIMURA: Okay. Thank you. So, any more testifiers? Oh, Member Paltin. Sorry, I didn't see you. Go ahead.

COUNCILMEMBER PALTIN: Thank you. I...I just wanted to clarify or ask. I don't understand why you're against this bill. I don't think that it is a cut to OED, the bill. The bill is to give, like, an intergovernmental agreement for public assistance. So, it doesn't have...I don't think it has something to do with a cut to OED money that would be granted to people. Could you clarify what you're....what you're opposing of this bill?

MR. CALDWELL: Well, that was...that was what I understood the bill being, as a Committee to cut funding to OED. So, my mistake --

CHAIR SUGIMURA: Okay.

MR. CALDWELL: -- if I'm not...not completely understanding the...

COUNCILMEMBER PALTIN: Oh, maybe it's a different bill than 55 then, if somebody told you that or something.

MR. CALDWELL: Yeah.

CHAIR SUGIMURA: Yeah. So that --

MR. CALDWELL: Yeah. I...I--that was the one that was closely related to...to what I thought what budget cutting --

CHAIR SUGIMURA: Okay.

MR. CALDWELL: -- for grant monies to OED.

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CHAIR SUGIMURA: All right.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR SUGIMURA: Any more questions, Ms. Paltin? Member Paltin?

COUNCILMEMBER PALTIN: I don't think so. I...I read his testimony and it...it still didn't make sense to me. Thank you.

CHAIR SUGIMURA: Thank you. Thank you very much, Mr. Caldwell. And you're from Expeditions, correct?

MR. CALDWELL: That's correct.

CHAIR SUGIMURA: Thank you very much for testifying. Next testifier.

MS. APO TAKAYAMA: Chair, Staff has not received any further request for testimony at the beginning of the meeting. I'll do a last call...three, two, one. Chair, seeing no other individuals wishing to testify at this time.

. . . END PUBLIC TESTIMONY AT BEGINNING OF MEETING . . .

**ITEM 21(12): GENERAL EXCISE TAX FUND - REVIEW OF
DEVELOPER RECORDS, REPORTS, FILES, AND
OTHER DOCUMENTS (RULE 7(B))**

CHAIR SUGIMURA: All right. So, there's...there's no one wishing to testify at the beginning of the meeting, so at this time, I'm going to move on with the agenda. The first item on the agenda is BFED-21(12), General Excise Tax Fund, Review of Developer Records, Files, and Other Documents. And I wish we could have our auditor come to the resource table here. Thank you. Members, our first item is a Rule 7(B) to allow us to discuss matters relating to requiring a developer of a housing project to allow certain County officials access to records, reports, files, and other documents related to the housing project before the project begins...benefits from expenditures from the general excise tax, including Bill 104, FD1 (2024) [sic], which is up for second and final reading on this Friday's Council agenda with you, Chair. I've submitted a copy of Bill 104, FD1 (2023) in the Committee file for the Members' reference. The link is in the agenda...is on the agenda as item number 2 in Granicus. And we have today before us Auditor Lance Taguchi, as well as Maria Zielinski, and Finance Director Scott Teruya, and Director of Housing and Human Concerns--which I think is actually Saumalu--if anybody wants to comment on this. But right now, before us, we have our Auditor. Good morning, Mr. Taguchi.

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MR. TAGUCHI: Good morning, Members.

CHAIR SUGIMURA: Do you want to say anything about the bill?

MR. TAGUCHI: I just want to preface my...what I say.

CHAIR SUGIMURA: Okay.

MR. TAGUCHI: You know, I...I'm going to limit what I say more towards my role as an auditor. You know, I'm...I'm not a policymaker. I do have my own views because I've worked both as a comptroller for a medium-sized construction/development firm. But in this role, I'm going to limit my conversations to just my role in this bill as an auditor, unless you ask me differently.

CHAIR SUGIMURA: All right. So, we won't force you to say anything. I also see in the...in the Chambers, I have Maria Zielinski, Lesley. Do you want to come down and say a few words on this? And you can stay here for the next item too because it's going to be on a GET. So, here's Maria Zielinski and Lesley Milner. And again, Members, I'm going to defer this. This is only for discussion, and it will be taken up at the Chair's meeting on December 1 for a second and final vote. Ms. Zielinski. Sorry about that.

MS. ZIELINSKI: Yeah. Thank you, Chair. Yes, I think, you know, this really is...is a matter of decision-making by the...the Council, by the...the body relative to the role of the...of the...the Auditor and, you know, relative to any housing projects. And I think...you know, I think that it's really what we need to focus on is the requirement of a developer in a housing project. So, understanding that when a developer is...is chosen, you know, they do go through a pretty rigorous RFP process and, you know, not just through RFP, but also the--you know, when it's reviewed, when the project is reviewed. So, I'm going to actually defer to...to the County Auditor, he can talk more about how that process works. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much. And do we have anybody from Housing? Is it Saumalu Mataafa? Yes. So, Mr. Deputy Director Mataafa, do you have anything to say regarding this bill?

MR. MATAAFA: Thank you, Chair. Thank you, Councilmembers. Sorry, I'm recovering at home today, I had the flu over the weekend at Thanksgiving. But for this bill, because it's a process, I believe, that will be determined by the County Auditor, I would ultimately defer to him. But I will say that if the intent is to mimic what we do with the Affordable Housing Fund as far as RFPing out the funding, we could offer up a similar process for the GET surcharge as well. So, I'll...I'll leave that on the table, but I think the process ultimately falls to the County Auditor. And then I believe you guys are...are putting the...the funding

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source, the GET surcharge, in the Department of Management as well, so I know Josiah might want to comment as well. I'll add one last thing is, you might want to consider--if you do choose to fund infrastructure projects or anything DHHL-related, you might want to consider a carve-out for those in...in this bill as well.

CHAIR SUGIMURA: Okay. Thank you very much. Do you have anything else, Mr. Mataafa? That's it?

MR. MATAAFA: No, I don't have anything else. I do have a 9:30 meeting I got to jump on, but I can be available at 10:30 if you're still on this topic.

CHAIR SUGIMURA: Okay. We will be. Next, we have--oh, do you want to say something --

MR. TAGUCHI: Yeah.

CHAIR SUGIMURA: -- Mr. Taguchi.

MR. TAGUCHI: Thank you, Chair.

CHAIR SUGIMURA: Thank you. Thank you --

MR. TAGUCHI: I just wanted to --

CHAIR SUGIMURA: -- so much.

MR. TAGUCHI: -- clarify something. Because the bill as written, it just allows my office access to developer records. In terms of the distribution, the controlled disbursement of these funds, my office would have no say in it. The disbursement of these funds is not clarified in the ordinance, so it will have to be done under the control of the Administration. Whatever Department this is going to fall to will have to determine how they're going to distribute these funds. And these funds come with restrictions. Clearly, the State has restricted these funds to certain types of activities, so that process has to be done within the Department. Is it going to be a grant? Is it going to be a contract? If it is a contract, you have all this State procurement law. All those things have to be done by the Department. As the project moves forward, they've got to make sure the money is used for that. They're going to have to make sure that it's okay to pay them. You're probably going to have to make sure that the entire project is moving forward because there's no sense giving money for a drainage system or water system if the housing project itself is not going to result in homes. I think the Council, as well as the intent of this for the State, is that this would achieve additional housing in a efficient, quicker manner. So, I just don't want to give anyone the impression that my office is going to be out there monitoring these grants or contracts. We come in...our

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role, as I see this, is to come in after them. If there's problems, we will take a look at what documents the developers have. We'll take a look at how the contracts were...or slash grants were written, how they were administered. And all of these things is what I perceive the role of my office would be in this because of our responsibilities under the Charter. So, once again, as I see it, this is not what we call our--auditors call it preventative control. It doesn't prevent people from spending the money. It doesn't prevent the...the...the grantee or contractor not achieving the homes. We come in after the wreck to see what went wrong, and that's generally the role of it. So, I just want to make that clear because I don't want to give people the impression that, oh, the Auditor's going to be responsible to making sure that this project goes...because we...we don't. You know, we're not going to be out there every day checking on all the different facets and phases of this project. What I can say, though, is that that job is quite daunting. In my past life, I was on a project management team for a major project. It requires daily visits. If you're going to give someone 10, \$20 million, it's...it would be very much in the County's interest to have one project person assigned to monitor the project daily to ensure that these houses get built on time. That's all I have to say.

CHAIR SUGIMURA: Okay. Members, are there any questions for any of the resource?

MR. KRUEGER: Chair?

CHAIR SUGIMURA: Yes.

MR. KRUEGER: Apologies. Before entering discussion, we'll need to do another call for testimony.

CHAIR SUGIMURA: Oh, right, you guys do another testimony. Sorry. Okay. So, the resources have spoken, and next, we will open it up for public testimony. Do we have anybody signed up for public testimony as this item comes up?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony on this item. I'll do a last call for individuals wishing to testify. I...oh, I see Deputy Managing Director Nishita would like to testify.

CHAIR SUGIMURA: Oh, okay. Deputy Managing Director. Oh, there you are.

MR. NISHITA: Aloha --

CHAIR SUGIMURA: Please proceed.

MR. NISHITA: -- Councilmember--yeah. Thank you, Committee Chair Sugimura. Thanks for allowing me the opportunity to provide testimony. I just wanted to insert a few comments there in case I wasn't going to be asked as a...a resource person. But overall, the...I...I think my understanding--and I apologize, I didn't

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see or...or hear the meeting that took place when it was first introduced, but from reading the purpose section, I think my understanding of the bill is for funding that's provided from this, similar to the Affordable Housing Fund to developers, that they'd be under the same restrictions, and guidelines, and things like that. And I think we're completely supportive of that if that's what, you know, the policy direction is of the Council. I think I just had a couple of questions about just the application of this. One was how it says before any expenditure from the fund is made that benefits a housing project by reducing infrastructure costs, the developer must agree, and then it continues on. I...I wasn't sure if the intention was for a grant of funds similar to the Affordable Housing Funds to a developer for their housing project that this would then apply to, or by reading the...the language on this, it seems a little broad to say that--and I'll just bring a specific example, like the Central Maui Wastewater Reclamation Facility. If we were to fund that through General Excise Tax funds, does that mean that projects that benefit from that, such as Waikapū Country Town, maybe DHHL projects...you know, other projects that do utilize that infrastructure and would reduce their overall housing cost because they're not going to have to build a package plant or whatever the case is--does that mean that they have to open their books and be subjected to the same terms and conditions as...as outlined in here? I think my general understanding was it would be similar to the Affordable Housing Fund, which if we gave money to Waikapū Country Town, for example, to do some infrastructure, that then this would apply. But I just wanted to get a better sense of understanding what the Council's intention is, and then just making sure that the language is clear as to who it applies to, and then who it doesn't. And then just my second overall comment is I did talk to DHHL about this, and I think Saumalu had referenced it a little bit earlier, but I...I think there was a request if there could be a separate carve-out for Department of Hawaiian Home Lands for their funds that they'll be expending from the General Excise Tax Fund, given that they're subject to their own reporting requirements, and guidelines, and regulations, and whatnot. Thank you very much, Chair.

CHAIR SUGIMURA: Thank you very much. Anybody have questions for the testifier in this case? Miss...Member Paltin.

COUNCILMEMBER PALTIN: Thank you Chair. Thank you, Mr. Nishita. I was wondering if you could clarify what you meant by a separate carve-out. Like, they're not subject to this because they have their own procedures?

MR. NISHITA: Thank you, Chair. I'll just preface by saying I'd be happy to be a resource if needed during the discussion. But just to address this specific question, I...I don't want to speak on behalf of DHHL because I'm not authorized to do so, but I think the discussion that we had is--my understanding was that they would prefer not to be subject to the same conditions as a private developer, that they are subject to their own, you know, requirements and law. And so, that...that was my understanding of the

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discussion, but I'll, of course, defer to them on what the actual requests would be. Thank you.

COUNCILMEMBER PALTIN: Okay. Thank you. I would love to request Mr. Nishita as a resource if he wants to hang out with us all day. That would be --

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER PALTIN: -- awesome.

CHAIR SUGIMURA: He can...he can hang out with us all day long. So...oh, you agree, right, for Mr. Nishita? Okay. So, we'll ask...we'll ask him to be a resource. Any other resources that we need to take up? That's it, right, for this item? Open public testimony. Do we have anybody signed up?

MS. APO TAKAYAMA: Chair, Staff has not received any further request for testimony. I'll do a last call for individuals...individuals wishing to testify on BFED-21(12)...three, two, one. Chair, seeing no other individuals wishing to testify at this time.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 21(12) . . .

CHAIR SUGIMURA: Okay. Thank you. With your permission, Members, I'm going to close...close public testimony, and accept written testimony for this item. Thank you very much.

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: So, now we heard from the resources. Members, do you have any questions for them?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR SUGIMURA: Member Rawlins-Fernandez, this is your bill, and then Member Cook.

COUNCILMEMBER RAWLINS-FERNANDEZ: Exactly. Mahalo, Chair. So, yeah, this is my bill, so mahalo for the opportunity to speak first. There's a couple comments. One, the intention of the bill is for transparency, it's not for management. What we passed into law already had the Managing Director as the administer of the...administrator of the fund, so it wouldn't be the Auditor or anyone that we would put on this bill. We chose one agency division department to receive the documents--and...and Staff, if you can make sure people are muted--and so, if we chose the Auditor--and I think, like, part of the reason that we chose the Auditor is because the Auditor is pretty neutral--we

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wouldn't be asking the auditor to do the work of managing the fund. That was not the intention, that's not what the bill says at all. So...but I agree with Mr. Taguchi in that there's...there could be a perception that his Department would be doing oversight of any projects that receive GET funding, and that's not the intention, and that the intention is for transparency. We are the body of transparency, so perhaps we remove...replace the Auditor with the Council, and we receive the documents for the purpose of public transparency so that anyone receiving GET funds would be subject to this requirement, and our taxpayers who would...who are the ones that are creating the fund, this is their money, would have the opportunity to see how their money is being spent, and to ensure that it's being spent responsibly. So, I--my question is for Mister--or I'm sorry, Deputy Director Nishita for a little while longer, and then Director. . . .(laughing). . .

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

COUNCILMEMBER RAWLINS-FERNANDEZ: So, your Department, the Department of Management, is who is administering the fund. What was going to be the process for how it was going to be issued? I guess it was going to be grant form. And so, if it's going to be, like, similar to how the County grants funding from the Affordable Housing Fund, was...was the intention of the Department to follow a similar process? And if so, then I...I don't know if it needs to be in law that that is what you would follow, or if you would put it in Administrative Rules, and then we can request a copy, and that way there's...there's transparency for the public.

MR. NISHITA: Thanks. Chair?

CHAIR SUGIMURA: Deputy Director.

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Rawlins-Fernandez, for the question. . . .(timer sounds). . . I--oh, sorry. I...I can't speak to what will ever happen into the future, but I...I know at least in the short- to mid-term, I don't believe there was any intention to grant money from the General Excise Tax Fund to, like, a private developer. It...it was going to be to help pay for, like, regional infrastructure that would benefit, you know, housing projects in general. So, like, I mean, we keep using Central Maui Wastewater Reclamation Facility, but that's...that's, like, one example. I think...I think it got transmitted to you already, we have, like, infrastructure repairs in Lāhainā, like the wastewater pump stations and things like that that will have to take place to restore residential access to their properties and rebuild homes. I know at least in the short- to mid-term, that's...that...that was our anticipation, is that we're going to have to use this to, like, assist in the recovery and rebuild process in Lāhainā, as well as a lot of regional infrastructure needs that there's a significant deficit for. We...we wouldn't have

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a lot of spare money in this to just give to developers for, like, their affordable housing project.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, just to clarify, yes or no--I did hear the timer, but just to clarify--the intention was for the County to use the funding itself for the development of infrastructure, and not grant any of the GET funding to private developers?

MR. NISHITA: Yeah. Every conversation I...I've been in, that's...that's our intention, like I said, at least for the short- to mid-term. I can't speak to what will happen forever, but we have so many needs right now to meet for our community that our anticipation is to use it for County projects to get those things going and provide those regional benefits to our community.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director. Mahalo, Chair.

CHAIR SUGIMURA: Thank you very much. Anybody else have any questions for any of the resources? Member Cook.

COUNCILMEMBER COOK: Thank you, Chair. This is for pretty much just the Administration. The--Section A, tenth down, where it says full access to records. I was wondering if someone could define full access of records, of how the Administration would interpret that.

CHAIR SUGIMURA: Would that be...Deputy Director Nishita?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Cook, for the question. I...I think at...at least my read on it is similar to the requirements of the Affordable Housing Fund. So, how the, you know, Department handles that now is our anticipation of how the, you know, requests would be made and the...and the documentation received based on this language in here.

COUNCILMEMBER COOK: Can you --

MR. NISHITA: I'm sorry. You're...you're muted on--okay.

COUNCILMEMBER COOK: Okay. Can you hear me now?

MR. NISHITA: Yeah, I can hear you.

COUNCILMEMBER COOK: Okay. Chair, I apologize. Chair --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER COOK: -- question for --

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CHAIR SUGIMURA: Continue.

COUNCILMEMBER COOK: -- the Deputy Managing Director. Would that be--like full access to records would be like the schedule of values for a project so that various expenditures could be identified? I don't...I don't understand. Because it's like if you run an infrastructure to a subdivisions, say, like in Wailuku Country Town, and that's going to be a percentage of affordable housing, the County is providing the infrastructure to the development. And I'm just curious, to what point--where...where does...where does the full access to records come from? I'm just confused. I'm just trying to get some clarity.

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Cook, for the question. Just reiterating the earlier point, I...I think this is kind of modeled after how the Affordable Housing Funds are...are utilized and the requirements. I think just what I relayed in my testimony, we just like to be crystal clear on is, you know, I...I think it's...it's clear to us that if...if we granted funds to an entity, like a...a developer to develop affordable housing on the project for infrastructure costs, that they would be subject to this. But we just wanted to make sure to understand what the intention was on--say, one of the projects coming up to shortly is the Wastewater Pump Station Number 4 in Lāhainā to be funded through General Excise Tax is, the anticipation that will be an expenditure from the fund that will benefit housing in the area. You know, we just wanted to make sure that that didn't subject others, who maybe it wasn't intended to, to these requirements as opposed to maybe a...a grant from the fund. And it may just be a misreading of...of...of the language itself, but just wanting to understand the intent of it so we know how to . . .*(timer sounds)*. . . apply it correctly.

COUNCILMEMBER COOK: Thank you, Chair. My time's up.

CHAIR SUGIMURA: Yeah. Thank you. Okay. Anybody else have questions? Okay. So, this--there again, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, hearing what Deputy Director is saying, I would be happy to hold off on this legislation if the intention is for the County to use the funding for our infrastructure. And that way--because when we were first discussing it, we were talking about GET funding being granted to developers, private developers. And if that was the intention, then that was the requirement that would go with the funding. And if that's no longer going to be what we're going to be using the money for, at least for the next six months, I'm happy to work with Deputy, soon to be Director, Nishita to kind of iron it out. That way when, you know, in ten years, or whenever, if the intention is to then give it directly to private developers, then I would want this requirement in the Code. But for now, it doesn't need to be in the Code if it's not going to be going directly to private developers.

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CHAIR SUGIMURA: Okay. I agree, yeah. Sure sound . . .*(inaudible)*. . . discussion.

COUNCILMEMBER RAWLINS-FERNANDEZ: And Member Paltin has her hand up.

CHAIR SUGIMURA: I see. She's folding laundry or something, I think. Member Paltin.

COUNCILMEMBER PALTIN: Thank you. Multitasking. I just was wondering if we could check in with Corp. Counsel about the...the GET bill. Was it supposed to be for any kind of housing, affordable housing, new housing? If...if we could just clarify on that.

CHAIR SUGIMURA: Sure. Ms. Toshikiyo, did you hear the question on the GET bill?

MS. TOSHIKIYO: Yes, Chair. Thank you. The weight is...is pretty broad in terms of housing. So, it's not limited to new housing or affordable housing, but in terms of how housing is supported, you know, the infrastructure, that's where it gets pretty restrictive. So, I'm not sure if that answers your question, although --

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

MS. TOSHIKIYO: Go ahead, sorry.

COUNCILMEMBER PALTIN: Follow up on that. So, even rebuilding housing that existed, that's allowed as a use of this GET bill?

MS. TOSHIKIYO: That's our interpretation after we've read and reviewed the enabling legislation from the State.

COUNCILMEMBER PALTIN: And then...forgive me, but it was my understanding that FEMA was going to help with some of the repairs of our infrastructure. So, like, say, for example, if we go ahead and pay for the pumps out of the GET monies, why would FEMA reimburse us...or why would FEMA pay for that?

CHAIR SUGIMURA: So, I see Deputy Director Nishita popped up. Do you have any comments?

MR. NISHITA: Yeah. Thank you, Chair. Thank you, Councilmember Paltin, for the question. Yeah, there's...there's a significant amount of infrastructure that we're going to have to pay for as we, you know, rebuild and...and recover in the area. To the extent possible, we're utilizing the direct funding sources, but that's not available in all circumstances. The way FEMA operates, assuming that, you know, we don't have that direct, like, immediate assistance, is we'll apply later through public assistance, which I think you have a bill later in your process for...for...for some financial assistance from them for that, or, you

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know, we'll also seek reimbursement through grants and...and other areas. So, we...we actually highly anticipate that the--at least the two in Lāhainā projects that we put forward, that they will be reimbursable, and then the funds will be able to be redeposited back into the General Excise Tax Fund that, once reimbursed, may be five years later or however long it will take, and then that can be reinvested into infrastructure in other areas of the community. But we do have upfront costs that we'll have to hit. And Chair, if I can just make one brief comment to clarify on my...my earlier piece about granting to developers, that's true in all instances, except ...*(timer sounds)*... I just wanted to be--clarify that we may be granting the funds to DHHL. So, I...I just wanted to make that clear. Thank you.

COUNCILMEMBER PALTIN: Could I...could I get one follow-up because he used some of my time to clarify what he wanted to?

CHAIR SUGIMURA: ...*(laughing)*... 30 seconds, Member Paltin.

COUNCILMEMBER PALTIN: Okay. The follow-up would be, are we voting on how the GET money gets spent? Like, if it's for that Pump 5 and 6, can we get additional information if we vote for that to be the way that those GET money get spent at that time?

CHAIR SUGIMURA: So, the question is for --

COUNCILMEMBER PALTIN: Either --

CHAIR SUGIMURA: You...you wanted --

COUNCILMEMBER PALTIN: -- Ms. Toshikiyo or Mr. Nishita.

CHAIR SUGIMURA: Okay.

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Paltin, for the question, and apologize for ...*(laughing)*... using some of your time. Yeah, when...when the ...*(timer sounds)*... legislation...when you folks take that up for appropriation, we will be able to provide additional information at that time as to the projects themselves, the benefit, and of course, you know, whether you folks agree with the expenditure of those funds, or we can come back to the table with different projects. Thanks.

COUNCILMEMBER PALTIN: Great. Thank you.

CHAIR SUGIMURA: That's great. That's why Bill 125 is so important. Chair Lee. Did I see any other hands up? That's it.

COUNCILMEMBER LEE: Move to... *(audio interference - echoing)*

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CHAIR SUGIMURA: Ooh. Oh, your...your mic's not on.

COUNCILMEMBER RAWLINS-FERNANDEZ: We can't hear you.

COUNCILMEMBER LEE: Reverberation.

CHAIR SUGIMURA: Okay. So, you move to file or defer?

COUNCILMEMBER LEE: Member Rawlins-Fernandez, do you wish to file or defer?

COUNCILMEMBER RAWLINS-FERNANDEZ: We're not taking action today, Chair.

CHAIR SUGIMURA: Yeah. It's going to be . . . *(inaudible)*. . . --

COUNCILMEMBER RAWLINS-FERNANDEZ: The item is on the Council agenda on Friday.

COUNCILMEMBER LEE: Okay. I . . . *(inaudible)*. . . if we're doing that, you know --

COUNCILMEMBER RAWLINS-FERNANDEZ: Today...today is a 7(B).

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER LEE: Because...try not to do that again. Thank you.

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

COUNCILMEMBER LEE: I told you, we have enough stuff, enough items on the upcoming agenda, and we only have half a day, okay? Thank you.

CHAIR SUGIMURA: . . . *(laughing)*. . . She's getting grouchy, Ms. Rawlins-Fernandez. She's getting real. Okay. So --

COUNCILMEMBER RAWLINS-FERNANDEZ: No promises.

CHAIR SUGIMURA: No promises. We'll take that up on December 1 agenda. I think this is very clear, right? Okay. So, thank you very much, all the resources. Nice to see you, Auditor, we don't get to see you often enough in this Chamber. And maybe Maria and Lesley, you could stick around. All right. So, we are deferring this item. It is going to be taken up on your agenda, so now we're going to go into our next item.

ACTION: DEFER pending further discussion.

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**ITEM 21(13): GENERAL EXCISE TAX FUND - DEPARTMENT OF
HAWAIIAN HOME LANDS (RULE 7(B))**

CHAIR SUGIMURA: Moving right along here. BFED-21(13), General Excise Tax Fund, Department of Hawaiian Home Lands. This item is also 7(B), which allows us to discuss matters relating to creating a fund entitled, "General Excise Tax Fund - Department of Hawaiian Home Lands," to serve as an exclusive depository of 20 percent of the funds derived from the General Excise and Use Tax Surcharge, including Bill 111 (2023), which is up for second and final reading on Friday's Council agenda. So, today we have Budget Director Zielinski, Ms. Milner's here, as well as--from Finance, is it Scott Teruya or is...is it Marci Sato? Oh, Marci Sato. Scott's not here. Okay. Go ahead. Please proceed.

MS. ZIELINSKI: Thank you, Chair. Yes, Bill 111 is basically looking to--excuse me--establish a special fund that'll be a General Excise Tax Fund, but it will be for the Hawaiian...Department of Hawaiian Home Lands, and that will be the...the 20 percent of the funds that are from the imposition of the...that surcharge of the General Excise Tax. So, that's what we're looking for here, is to set up that separate...so that it's...it's distinct, it's not something that we have to allocate on an ongoing basis, it'll--well, it isn't being allocated at 20 percent, but we'll always have a distinct balance in there and that's what we want to track, rather than to say, oh, let's take this money and put it here, and it's harder to track that way. So, it's just easier accounting, basically. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much. Do we have any comments from Deputy Director Nishita?

MR. NISHITA: Thank you, Chair. No, just ask for the Council and Committee's support of this measure. And we...we had spoken to Department of Hawaiian Home Lands, you know, just regarding projects, and it...it was a little difficult to just map out exactly that by the fiscal year, like when a project could receive the funding and when would be able to be contracted. So, this just provides some flexibility to DHHL to be able to--like, when they're ready to go on a specific project, we can provide funding, as well as they may have projects that will require more funding than the 20 percent that is initially allocated, in which case they can build that funding from year to year to allocate towards a bigger project. So, that's kind of the...the general purpose behind it and as well for our accounting measures. And so, we just asked for the support of this measure. Thank you.

CHAIR SUGIMURA: Okay. That's great. Members, do you have any other comments? I think this was a--Vice-Chair Kama, do you have any comments regarding this?

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MS. APO TAKAYAMA: Chair, we need to return to testimony.

CHAIR SUGIMURA: Oh, that's right. We have to do open testimony from the community, and then we'll go to that. Any testifiers?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony in this item. I'll do a last call...three, two, one. Chair, seeing no individual...other individuals wishing to testify at this time.

CHAIR SUGIMURA: Okay. Thank you. With your permission, I'd like to close public testimony, receive written testimony, Members.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 21(13) . . .

CHAIR SUGIMURA: Thank you very much. Okay. Now, any questions from the Members? And if you could have opening comments --

VICE-CHAIR KAMA: Okay. Well --

CHAIR SUGIMURA: -- Vice-Chair Kama.

VICE-CHAIR KAMA: I just want to thank the Members for passing this fund when we did. And so, today, all we're going to do is establish that mechanism for those funds to go into. So I'm hoping that we can do this real quick, real fast, move on. It's a long agenda today. But thank you, Chair.

CHAIR SUGIMURA: Thank you very much for your comments. Members, anybody else have questions? Member Cook.

COUNCILMEMBER COOK: I don't have questions.

CHAIR SUGIMURA: And Member Rawlins-Fernandez.

COUNCILMEMBER COOK: Chair, I don't have a question, I'm just supportive of this. Thank you.

CHAIR SUGIMURA: Oh, okay. We appreciate that. So, we're going to defer this item and take it up on Friday's agenda. Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. For Deputy Director Nishita, real quick.

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

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COUNCILMEMBER RAWLINS-FERNANDEZ: So, you would like this fund to be established, like, this year so that as soon as we start collecting next year, it'll be able to go into that fund?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Rawlins-Fernandez, for the question. Obviously, the...the earlier, the better, so Staff has time to...to set things up, and so that we have some assurances with DHHL on how we are going to proceed. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Deputy Managing Director. So, second reading on Friday.

CHAIR SUGIMURA: Okay. So, if no other Members have a question, I had one question for Corp. Counsel. So, I noticed that the bill posted is not signed. Yes?

MS. MILNER: Thank you, Chair.

MS. TOSHIKIYO: Yes, Chair.

MS. MILNER: Sorry, Kristina, go ahead.

MS. TOSHIKIYO: Oh, go ahead. Go ahead, Lesley. Sorry. . . .*(laughing)*. . .

MS. MILNER: Posted on Friday's Council agenda is a communication from Director Zielinski that contains a signed bill from --

CHAIR SUGIMURA: Okay.

MS. MILNER: -- Corporation Counsel.

CHAIR SUGIMURA: So, it's signed by Corp. Counsel. Yes. They're speaking for you. Is that right, Corp. Counsel? You're fine? Correct, Ms. Toshikiyo? She can't hear.

MS. TOSHIKIYO: I...I'm sorry, Chair, I didn't hear what Ms. Milner said.

CHAIR SUGIMURA: Oh.

UNIDENTIFIED SPEAKER: Me either.

CHAIR SUGIMURA: Oh, she said...okay. They said on Friday's agenda, there's a signed Corp. Counsel bill. All right.

UNIDENTIFIED SPEAKER: Oh, yes.

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CHAIR SUGIMURA: Members, any other questions? Seeing none. I'm going to defer this, and Chair Lee, it's going to be yours on Friday.

ACTION: DEFER pending further discussion.

ITEM 56: BILL 116 (2023), AMENDING THE FISCAL YEAR 2024 BUDGET: DEPARTMENT OF PARKS AND RECREATION (KEOPUOLANI FIELD LIGHTS REPLACEMENT)

CHAIR SUGIMURA: All the comments from that side of the room. Thank you. All right. So, next we're going to go into a Department that has a lot of responsibility, I say front line with all our families, which is Parks Department. So, it's Bill 116. Let me put this away...so, Bill 116. BFED-56, Amending Fiscal Year '24 Budget, Department of Parks and Recreation, Keōpūolani Field Lights Replacement. And I think we were expecting to have Mr. Marvel here, is he online? He is. Okay. Members, our third item today, which amends Fiscal Year Budget to recognized 300,000 in estimated revenue from Carryover/Savings from the general fund, and appropriating it for a new capital improvement project for the Department of Parks and Recreation called...entitled Keōpūolani Field Lights Replacement. The 300,000 is for design and permitting. Construction funds will be requested for in Fiscal Year '25 Budget. We have with us today, Department of Parks and Recreation, we have Mr. Sam Marvel, who is a Planner there, as well as Budget Director Zielinski. So, at this time, can I have opening comments from the Department of Parks and Recreation? Welcome, Mr. Marvel.

MR. MARVEL: Thank you. Good morning, Chair. Good morning, Councilmembers. Thank you for hearing Bill 116. It's our budget amendment request for the Keōpūolani Field Lights Replacement Projects. Give you a little bit of background on...on the project. So, in June of this year, Parks hired a structural engineering consultant to perform a conditions assessment of all of the 22 light poles at Keōpūolani Park. And what...what we found through that assessment was of the 22 poles, six of those poles had such significant damage that they needed immediate replacement. So, our Department went out and...and removed those...those damaged poles, so six of those poles we removed. The report noted that 12 of the 22 poles had significant damage but didn't need immediate replacement, and then four poles were determined not to require repair. So, the scope of the project, the scope of this budget amendment is to request funding for the design and permitting of the removal and replacement of the 12 damaged poles, and replacement of the six poles that we removed in June. And so, this would get the design started. We feel that time is of the essence here. We...we don't know the timeline of, you know, when those 12 poles are going to need immediate removal, so we want to move

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fast on this to get it done. We would request the construction funding in the Fiscal Year '25 Budget, and that's estimated to be approximately \$1.8 million to do the full scope of work. So, we appreciate your consideration of this budget amendment, and feel it's vital for the safety and availability of our fields for the community. And I'm here for any questions that the Members have for us. Thank you.

CHAIR SUGIMURA: All right. Next, do we have any comments from our Budget Department?

MS. ZIELINSKI: Thank you, Chair. Just to...just to add on that, this will, of course, increase the...you know, the CIP, the capital expenditures by the 300,000, and Carryover/Savings will be utilized for the...to pay for the...this additional 300,000. And as Sam Marvel did indicate, the construction, actual construction, which is a higher value, will be included in the...anticipated to be included in the Fiscal '25 Budget. Thank you.

CHAIR SUGIMURA: Okay. So, any other comments for the resources? Okay. Public testimony, please.

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony in this item. I'll do a last call...three, two, one. Chair, seeing no other individuals wishing to testify.

CHAIR SUGIMURA: Thank you. So, at this time, with Members' approval, I'd like to close public testimony and receive written testimony.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 56 . . .

CHAIR SUGIMURA: Thank you. Thank you very much. So, Members, do you have any questions for the resources? And if you do, three minutes. Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. My first question is, will this be solar lighting, or do you got to do electrical work?

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

COUNCILMEMBER PALTIN: And is it, like, the kind, you know, football stadium, baseball stadium, or it's like walking, like...

MR. MARVEL: Yeah. This is...this is all the Musco Sports lighting, so it's the field lighting at the actual field, so it'll all be...it'll be electric lighting.

COUNCILMEMBER PALTIN: And just was wondering, like...you know, so I'm assuming there's games or events where people rent it out and they turn on the

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lighting. Is there any efforts on the concessions to try to recoup some of the money to make these kind of improvements at the parks?

MR. MARVEL: That's a great question. I'm...I'm not...I'm not aware of anything at this time, but I can look into it and ask.

COUNCILMEMBER PALTIN: Okay. I thought we were working on a concession bill at one time so that, you know, it's not all just flowing out the door. I mean, it's worthwhile, definitely, Parks and Recreation, but concessions might as well offset some of the stuff.

MR. MARVEL: Yeah.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. MARVEL: Thank you.

CHAIR SUGIMURA: Okay. Thank you. . . .(inaudible). . . bill, and we can definitely bring it up. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just curious, Mr. Marvel, when you say damaged from, like, external damage, from what?

MR. MARVEL: Yeah. So, the --

CHAIR SUGIMURA: Mr. Marvel.

MR. MARVEL: Most of the damage was corrosion, and it was...it was pretty severe. And the ones we removed, there's holes in the...in some of the...the poles that required us to take them out immediately.

COUNCILMEMBER SINENCI: Being so...okay. Being so close to the ocean, is...are...is there any alternatives to . . .(inaudible). . . the replacement, as far as dealing with corrosion?

MR. MARVEL: Yeah. That's--yeah. That's what this funding will address. Our...our design consultant will...will look at the root causes of that damage, and we'll...we'll build them better this time.

COUNCILMEMBER SINENCI: Okay. All right. Thank you, Chair.

CHAIR SUGIMURA: Thank you, Member Sinenci. Anybody else have questions for the resources? Okay.

VICE-CHAIR KAMA: Chair?

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CHAIR SUGIMURA: Okay. Member Kama.

VICE-CHAIR KAMA: I--this is for Mr. Marvel. So...so, you said you have a total of 22 poles in Keōpūolani Park. You're going to replace a total of 18 because 4 were left undamaged. So, do you anticipate having to change those four sometime in the future?

CHAIR SUGIMURA: Mr. Marvel?

MR. MARVEL: Thank you for that question. Yeah, they...they will need to be changed out at some point in the future, but from the assessment, it was...it was determined that they didn't need to be replaced. They didn't show any...any damage at this time.

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

CHAIR SUGIMURA: Okay. Thank you. Any other questions for the Department or the resources? Seeing none. Members, at this time, I'm going to entertain a motion to recommend passage on first reading of Bill 116 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA; AND APPENDIX C, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA," incorporating any nonsubstantive revisions.

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Okay. Ooh. So, moved by Vice-Chair Kama, seconded by Chair Lee. Any discussion? See...seeing none. All right. Let's take a vote. Members, all in favor, raise your hand, say "aye." Looks like we have nine "ayes," unanimous.

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VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 116 (2023).

CHAIR SUGIMURA: Thank you very much, Members. Thank you very much, Mr. Marvel. And Budget Director, and Lesley, please stay here for the next item. Thank you very much. Great. Doing a good job moving through our agenda.

ITEM 57: BILL 117 (2023), AMENDING FISCAL YEAR 2024 BUDGET: APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY (CAREER CRIMINAL PROGRAM AND VICTIM/WITNESS ASSISTANCE PROGRAM)

CHAIR SUGIMURA: Next, we have Prosecuting Attorney...do we have Andrew Martin on the line? Yes. Okay. BFED-57, Bill 117(2023), Amending Fiscal Year ‘24 Budget, Appendix A, Part I, Department of Prosecuting Attorney (Career Criminal Program and Victim/Witness Assistance Programs). Members, our fourth item...our item on the agenda is Bill 117, which amends Appendix A, Part I of Fiscal Year Budget for the Department of Prosecuting Attorney to increase the appropriation for the Career Criminal program by \$104,554 [sic], and the appropriation for the Victim/Witness Assistance program by \$288,094. And so, we have with us today Andrew Martin, our Prosecuting Attorney, as well as Director Zielinski. Mr. Martin, would you like to open with some comments?

MR. MARTIN: Good morning, Chair and Committee Members. Thank you very much for the opportunity to address the bill this morning. So, very quickly, this bill basically reflects an increase in funding granted to us by the State. This was part of a Statewide effort by the four County Prosecutors this year on the victim/witness side to help us bridge the gap in a decrease in Federal funding

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due to VOCA funds nationwide being decreased. Due to that anticipated shortfall, we asked the State to help us cover the gap with the Criminal...Career Criminal Prosecution unit. My request for the State to increase funding there was due mainly to the fact that an increase hadn't been requested in almost a decade, and so we're just asking for an increase to match our current salary levels on that particular item. The funding, obviously, is important. It supports two important programs within our Department, and we'd ask for the Committee's support.

CHAIR SUGIMURA: Thank you very much for always your hard work. I appreciate it. Wow, ten years, huh? It's time for it. So, next we have Budget Director. Any comments?

MS. ZIELINSKI: Thank you, Chair. The Prosecuting...the Director of Prosecuting Attorney also had indicated--he can probably talk to it--that one of the...the Career Criminal program doesn't require matching funds, but the Victim/Witness Assistance program does require a 25 percent match, but they will...they said, with that increase--and that matches 88,274. But the Department is not requesting anything. They're...any additional funds, they're going to just kind of hold...utilize their own operational funds to fund that...to fund that match...those matching funds. Thank you.

CHAIR SUGIMURA: Thank you. All right. So, at this time, do we have any public testimony?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony in this item. I'll do a last call...three, two, one. Chair, seeing no individuals wishing to testify.

CHAIR SUGIMURA: Thank you. So, with your permission, Members, I'm going to close public testimony and receive written testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 57 . . .

CHAIR SUGIMURA: Thank you. So, now we have Members' opportunity to ask questions of the resources. Three minutes per Member. Anybody? Seeing no hands. Okay. Oh, Member Paltin.

COUNCILMEMBER PALTIN: Chair, I just wanted to clarify. I thought when you read it, it...you said 104,548, but the materials said 107,548.

CHAIR SUGIMURA: 107. 107.

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COUNCILMEMBER PALTIN: Okay. All right. Just checking.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: That's all.

CHAIR SUGIMURA: Oh, pretty good. Any other questions for the resources? See none. Okay. Very good. So, at this time, I would like to entertain a motion to recommend passage on first reading on Bill 117 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY," incorporating any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Okay. I'm going to...Chair...Member Cook made the motion, seconded by Chair Lee. Any other discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. One more clarification, if possible. Just wanted to clarify that that 88,274, that's coming from Carryover/Savings, or where...where...where are we getting the money from?

CHAIR SUGIMURA: Appendix A, Part I of the Fiscal Year Budget. Director?

MS. ZIELINSKI: Yes. Thank you, Chair. Yes, and the Director probably could also address it, but they're not...they're just going to use their operating budget to accommodate the increase in the matching funds requirement.

COUNCILMEMBER PALTIN: Oh, okay. Got it. Got it. So, they're going to take out from the Victim/Witness Assistance programs?

CHAIR SUGIMURA: Director?

MS. ZIELINSKI: Thank you, Chair. They're going to just use their operating funds. In other words, they're anticipating that they probably have--will be expending less than what they had budgeted for, and are going to utilize that 88,000. Basically eat it, you know, because they feel that they have...they have sufficient funds to cover it. I'll...I'll defer to the Director, if he has anything additional he wants to add. Thank you.

CHAIR SUGIMURA: Prosecuting Attorney Martin, do you have any other comments?

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MR. MARTIN: Yes. Chair, if I may. We...we shouldn't have a problem covering that 88,000. We'll have cost savings to be able to cover that, to answer your question.

COUNCILMEMBER PALTIN: Oh, okay. Thank you.

CHAIR SUGIMURA: Okay. Members, do you have any other questions before we take the vote?

COUNCILMEMBER PALTIN: No.

CHAIR SUGIMURA: Seeing none. Very good. All in favor, raise your hand, say "aye." Nine "ayes", none opposed, motion carries. This will be sent to Council for further discussion.

VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 117 (2023).

CHAIR SUGIMURA: Thank you, Members, on that. So, next we have--thank you, Mr. Martin, for your good work, for saying you have savings so you can cover some of the expenses. We like to hear that.

ITEM 55: BILL 125 (2023), INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII, HAWAII EMERGENCY MANAGEMENT AGENCY, FOR PUBLIC ASSISTANCE GRANTS RELATING TO THE AUGUST 2023 WILDFIRES

CHAIR SUGIMURA: So, next we have Bill--on the agenda, we have Bill 55--I'm...I'm sorry, BFED-55, Bill 125, Intergovernmental Agreements with the State of

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Hawai'i, Emergency Management Agency, for Public Assistance Grants Relating to the August '23 Wildfires. And this is the fifth item on our agenda, which...which was directly referred to BFED Committee. And this bill authorizes the Mayor to enter into an intergovernmental agreement with the State of Hawai'i, Hawai'i Emergency Management Agency, for funds to support and aid in the recovery of the August 2023 Maui wildfires. And we have asked today Deputy Managing Director Josiah Nishita, who wears a couple of hats, and Budget Director Zielinski, and Director of Finance....oh, we have Finance, I guess, Marci Sato, for opening comments. Mr. Nishita.

MR. KRUEGER: Chair?

CHAIR SUGIMURA: Yes.

MR. KRUEGER: I believe Mr. Nishita might have had to step away, but we'll see if he can join the meeting.

CHAIR SUGIMURA: Okay. We'll get him after then, or as soon as we can. Then who would best...Budget Director, can you comment on this?

MS. ZIELINSKI: Thank you, Chair. I'm going to ask Ms. Milner if she would address this. Thank you.

CHAIR SUGIMURA: Ms. Milner.

MS. MILNER: Thank you, Chair. I think first, we'd like to address the comments of the testifier earlier, and make it clear that any grant funds that are received are not intended to reduce the budget of any County Departments. So OEDs, grant funding to nonprofits, will not be reduced as a result of receiving these funds. I'd also like to say that if any of the departments selected to receive the funds as a direct grant don't already have a line item in the budget under Appendix A, Part I for FEMA funds, obviously you will also be seeing budget amendments to recognize these funds. Thank you.

CHAIR SUGIMURA: Okay. Do we have Mr. Nishita back? Not yet. Because I think--or Marci Sato, does Marci Sato get involved with this? Oh, okay. Ms. Sato from Finance.

MS. SATO: Good morning, Chair, Councilmembers.

CHAIR SUGIMURA: Good morning.

MS. SATO: I have limited knowledge regarding this, but I do recall that it was directed by HI-EMA or FEMA to--that we needed to get these incorporated and signed in order to be able to have it in place for those organizations that provided assistance to us, and are providing assistance to us. And that is about the

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extent that I know about that. My apologies, but that is to the extent that I know.

CHAIR SUGIMURA: All right. Thank you very much, Ms. Sato. So, I guess we didn't get back Josiah Nishita. Members, at this time, I'm going to ask for public testimony.

MS. APO TAKAYAMA: Chair, Staff has not received a request for testimony on this item. I'll do a quick countdown...three, two, one. Chair, Staff is not seeing any request for testimony.

CHAIR SUGIMURA: Okay. Thank you. With your permission, Members, I'm going to close public testimony, receive written testimony on this item.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 55 . . .

CHAIR SUGIMURA: Thank you very much. I appreciate your approval. So, Bill 125 is an intergovernmental agreement, which the Mayor can sign with your approval. And Members, any of you have questions for the resource people? Go ahead, Chair Lee.

COUNCILMEMBER LEE: Thank you. Ms. Milner, apparently--did you prepare this bill? Since Finance is not aware of it, and so, it must be...must be you.

CHAIR SUGIMURA: Yeah. Or how about the Budget Office?

MS. MILNER: Thank you, Chair. No, the Budget Office did not prepare this bill.

COUNCILMEMBER LEE: Who...who prepared it?

MS. MILNER: I'm honestly not sure, Chair.

COUNCILMEMBER LEE: Okay. So, essentially, it's enabling the County to receive funding from FEMA, and for grants relating to the wildfires?

MS. MILNER: Yes, Chair. And if you look at page A3-1, toward the back, attachment 3, it states that eligible applicants within Maui County are eligible to apply for debris removal and emergency protective measures, including direct Federal assistance under the public assistance program.

COUNCILMEMBER LEE: Yeah.

MS. MILNER: So, those are the types of activities that will be covered by these funds.

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COUNCILMEMBER LEE: Okay. But this right here does not include any funds, right? This just allows for the funds to be received, right?

MS. MILNER: Yes, Chair.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR SUGIMURA: Thank you very much.

MS. TOSHIKIYO: Chair, if I may?

CHAIR SUGIMURA: I saw Ms. Toshikiyo pop up. Corp. Counsel.

MS. TOSHIKIYO: Yes. Yes. Thank you, Chair. I have a little bit of...a little bit of background on this one because our First Deputy worked on the...the bill for the Department of Finance in order to receive the pass-through funds. And I believe a copy of the agreement because this is a...an--sorry. It's an MOA, it requires the Council's approval for it in order for us to receive the pass-through funds.

COUNCILMEMBER LEE: Thank you.

CHAIR SUGIMURA: Okay, answers your question. Thank you very much. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. My first question is kind of easy. I was wondering why Hawai'i County is listed on this under Maui County, eligible to apply...eligible applicants within Hawai'i County are eligible to apply for emergency protective measures. Like, does that apply to us or...that's my first question. I think that's the easier of the questions I had.

CHAIR SUGIMURA: Budget Director...Budget, or who has that answer for that?

MS. MILNER: Chair, I would probably defer to Corporation Counsel, but I believe this is one of the agreements that they're entering into with multiple counties --

CHAIR SUGIMURA: Okay.

MS. MILNER: -- at once.

CHAIR SUGIMURA: Ms. Toshikiyo?

MS. TOSHIKIYO: Sorry, Chair. Ms. Paltin, can you tell me what page it is? And I might ask, if you have more questions, the First Deputy to jump on to this meeting if she's available.

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COUNCILMEMBER PALTIN: Okay. It's 24 out of 34, but at the bottom of the page, it says A3-1. And then my other question is, you know, the process in applying for these funds, is the Administration hiring those knowledgeable to assist our Directors in getting these funds in ways that are help for...helpful to them? Meaning, you know, you may have hired someone, but unless our Directors say that they're helping them to fill out the paperwork and not just making it harder, then I'd rather not hire those types of people.

CHAIR SUGIMURA: Anybody take that question?

MS. TOSHIKIYO: Sorry, Chair. I don't know the answer to that. I'll see if the First Deputy is available, or maybe if somebody from Finance can also be here.

CHAIR SUGIMURA: Ms. Sato . . .*(inaudible)*. . . that question?

MS. SATO: Sorry. Just for clarification, it's not that the Department of Finance wasn't aware of this, it's just that I personally--sorry--wasn't prepared for this. And I apologize, but I would have to defer to either Deputy Tesoro or Teruya, as they were having discussions with that. So--and they're not available to...they're not available today, so just wanted to clarify that. My apologies.

CHAIR SUGIMURA: Thank you very much for that. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. In looking at that section, it looks like perhaps it was, like, recycled language from the counties, like, helping us, and perhaps that was, again, a missed area. Because if you read the...the whole section in its entirety, it's...it's...it's meant to be Maui County for emergency protective measures, debris removal, emergency protective measures...oh.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Or not. That's my theory.

CHAIR SUGIMURA: Okay. We like your theory. So --

COUNCILMEMBER RAWLINS-FERNANDEZ: I mean, it could be wrong.

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

COUNCILMEMBER RAWLINS-FERNANDEZ: We're waiting for Ms. DesJardins.

CHAIR SUGIMURA: Okay. So, Members, I guess we really need Josiah Nishita--or Corp. Counsel, Ms. Toshikiyo, do you have a comment further on that? Do you...are you on the page?

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MS. TOSHIKIYO: Ms. DesJardins is going to try and log on right now, but if that is a mistake--so, thank you, Member Paltin, Member Rawlins-Fernandez--then before the agreement is signed, we would, of course, want to make that correction. So, thank you for highlighting that.

CHAIR SUGIMURA: Okay. Okay. Very good.

MS. APO TAKAYAMA: Chair, we see that Management Department has rejoined the call as well.

CHAIR SUGIMURA: Oh, okay. Mr. Nishita.

MR. NISHITA: I...I'm sorry, Chair, I just got on, so I'm not sure what the discussion is about or what item we're on. Oh, just...

COUNCILMEMBER PALTIN: I can re-ask my question.

CHAIR SUGIMURA: Yes. Could you, please?

COUNCILMEMBER PALTIN: Sure. I just was wondering if the Administration is hiring someone that is able to help with the FEMA paperwork to go after these public assistance funds. And I mean, not just any old FEMA consultant guy, but somebody that's actually helpful to our Directors. Like, if I were to, say, talk to a director that was filling out FEMA paperworks [sic], like, yeah, this guy we hired has been really helpful, and he's answered all my questions, and been...right--not, oh, we hired someone, but I don't know what he's saying, and he's not helping me, and stay late at night to finish all this paperwork, and I don't know what I'm doing. You know what I mean?

MR. NISHITA: Thank you, Chair. Thank you, Councilmember Paltin, for the question. I...I'll...I'll answer it first generally, and then I'll ask Corp. Counsel if I'm able to expand more. But in general, yes, we issued a request for proposals for what we're calling recovery management services. And really, the primary focus of that--although it includes a variety of different areas--but the primary focus is on the public assistance, the FEMA reimbursements, and on the Federal grants, being able to apply and manage those grant awards. So, those are the three priority areas. It closed about a week or so ago. We did get proposals in that we're in the process of evaluating. And then whether I can speak more as to how we're evaluating them and qualifications, everything, I guess I'll defer to Kristina if I'm able to talk about that. I'm not quite sure, given that we're still going through the procurement process.

CHAIR SUGIMURA: Very good. Ms. Toshikiyo, do you have any comments to add to that? Oh, maybe Ms. DesJardins.

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COUNCILMEMBER PALTIN: Oh, and...and the other question I had asked was on page 24 out of 34, it says Hawai'i County when all the other ones says Maui County. So, not sure if Mr. Nishita was aware of that.

CHAIR SUGIMURA: Ms. Toshikiyo, did you hear that?

MS. TOSHIKIYO: Sorry, Chair. I'm trying to correspond with others to see if they can jump into the meeting. So, I'm...I'm not familiar with this program, so I'm going to--I would have to refer with the...to the Department that's managing it, as well as to Finance. And I apologize, but I can...if you could give me a moment, I can try and find out answers for you.

CHAIR SUGIMURA: Okay. It sounds like Mr. Nishita said as much as he could because the RFP has been answered and they are being reviewed. I think that's what he said, and wondered if Corp. Counsel had any other comments regarding that.

MS. TOSHIKIYO: For me, no, Chair. Because I'm not familiar with this project, so I don't want to speak and --

CHAIR SUGIMURA: Okay.

MS. TOSHIKIYO: -- without any background.

CHAIR SUGIMURA: Okay. And . . .*(inaudible)*. . . Corp. Counsel, on, then, the other question that Member Paltin had regarding Hawai'i County being inserted into the document, page 24 of 34 pages. And I think Member Rawlins-Fernandez also reviewed it, looked like it was possibly a clerical error. Oh, here. Here, we have the Finance Director.

MR. TERUYA: Chair, I just logged on and I thought you--are you guys talking about the HI-EMA contract?

CHAIR SUGIMURA: Yes. Yes.

MR. TERUYA: Okay.

CHAIR SUGIMURA: Bill 125.

MR. TERUYA: For what I know, this is an amendment to include the County of Hawai'i because my understanding was County of Kaua'i was listed twice, and we are getting expenses from these other three counties as they helped us during the disaster. And we're--need...HI-EMA needs to make that payment to the other counties, so this--adding County of Hawai'i is just a...a replacement. As I mentioned before, it was just an error. Thank you, Chair.

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CHAIR SUGIMURA: Okay. So, to clarify, we should delete--when the final document gets signed, delete Hawai'i County? Is that what you just said? No?

MR. TERUYA: No. Kaua'i County was mentioned twice, and that the second County of Kaua'i is just being replaced with the County of Hawai'i.

CHAIR SUGIMURA: Oh, okay. Thank you very much for that clarification and welcome to the meeting. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Thanks. Glad to be here. So . . . *(laughing)* . . . Aloha, Director Teruya. Mahalo for joining us and for answering our question on this attachment 3, list of designated areas and programs. So, Kaua'i is not listed on here. Should we have Kaua'i here?

MR. TERUYA: All three counties should be on there.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, there's --

MR. TERUYA: Should be the Kaua'i County, City and County of Honolulu, and the County of Hawai'i.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Maybe the copy that we have, it doesn't have it because we...we only have Hawai'i County. Eligible applicants within Hawai'i County are eligible to apply for emergency protective measures, including direct Federal assistance under the public assistance program. And then underneath, there's eligible applicants within the State of Hawai'i.

MR. TERUYA: Chair, I...I don't have the document that you guys are referring to in front of me. I'll put it in --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, here. I'll put it in the chat.

MR. TERUYA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So...so, it goes, individuals in Maui County are eligible to apply for individual assistance. And then it goes, eligible applicants within Maui County are eligible to apply for debris removal and emergency protective measures, including direct Federal assistance under the public assistance program. And then it lists Hawai'i County for emergency protective measures under the Public Assistance program, and then last is eligible applicants within the State of Hawai'i. So, I would think that it would...it would be inclusive of all the counties. Maybe that was the catchall, the State of Hawai'i.

CHAIR SUGIMURA: Directors?

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COUNCILMEMBER RAWLINS-FERNANDEZ: But also, we could let the Administration review that, and--I mean, if there's no other questions, I'm...I'm supportive of this if we want to support this, and move it forward, and then make the correction when we get the information to make the correction.

CHAIR SUGIMURA: Great plan. Oh, I see a question by Member Johnson before we go into passage.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, I had a few questions in regards to...so, the sub-award term, I assume...is that Maui County Departments, or is that Maui County? The sub...sub-award agreements, does that go directly to OED, for example, or...or the departments? I was wondering if anyone could answer that one.

CHAIR SUGIMURA: Director Teruya, is that for--oh, are you done? Sorry.

COUNCILMEMBER JOHNSON: No, we can start with that.

CHAIR SUGIMURA: Okay. Director Teruya or Budget Office.

UNIDENTIFIED SPEAKER: Oh, Director Teruya's computer crashed.

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

COUNCILMEMBER JOHNSON: All right.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER JOHNSON: Well, maybe...

CHAIR SUGIMURA: So, Department?

COUNCILMEMBER JOHNSON: I can move on to the next one, I guess.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER JOHNSON: Oh, I see Mimi DesJardins came on the call.

MS. DESJARDINS: Hi. Hi, folks. Thank you. My...my understanding, Councilmember Johnson, is that the sub-recipients are the individual departments. So, the way this was described to me was that the money goes from FEMA to HI-EMA, then HI-EMA will funnel it to each department. And so, each department head and the Mayor will...will be executing an individual agreement per department. So, I just wanted to make that clear, is that that was the...the scheme as the monies start coming in. So, I hope --

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COUNCILMEMBER JOHNSON: Thank --

MS. DESJARDINS: -- that...that answers your question.

COUNCILMEMBER JOHNSON: Yeah. Thank you so much, Ms. DesJardins. That was what I was wondering about. Do you have the number...or the amount of funds that goes to OED or any of the other departments?

MS. DESJARDINS: I don't think there is a number at this point.

COUNCILMEMBER JOHNSON: Oh, okay.

MS. DESJARDINS: So, this is as the monies...as they require reimbursement for their damages and what monies are entitled through this funding, it will get funded to them, but I don't think that there is a sum certain at this point.

COUNCILMEMBER JOHNSON: Okay. Thanks.

MS. DESJARDINS: But without these agreements, the monies can't make their way to the departments that are suffering the damages.

COUNCILMEMBER JOHNSON: Okay. Thank you so much. Thanks for asking--or answering my question, Mimi DesJardins. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much. Anybody else have any questions? Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I'm not too sure if this helps Member Paltin's question, but on August 8th, there was also fires on Hawai'i County as well. Kohala was on fire at the same time.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER U'U-HODGINS: So, I don't know if this is just a document from FEMA to all of us that suffered fires, but they too had fires.

CHAIR SUGIMURA: Okay. Good point. All right, Members. Okay. So--oh, Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. First Deputy DesJardins is here, so she was the one that drafted that MOA, so we can ask her if that was intentional or not.

MS. DESJARDINS: I actually didn't draft the MOA, what I drafted was the ordinance of authorizing the Mayor to enter into the MOA. So the MOA, my understanding, came from HI-EMA. So, I didn't, unfortunately, have much to

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do with that, but if there are corrections that need to be made, I will contact HI-EMA, their contact folks, and make sure that we're clear what it is that...that...that what we need is aligning with what they've presented to you before this goes back to full Council.

CHAIR SUGIMURA: Thank you. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MS. DESJARDINS: Just ask them to double check that based on your questions.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. DesJardins. So, we're just trying to understand whether having Hawai'i County listed on the list of areas and designations was intentional, or not intentional and should be removed. And we're--I think some of us are okay with moving forward until we get that information from you folks, and then we can make that correction at Council.

MS. DESJARDINS: Sure. And --

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .

MS. DESJARDINS: Yeah. And it may be, like Member U'u-Hodgins said, that...that they did this sort of as a lump thing since it's pass-through funding from the Federal--from FEMA to HI-EMA, it may have been lumped in as one large block of funding. So, I'll...I'll find out and be able to answer those questions for you at the next meeting.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So--but for...for now, you don't have that answer?

MS. DESJARDINS: I do not.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is--okay, that's fine. And Chair, I'm supportive, and I see a lot of nodding heads, so we don't need to hold up the meeting to get this . . .*(inaudible)*. . .

CHAIR SUGIMURA: Okay. Great. So, Members, at this time, I'll entertain a motion to recommend passage on first reading, Bill 125 (2023), entitled " A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII, HAWAII EMERGENCY MANAGEMENT AGENCY FOR PUBLIC ASSISTANCE GRANTS RELATING TO THE AUGUST, 2023 WILDFIRES DISASTER," incorporating any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

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VICE-CHAIR KAMA: Second.

CHAIR SUGIMURA: Moved by Member Cook, seconded by Vice-Chair Kama. Any other discussion? See none. All in favor, say "aye." That will be eight "ayes," and one excused, which is Chair Lee.

VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 125 (2023).

CHAIR SUGIMURA: Okay. Great. Thank you very much. And we'll hear more from Corp. Counsel for that correction and clarification. Who has joined us? Oh, and is leaving is ...*(laughing)*... Scott Teruya. He's zipping out of the Chambers. Okay. Okay. Do you guys want to take a break? It's now 10:35. Okay. Let's take a ten-minute break, okay? 10:45. This meeting is in recess. ...*(gavel)*...

RECESS: 10:35 a.m.

RECONVENE: 10:49 a.m.

CHAIR SUGIMURA: ...*(gavel)*... Welcome back to the Budget, Finance, Economic Development Committee. It is now 10:49, and welcome back to the meeting. Thank you, everybody, for working pretty fast and hard. And we need Josiah Nishita here. We're taking up all of the wildfire bills. Is he back? Yeah, he is. Okay.

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**ITEM 51: BILL 121 (2023), AMENDING FISCAL YEAR 2024
BUDGET: DEPARTMENT OF MANAGEMENT, OFFICE
OF RECOVERY; AND APPENDIX A, PART I,
DEPARTMENT OF MANAGEMENT**

CHAIR SUGIMURA: Oh, okay. Very good. So, this first item is BFED-51, Bill 121, Amending Fiscal Year '24 Budget, Department of Management, Office of Recovery; and Appendix A, Part I, Department of Management. And Members, this is the sixth item on this agenda today, Bill 121. I hear Chair Lee cheering from her chair. And I hope we can finish this and not have to have the recess meeting. That's my goal, and I'm sure it's yours. This amends Fiscal Year '24 Budget to recognize \$7,403,895 in estimated revenues from Carryover/Savings from the General Fund and appropriate it to the Office of Recovery as well, and amending Appendix A, Part I to recognize 200,000 in private donations for the Department of Management.

COUNCILMEMBER RAWLINS-FERNANDEZ: No audio.

CHAIR SUGIMURA: Members, if you recall, this has been on our discussion and radar for a few meetings...

COUNCILMEMBER RAWLINS-FERNANDEZ: There's no audio.

CHAIR SUGIMURA: Oh, there's no audio?

COUNCILMEMBER RAWLINS-FERNANDEZ: We can't hear you.

CHAIR SUGIMURA: Oh, okay. Thanks. I'm going to call a recess.

MR. KRUEGER: Oh, that's--yeah.

CHAIR SUGIMURA: How about now? Can you hear me?

COUNCILMEMBER RAWLINS-FERNANDEZ: Can hear you now.

CHAIR SUGIMURA: Okay.

MR. KRUEGER: Okay.

CHAIR SUGIMURA: Did you hear--should I have to start all over, or did you hear parts of...

COUNCILMEMBER RAWLINS-FERNANDEZ: It's fine.

CHAIR SUGIMURA: We're fine to just continue?

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MR. KRUEGER: Okay.

CHAIR SUGIMURA: Okay. Do I need to gavel in again?

MR. KRUEGER: Yeah, I think we're okay to proceed, Chair. Yes.

CHAIR SUGIMURA: Okay. So, this bill--I'm going to start with just my opening comments then--Members, is our sixth item on the agenda, Bill 121 (2023), which amends Fiscal Year Budget to recognize \$7,403,895 in estimated revenues from Carryover/Savings from the General Fund and appropriate it for the Office of Recovery, as well as amending Appendix A, Part I to recognize 200,000 in private donations for the Department of Management. That, we got to find out who was so generous. Members, if you recall, Bills 110 and 114 were filed by the full Council. You may recall that these amendments reduced the transfer from General Fund to the emergency...Emergency Fund to fund the Office of Recovery. And further appropriations were requested from the Emergency Fund for the Olowalu final disposition site and an apparatus for the Department of Fire and Public Safety. In lieu of the original request, the Administration has submitted the next four bills for your consideration. We will take them up one at a time. So, at this time, we have Deputy Director Nishita--he's also in charge of the Office of Recovery--to do opening comments as a resource. Mr. Nishita.

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Members, for the opportunity. I think we...we've had a chance to kind of discuss this a bit already, so I won't kind of rehash everything. I think the...the main piece is, is that we just separated out all the different funding areas to be more concise, and then meeting some of the questions and concerns expressed previously for your folks' consideration. The request is essentially made up of the salaries for additional personnel to being able to assist in recovery efforts, as well as some operational funds. The operational funds, if the Council would like to get into today, I'd be happy to. The only caution I would say is that the vast majority of this is tied up in...or being budgeted for our recovery management services RFP that I...I talked about earlier, which we're still in the process of selecting an entity. We are holding...we'll...we'll be holding interviews and stuff from some of the top firms here shortly within the...probably the next few weeks. So, just in terms of, I guess, making sure that the...the County's financial, you know, funds that we've budgeted for this is protected, I guess. I don't know how else to say it. I'd just like to kind of lean away from disclosing that exact amount, but I'd be happy to today if...if that's necessary, as well as there's a small piece of funding in there for additional consultant-related services that we have needs for as we go through, like, the long-term recovery planning process, you know, community engagement efforts, you know, assistance in infrastructure issues, and...and the like. So, that...that's kind of a general summary. And the private donations is somewhat of a catchall for some of these smaller contributions coming in. We do have some groups that, for whatever reason, do not wish to

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donate to some of the entities I--that have been identified, and would prefer to just donate directly to the County, which is fine. And we also have possibly some in-kind donations of, like, services and whatnot that...that we may be recognizing the financial contribution of that if...if we do receive that with, like, grant writing assistance and other things. But, Chair, I'll leave it at that as just a general overview, and happy to address any questions. Thanks.

CHAIR SUGIMURA: Thank you, Deputy Director. Budget Office, do you have any comments?

MS. ZIELINSKI: Thank you, Chair. I believe we've kind of covered a lot of this as well previously. I just will mention that on the private donations, our understanding is--I know there's a few, I think, but I...I think one of the--not huge, but one of the larger ones was from a sister city. I think it was...we think it was maybe 30,000 or something. That's...that's the extent of it, I think anything else was pretty small. But...but we haven't...we haven't reached the 200,000, that's just kind of a placeholder, if you will. Thank you.

CHAIR SUGIMURA: Thank you very much. Any other comments from...Ms. Milner, are you --

MS. MILNER: Yeah.

CHAIR SUGIMURA: Okay. You look like you want to say something.

MS. MILNER: Sorry, Chair. I was just going to add that as always, Council will receive notifications of any grant funds that are awarded or any private donations that come in, so you will have an accounting of anything that is awarded under that \$200,000 line item.

CHAIR SUGIMURA: Okay. That's great. Okay. Do we have any public...do we have any testifiers?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony. I'll do a brief countdown...three, two, one. Chair, seeing no individuals wishing to testify at this time.

CHAIR SUGIMURA: Thank you. Members, with your permission, I'll close public testimony, and we will receive written testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 51 . . .

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CHAIR SUGIMURA: Great. All right. So, now, Members, you can have three minutes apiece to ask questions of any of our resources. Chair Lee.

COUNCILMEMBER LEE: This is for Deputy Director Nishita. Mr. Nishita, you're...is part of your budget to pay for, let's say, an accounting firm to keep close track of all the Federal funds coming to the County, but not necessarily directly to the County, but paying for a variety of expenses related to the fire and damages? Are you--and then that's one part of it. The other part is, other funds that might be available, is somebody tracking and applying for those funds so that we have a...you know, we don't miss out on any opportunity to be reimbursed or receive grant funds for our miscellaneous uses? Mr. Nishita.

MR. NISHITA: Thank you, Chair. Thank you, Council Chair, for the question. Yeah, the three main purposes of the recovery management services RFP that we put out--although it includes other areas--is the public assistance, the FEMA reimbursements, which is kind of what you're alluding to, and then the Federal grants process. So, this service that we're procuring in consultation with a lot of, you...you know, other jurisdictions across the mainland who have gone through these issues before as well as, you know, information from FEMA has helped...guided us to...through this process. And then that entity selected will be assisting us in applying for those opportunities and helping keep track of expenditures and eligible reimbursements. Thanks.

COUNCILMEMBER LEE: Okay. Because I heard in the past that in other circumstances, Department personnel were asked to apply for these reimbursements when they had time. And so, that resulted in us not receiving all the reimbursements that we could have gained from--if...if someone was assigned to that particular project, and, you know, instead of in their spare time, use all of their time trying to get as many reimbursements as possible. So, I...I'm glad that you're doing that. And is it going to be an accounting firm like Ernst...Ernst & Young, as Paradise, California did?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Council Chair, for the question. Just...just because we're in the procurement period right now, I mean, I can't really disclose, like, who bid and whatnot. I'll just say that there's a lot of highly-qualified firms that have bid, and they are able to utilize, you know, subcontractors and whatnot as well that would be able to supplement assistance in areas that they may not also be proficient in. And the line of . . . (timer sounds). . . thinking that you're talking about is...is exactly why we're trying to hire out this firm to assist us because of the amount of expenditures that will be taking place and amount of reimbursements that will be needed. It's...just to disclose for the Council, the funding that we're spending on this, I would anticipate that probably about 70 to 80 percent of the funding we spend on recovery management services will likely not be reimbursable by FEMA, and it's specifically because, like, these are our advocates and, you know, going through the FEMA process, like, FEMA can't pay us to, you know, apply for

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their assistance or to go through and advocate on our behalf for reimbursements and whatnot. So, the volume of --

COUNCILMEMBER LEE: We lost you just--oh, sorry to...we lost a sentence.

MR. NISHITA: Oh. Sorry. Sorry.

COUNCILMEMBER LEE: That's okay.

MR. NISHITA: Sorry. Yeah. But--yeah.

COUNCILMEMBER LEE: All right. Thank you. Thank you very much. Okay. Thank you, Chair.

CHAIR SUGIMURA: Any other questions for Mr. Nishita? Ms. Paltin, then Member Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Nishita. I was asking about the eight EPs that is listed on the four-page document, and that they've been calculated seven months of salary. I'm assuming that's including fringe benefits. And I just was wondering, are these eight EPs...oh, it's not fringe benefits. Oh, okay. Anyways, are these brand-new people that you're going to find, like, within the next couple days?

CHAIR SUGIMURA: Mr. Nishita.

MR. NISHITA: Thank you. Thank you, Chair Sugimura. Thank you, Councilmember Paltin, for the questions. Obviously, you know, we...we've gone a few rounds with this, I think, at Council, so, I mean, the time period has been elapsing since we originally budgeted for this too. There is an expectation, though, that it's possible some of these positions will get hired at a higher step than the minimum step of the range, you know, which have been budgeted, as well as we didn't budget overtime into our budget, which we anticipate there may be the need for that as well, which could come out of any salary savings as a result of...of that.

COUNCILMEMBER PALTIN: Okay.

MR. NISHITA: In...in terms of fringe...fringe, from our understanding, there's sufficient funds in the Countywide costs to cover fringe for these positions, assuming that the Council approves them, and we're not able to hire or establish the positions until we get approval by Council. Thank you.

COUNCILMEMBER PALTIN: Okay. And then are these meant to be, like, limited-term appointment, or how long are we expecting for the Office of Recovery to be in existence? Like, 10 years, indefinitely, 20 years?

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MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Paltin, for the question. I...I think at the last Council meeting, we had a...a bit of discussion about this. Our...our understanding from other communities, and even hearing from our own constituents, is that the desire for these types of oversight, and efforts, and even in the future, like, resiliency planning, is never going to go away. You know, the...the efforts in Lāhainā will probably be a decade-plus, and so we are--the proposal in front of you is for these to become permanent positions, which of course, could get redescribed if that's the desire in the future to cover other functions. But that's the proposal before you right now.

COUNCILMEMBER PALTIN: And then the 7 million operations cost, is that...have the design of the final disposition site included in that 7 million?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Paltin, for the question. No, the 7 million that's included in there is purely for recovery management services. So, a vast majority of that is for the RFP that we put out, and then the small amount remaining is for additional consultant services that will be needed with...such as, like, community planning efforts, and, you know, some infrastructure issues, and...and things like that.

COUNCILMEMBER PALTIN: Okay. And then are you confident that you can find these folks within our community, like the EM-5s, and SR-24s, and things?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Paltin, for the question. I...I think we're...we're trying to eliminate as many barriers as possible for really good people to be interested in. You know, part of that is on the . . . *(timer sounds)* . . . permanent position side as opposed to, like, an LTA side, you know, leaving a good job to come to something temporary. The...the other piece is that we'll...we'll have to see how recruiting goes. If we're able to establish some of the positions as difficult to fill, then we can recruit at the range, which would give us more flexibility to attract and retain highly qualified people. But getting the positions themselves would at least allow us to start DM89ing interested individuals as well to just hit the ground running.

COUNCILMEMBER PALTIN: So, it's personnel Civil Service then?

MR. NISHITA: Yes, it would go through the Civil Service process.

COUNCILMEMBER PALTIN: Okay. Got it. Thank you.

CHAIR SUGIMURA: Okay. This...oh, Member Rawlins-Fernandez, can you hear me?

COUNCILMEMBER RAWLINS-FERNANDEZ: Now I can. Mahalo, Chair. Aloha, Deputy Director. Okay. So, I wanted to dovetail off of questions that Chair Lee

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asked. So, I think it's great that you'll be contracting a firm to help with the reimbursements because it's...it is a lot of work. And, you know, I fully commend Fire Assistant Chief Giesea, who has done an amazing job. And the last time we spoke with them, you know, getting the replacement fire truck, having a lot of that covered by insurance, and then FEMA reimbursements, then possibly the whole thing, and, you know, not putting that on General Fund, which is--you know, real property tax, is...is a really big deal. And so, you know, the Fire Department is doing amazing. We know that, you know, in contracting a firm like this, we still need point people in the departments to do that kind of work. So, that...that...that's my question is, do you have that--an idea of, like--for the departments that would be needing those reimbursements, a point person?

MR. NISHITA: Thank you, Chair Sugimura. Thank you, Councilmember Rawlins-Fernandez, for the question. Yeah, I mean, all...all the departments were pretty much impacted in...in some way, so we...we do anticipate working with all the different departments on this. Depending on the issue at play would kind of depend on who that specific individual we'll be working with from, but part of this request for positions in our budget is to assist them because we know that there's just not enough time in their day, and they have double duties and triple duties. And so, you know, some of the EA assistance, as well as the Grants Program...Management Program Manager that we're asking for is to help alleviate a lot of that burden from them, but we will need those subject-matter experts involved along the way.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Wonderful. Mahalo, Deputy Director. Mahalo, Chair.

CHAIR SUGIMURA: Thank you very much. So, I have a question for you, Director Nishita. Could you--not now, but could you have, when we take this item up in Council--providing that this passes, right, today--could you have an org chart for these people so we understand how, you know, all your personnel that you're going to hire for Office of Recovery will be structured? So, that's a request. Mr. Krueger, can you send that in writing, okay, for the Department? All right. Members, any other questions for this item? Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just have a question about the private donations line, 200,000. Was that one donation, or several small donations, or...and can we elaborate on that?

CHAIR SUGIMURA: Budget Office?

MS. ZIELINSKI: Yeah. Thank you, Chair. My understanding . . . *(inaudible)* . . . have a few donations, but it hasn't reached the 200,000. It's a smaller number than that, but it's several different ones, and I think most of them are very small. The largest one was from a sister city, I believe.

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CHAIR SUGIMURA: Okay.

COUNCILMEMBER JOHNSON: Oh, which sister city was that?

MS. ZIELINSKI: I don't want to mispronounce it. I want to say Fukushima, but I don't know if that's right.

CHAIR SUGIMURA: It is. It is, that's it.

COUNCILMEMBER JOHNSON: Oh.

MS. ZIELINSKI: Oh, okay. I believe, then, that is the sister city.

COUNCILMEMBER JOHNSON: Okay. Okay. Great. Wonderful. Thank you so much. Thank you, Chair.

CHAIR SUGIMURA: Okay. Any other questions, Members? All right. Seeing none. So, just as a follow up, we did send letters to the departments. Department of Management, that question about fringe benefits was sent, and the answer is on Granicus number 5. And to many of these, as we go along, you're going to see that there's a lot of money coming from Carryover/Savings. So, a letter was sent to the Mayor and to the various departments, and their response has been received. And in this item, it's item number 6 on Granicus, from Finance, dated October [sic] 27th regarding Carryover/Savings. So, this is a lot of Carryover/Savings. We are fortunate. Members, any other questions? Chair Lee.

COUNCILMEMBER LEE: For the Budget Director. You know, generally, Carryover/Savings are...are not funds that would be available for extra expenses. Normally, Carryover/Savings are earmarked. So, how do...how do we get all of this extra Carryover/Savings to be used?

CHAIR SUGIMURA: Director?

MS. ZIELINSKI: Chair...thank you. Thank you, Chair. In speaking with Finance--and they may have better clarification--right now, they're in the process of getting the...the ACFR done for the Fiscal '23. And so, they're getting close. They still have about a month ago...month to go before it's absolutely finalized. But based on their--I guess, what they're seeing is the numbers, they're...they're seeing that the carryover seems to be somewhat higher than what we've historically seen. And I'm going to probably defer...I'll defer to Finance because I haven't seen the numbers, they obviously are working with them, to give you more information, but that's really what the anticipation is. So, as you know, the carryover is ultimately what we use when we craft our budget for Fiscal '25, we've got that carryover money as well that we...we can utilize. So, this is a

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Finance decision, ultimately. When they give us the certification, when we present the...you know, the budget amendments, you may recall we were originally looking at Emergency Fund monies and then, you know, based on conversation with Finance, they determined they were comfortable with certifying --

COUNCILMEMBER LEE: No, what...what I'm saying is --

MS. ZIELINSKI: Yeah. I'm sorry.

COUNCILMEMBER LEE: Not Emergency Funds, which is in a different fund, but Carryover/Savings is generally...is pretty much accounted for, earmarked for something. It's not extra, like, you and I have savings in the bank. You probably have a lot more than me, but --

MS. ZIELINSKI: I don't think so. . . .*(laughing)*. . .

COUNCILMEMBER LEE: Yeah. Yeah. But--and that kind of savings is usually for, you know, unexpected expenses, et...et cetera, but not our Carryover/Savings. Our Carryover/Savings are generally earmarked. So, if--generally...generally, if we use money from the Carryover/Savings, that means we're sort of double dipping, or...or we're...we decided not to spend on a particular item.

MS. ZIELINSKI: Thank you, Chair.

CHAIR SUGIMURA: Director.

MS. ZIELINSKI: Chair. I understand--what you're, I guess, referring to on the Carryover/Savings is when we constructed or we...we put together the Fiscal Year '24 Budget, the carryover was...was...is...was incorporated in that, I think it was like 39 million for General Fund money or something like that. We're not touching that money. This is...that's already been accounted for, as you say. The funds that we--now, we're getting to the end of Fiscal '23. So, the monies that we had Carryover/Savings when we constructed the Fiscal '24 Budget was from Fiscal '22, right?

COUNCILMEMBER LEE: Um-hum.

MS. ZIELINSKI: So, now we're...we're...we're closing Fiscal '23, and they're very, very close. They're getting close to--they still have the auditors there, but they're very close to seeing what the new carryover is. That'll be the monies that we'll look to as we work on our budget for '25.

COUNCILMEMBER LEE: Okay. So, these...this carryover is monies that we didn't anticipate, right?

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MS. ZIELINSKI: Correct. In other words --

COUNCILMEMBER LEE: Okay. So...so, you would be able to identify those funds then?

MS. ZIELINSKI: Well, Finance . . . *(timer sounds)* . . . would, I presume, but in other words, there's revenues that are --

COUNCILMEMBER LEE: Okay.

MS. ZIELINSKI: -- revenues that we receive that would --

COUNCILMEMBER LEE: All right. Thank you.

MS. ZIELINSKI: Okay.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: So, Chair, can we get that question answered?

CHAIR SUGIMURA: Yeah. Thank you.

COUNCILMEMBER LEE: Identify those Carryover/Savings that we're using. Thank you.

CHAIR SUGIMURA: We'll get that. So, I will read to you what the Department sent to us, which is a question that we sent out to the...to the Mayor regarding calculation--oh, we sent it to the Mayor, to Finance, calculation of Carryover/Savings regarding BFED-51, -52, -53, -54, -56, because all these items have used Carryover/Savings, right? And so, the total amount that the...the Administration has told us at this very point with all these bills, there's \$24 million of this money hanging around--or however the Budget Director explained it--is \$24,103,895, which has been used for this Office of Recovery, as well as the lights for Keōpūolani Park, the 300,000. And --

COUNCILMEMBER LEE: No, but--okay. You're giving us a breakdown of how it's going to be spent or being proposed to be spent. I'm asking where did it come from, and identify --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: -- the source of that 24 million?

CHAIR SUGIMURA: I'll...I'll read to you what they said.

COUNCILMEMBER LEE: Oh, okay.

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CHAIR SUGIMURA: Because that's what they're talking about.

COUNCILMEMBER LEE: No, I was just going to give you the question for them...for you to ask them. So, you're saying that they answered it already?

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER LEE: Okay.

CHAIR SUGIMURA: So, response, Carryover/Savings for the current fiscal year is derived from the unreserved general fund balance of the previous fiscal year's financial statement. The Fiscal '23 estimated unreserved General Fund balance is expected to increase, largely in part due to increased budgeted revenues and resulting expenditure savings for Fiscal Year '23. Please note, the Annual Comprehensive Financial Report for Fiscal Year '23 is still subject to completion per the Budget Department based on pre-audit records. Sufficient...sufficient funds can be recognized in Fiscal Year '24 without impacting the --

COUNCILMEMBER LEE: Chair.

CHAIR SUGIMURA: -- Fiscal '24 --

COUNCILMEMBER LEE: I would still like a breakdown of the --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: -- 24 million. Thank you.

CHAIR SUGIMURA: Okay. Did you get that, Mr. Krueger? Or Budget Director, you have a comment?

MS. ZIELINSKI: Thank you, Chair. Yeah, just wanted to mention, I did see Marci Sato was online, so she may be available to --

CHAIR SUGIMURA: Oh, okay.

MS. ZIELINSKI: -- respond. I'm not sure.

CHAIR SUGIMURA: Ms. Sato, do you have a comment regarding where these monies are coming from?

MS. SATO: Yeah. Good morning, Chair.

CHAIR SUGIMURA: Could answer Chair Lee's questions.

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MS. SATO: Yeah. So, regarding Carryover/Savings, so they are derived from our financial statements for Fiscal '23, and like Maria had mentioned earlier, we are still in that process. However, Carryover/Savings, it's basically the savings from what was appropriated for Fiscal Year '23, and then what was not spent. It also is...includes assets and liabilities as well. So, in the availability of the funds for Carryover/Savings, I do a analysis, and I do a compare...comparison, and I take a look at the financial statements. While we are not audited complete yet, I do take a look at them, I do test it for reasonableness, and I make sure that it's reasonable that it's available. So, when the Budget Office sends the requests for the certification, I...I was comfortable with it at that time that it is available. I will not put forth if I did not think that it would be available for the Director of Finance to certify. So, again, a breakdown of that would be a little bit difficult because that encompasses many things. It's--you know, our budget was \$9-point-something million for operational. There was approximately \$70 million in...in savings, so this does result in Carryover/Savings to be reappropriated for the Fiscal Year '25 Budget. And just as a reference, last year--so, it's not unusual that we are requesting certification of...of Carryover/Savings. It is unusual that it is large...is as large as it is at this point in the year due to the circumstances. But just for point of reference, last year we did, around the same time, have available some Carryover/Savings.

COUNCILMEMBER LEE: Okay. Marci. Marci. Marci.

MS. SATO: Yes.

COUNCILMEMBER LEE: Marci. Okay. So, you're saying we saved \$70 million, but you're not sure where it came from?

MS. SATO: Oh, it came from operating department's savings in their budgets.

COUNCILMEMBER LEE: So, we would know a breakdown in terms of what wasn't spent that was proposed to be spent? Is that it?

MS. SATO: For the budget versus actuals?

COUNCILMEMBER LEE: You know, I...I'm not trying to make work for you, but I'm just saying that it's kind of highly unusual to have that amount of savings and not know exactly where it came from. Because it was obviously earmarked for...for some kind of expenditure that wasn't used, or was...

MS. SATO: Yes. So...

COUNCILMEMBER LEE: Oh, go ahead. What?

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MS. SATO: Thank you, Councilmember. Yeah. So, it is...it is . . .*(inaudible)*. . . savings from what was budgeted versus what was spent, but it also is assets and liabilities in the fund financials for the General Fund. But if you would like a breakdown, we can try our best to be able to break all of that down for you.

COUNCILMEMBER LEE: Okay. Then I would say, please do. Thank you.

CHAIR SUGIMURA: Okay. So, we'll send that letter.

MS. SATO: Thank you.

CHAIR SUGIMURA: So, before we leave this--so...so, recognizing all this Carryover/Savings now, what impact will it have on Fiscal Year '24 Budget? Ms. Martin? Or is it Budget Office? Okay. And I saw Johnson.

MS. SATO: Sorry, Chair. So, because we had recognized that we had increased valuations resulting in real property tax revenues increased we appropriated for this fiscal year, we did increase Reserve Fund balance over last year by 56.5 million. So, like Ms. Zielinski mentioned, there was available last year, for appropriation for the Fiscal Year '24 Budget, the \$39 million. Right now, as it currently stands, even with the...so, with the unaudited financials on the unreserved fund balance, and taking into account the \$24 million that has budget amendments, that budget bills that have been put forth before you, there would be an estimated \$100 million of Carryover/Savings to be used for any other budget amendments that came through for Fiscal Year '24, and to reappropriate for Fiscal Year '25.

CHAIR SUGIMURA: Okay. Thank you very much for that answer. Next, we have Member Sinenci, then Member Johnson.

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification, Ms. Sato, this does not include the Mayor's 5 percent cuts from each of his departments?

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

MS. SATO: Chair, Councilmember. Yes, that is correct. That does not include any 5 percent budget cuts for this proposed fiscal year, or for that.

COUNCILMEMBER SINENCI: Thank you. Chair, were you going to...is that an item that you were going to call up, the...the Mayor's cuts?

CHAIR SUGIMURA: Eventually, yeah.

COUNCILMEMBER SINENCI: Okay. All right. Thank you.

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CHAIR SUGIMURA: It'll be on our agenda. Let's see, who did I say? Oh, Member Johnson, then Member Paltin.

COUNCILMEMBER JOHNSON: So, I guess, my question is about the Carryover/Savings and the 5 percent budget cuts, which...any of those departments that are asked to take a 5 percent budget cut, was that from this Carryover/Savings?

CHAIR SUGIMURA: Department...I'm sorry, Budget?

MS. ZIELINSKI: Thank you, Chair. No, because that bill has not...you know, has not been addressed, we haven't--the budget has not been changed or modified in any way. You know, it's more internal that the departments are, you know, working because...because the budget itself has not been changed, they're just working based on what they were--you know, that 5 percent we talked about. or in some cases. But that carryover would not be shown...would not...the carryover that Ms. Sato is talking about is not incorporated...or hasn't incorporated the 5 percent. It hasn't...it doesn't...hasn't flowed...flowed to...to Finance. It's just kind of an internal thing, if you will.

COUNCILMEMBER JOHNSON: Okay. All right. Thank you so much. Thank you, Chair.

CHAIR SUGIMURA: Okay. Member Sinenci. Oh, I did Sinenci. Who am I missing? Oh, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Sato and Ms. Zielinski. I'm not sure which one of you could answer my question. I just was wondering if any of the Carryover/Savings from Fiscal '23 was from the TAT, and if so, is 20 percent of that Carryover/Savings still allocated to the Managed Retreat Fund?

CHAIR SUGIMURA: Director Zielinski.

MS. ZIELINSKI: Thank you, Chair. Ms. Sato probably can...you know, she can address more of it, but the carryover that Ms. Sato has...has...has indicated would include that revenue that exceeded what--our actual revenue was exceeded the budget. The budget was 60 million, and I think they ultimately--looks like they got, I think, 84 or something like that. She...she...Ms. Sato would be able to give you a better number. So, that would contribute to the carryover. Carryover is going to include anything that was underspent and any revenue that exceeded our expectations and budget. So, there's two components to the carryover.

CHAIR SUGIMURA: Ms. Sato . . . *(inaudible)* . . .

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COUNCILMEMBER PALTIN: So, then I would expect close to another 5 million in the Managed Retreat Fund if it exceeded by 24, maybe 4.8 mil?

MS. SATO: Chair, Councilmember, if I may?

CHAIR SUGIMURA: Yes. Oh, I'm sorry. Ms. Sato.

MS. SATO: If I may, Councilmember Paltin, I believe that the...sorry, it's the appropriation of the 20 percent is upon the Fiscal Year Budget, right? And then --

COUNCILMEMBER PALTIN: It's a ordinance.

MS. SATO: Yeah. So, I believe that that would be budgeted for with the budget ordinance for Fiscal Year '25.

COUNCILMEMBER PALTIN: Oh, on the --

MS. SATO: . . .*(inaudible)*. . .

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

COUNCILMEMBER PALTIN: Okay, but --

CHAIR SUGIMURA: It's in...

COUNCILMEMBER PALTIN: Oh, okay. Never mind.

CHAIR SUGIMURA: Okay. Okay. Any other questions? Seeing none. Okay. So, we've exhausted this. I wanted to just tell you about the document that we received regarding Carryover/Savings. So, Members, at this time then, if you have no other questions regarding this--thank you very much, Mr. Nishita, for joining us. So, this time, I'll recommend passage on first reading, Bill 121, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF MANAGEMENT, OFFICE OF RECOVERY; AND APPENDIX A, PART I, DEPARTMENT OF MANAGEMENT," incorporating any nonsubstantive revisions.

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Thank you. Motion made by Vice-Chair Kama, seconded by Chair Lee. Any other discussions? See none. All in favor, say "aye." Ms. Paltin? Okay. Great. Nine ayes, motion carries.

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VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 121 (2023).

CHAIR SUGIMURA: Thank you very much. Very good. And Mr. Nishita is still with us, right?

MR. NISHITA: Yeah. Thank you, Members.

ITEM 52: BILL 122 (2023), AMENDING FISCAL YEAR 2024 BUDGET: DEPARTMENT OF FINANCE (COUNTYWIDE COSTS); AND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (SOLID WASTE OPERATIONS PROGRAM; LĀHAINĀ WILDFIRE FINAL DISPOSITION SITE)

CHAIR SUGIMURA: Okay. Great. So, next, we're going to take up Bill 52--I'm sorry, BFED-52, Bill 122, Amending Fiscal Year '24 Budget: Department of Finance, (Countywide Costs); and Department of Environmental Management (Solid Waste Operations Program; Lāhainā Wildfire Final Disposition Site). This is regarding DEM, and they may have some other resources available to us, and we'll hear from...from Mr. Agawa. So, this is our seventh item on...on Bill 122, which amends the Fiscal Year Budget to recognize 5.2 million in estimated revenues from Carryover/Savings from the General Fund transfer to the solid...Solid Waste Fund, and appropriate 54 million for the Department of Environmental Management Solid Waste Operations Program, and the remaining 1.2 million for the Lāhainā Wildfire Final Disposition Site. Today, we have Environmental Management, Shayne Agawa; Deputy Managing Director, Deputy Director, Managing Director, Deputy Managing Director Nishita; Budget Director Zielinski; and...as well as--what happened to Mr. Teruya?--Finance, we

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have Mr. Teruya or Marcy Martin, so--Marci Sato. Marcy Martin is RPT. So, at this time, can we have opening comments from our resource, primarily Mr. Agawa?

MR. AGAWA: Hi. Thank you, Chair Sugimura. Hi, Members. Yeah. So, this is for funding for the Lāhainā Wildfire Final Disposition Project. 4...as mentioned, 4 million is for the operation side, and 1.2 million is allocated for the design portion. I'll be here for any questions, and we also have SMEs from our Federal agency partners. Thank you.

CHAIR SUGIMURA: Any comments from the Budget Office?

MS. MILNER: Thank you, Chair. Just wanted to discuss that we have opted--because we're doing this as Carryover/Savings in the General Fund, we've opted to do this as an interfund transfer into the Solid Waste Fund, so there's a lot more movement of funds than you generally see in a budget amendment. So, if there are any questions about that, we're happy to address those.

CHAIR SUGIMURA: Okay. Director Agawa, we also have Mark Wingate in the Chambers here to be a resource for you. Do you want to come down? He's from FEMA, and he's been sitting here the whole morning waiting for you.

MR. AGAWA: Thank you, Chair. Yeah, Mark Wingate is our Federal...he's the partner representing FEMA. We also have Paul Ruesch from EPA, who's logged on online.

CHAIR SUGIMURA: Oh.

MR. AGAWA: And I believe there should be somebody from Army Corps. I'm not sure, I didn't get confirmation who is on from Army Corps. But if there's any questions regarding our SMEs, they will be available as resources. Thank you.

CHAIR SUGIMURA: All right. Thank you very much. So, Mr. Wingate, you want to have any opening comments regarding this item?

MR. WINGATE: Yeah. Thank you, nice to see you again. Thank you, Chair. Whappen.

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

MR. WINGATE: We are really...you know, we continue to be very appreciative of supporting, you know, not only the...the Lāhainā Wildfire Final Disposition Project, but the entire, you know, debris mission. It's been a great partnership with Shayne, and DPW, and others. And, you know, just for overall context, you know...you know, managing debris is...you know, picking it up is one thing, but you have to have a place to put it, right? So, you know, typically,

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islands have this challenge where there's very limited airspace, as you know. And so, you know, I'm happy to, you know, take any questions. And I think that Shayne has a very good handle on the way ahead. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Wingate. Members, if you will allow to designate Mr. Wingate from FEMA, as well as--I think you said Paul Ruesch from EPA to be resources under Rule 18(A).

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: Okay. Thank you. And I don't...I haven't...we haven't seen anybody from U.S. Army Corps of Engineers, have we?

MR. KRUEGER: No, Chair. I haven't seen anybody log on yet, but if Staff does see anyone, we will alert you.

CHAIR SUGIMURA: Okay. Thank you. Thank you very much for allowing them to be our resource. And so, at this time, I would like to open public testimony.

MS. APO TAKAYAMA: Chair, there's one individual who has indicated they'd like to testify, and that's Jasee Law.

CHAIR SUGIMURA: Oh, okay. Mr. Law. Three minutes.

. . . BEGIN PUBLIC TESTIMONY ON ITEM 52 . . .

MR. LAW: Ohayo, Chair. Hau'oli lā Kū'oko'a, Happy Independence Day? I'm not sure exactly, that's not the correct translation, but it's the...it's...Jasee Law from Kula Uka. In...on behalf of the country in which I was born, the USA, I apologize to the Kānaka Maoli for the way you've been treated as a sovereign nation, and I'm doing the best I can to make it right. And I appreciate the guys from...the other guys from the U.S. Government, the FEMA and the other guys from Environmental Protection Agency. And I just wanted--every time I see this Environmental Management Solid Waste, I don't...I try not to lose the opportunity to ask that we get that waste to...waste-to-energy project going, the burner factory, so we don't have to keep on breaking the Hawaiian law. Because the Hawaiian law is malama 'āina, and you're not supposed to put trash into the...the earth, and you're supposed to take care of the land. So, yeah. If you can go back there and tell the guys in Washington, D.C. to try to make it right, make it pono. Thank you.

CHAIR SUGIMURA: Any questions for Mr. Law? Seeing none. Thank you very much. Any other testifiers?

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MS. APO TAKAYAMA: Chair, Staff has not received any further requests for testimony on this item. I'll do a last call...three, two, one. Chair, seeing no other individuals wishing to testify at this time.

CHAIR SUGIMURA: Thank you. Members, with your permission, I'm going to close public testimony and receive any written testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 52 . . .

CHAIR SUGIMURA: Thank you very much. Members, so at this time, any of you have questions for any of the resource, please feel free to raise your hand. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not sure if my question would be for Mr. Wingate or whom. I was looking at the answers from the Department of Fire and Public Safety, and I--specifically after-action review from Western Fire Chiefs Association, experienced third party to conduct AAR and produce report, 50 grand. I just was wondering, is this going to be available to the public, and what is the time frame of it?

CHAIR SUGIMURA: Is that a FEMA question?

MR. WINGATE: I think Shayne would be in a better position --

CHAIR SUGIMURA: Okay.

MR. WINGATE: -- to answer questions specific to the final disposal cell. The Corps of Engineers, under mission assignment by FEMA, is slated to construct a temporary debris storage site immediately adjacent to the final disposal site. Shayne, do you want to take them on the --

COUNCILMEMBER PALTIN: Oh.

MR. WINGATE: Go ahead.

COUNCILMEMBER PALTIN: My question was...I don't know if I'm on the right thing, it's Bill...BFED-54, 124, correspondence from Fire and Public Safety.

CHAIR SUGIMURA: Oh, no.

COUNCILMEMBER PALTIN: Item 6.

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CHAIR SUGIMURA: Bill...Bill 52...I'm sorry. BFED-52, Bill 122, and we're talking about...

COUNCILMEMBER PALTIN: Oh, wrong one.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER PALTIN: My bad.

CHAIR SUGIMURA: Okay. So, we're talking about the final disposition site, Lāhainā Wildfire. So, are you done?

COUNCILMEMBER PALTIN: Bill 52.

CHAIR SUGIMURA: Oh.

COUNCILMEMBER PALTIN: Yeah, wrong one.

CHAIR SUGIMURA: Okay. So, we can come back to you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. So, yesterday, we asked Director Agawa about the double lining, and I was...I just had a follow-up question. Are the sides going to be sealed, and how do we anticipate any changes in...in water flow that might either flow over the site or along the sides?

CHAIR SUGIMURA: Director?

MR. AGAWA: Thank you, Chair. Thank you, Member Sinenci. So, the sides are also going to be double lined, as well as the bottom. It will be one continuous membrane, 80 mil membrane, two times, with mitigation measures in between and above. So, dual mitigation monitoring measures. And then what was the second part of your question? Sorry.

COUNCILMEMBER SINENCI: I guess in...in anticipation of the upcoming Kona lows, and maybe having a runoff that might come over the site?

MR. AGAWA: Okay. Thank you for the clarification. So, the final design and the final capping is designed to shed the runoff from any rainfall off of the site and into mitigation measures, which is a retention basin, which is . . .(inaudible). . .

COUNCILMEMBER SINENCI: . . .(inaudible). . . retention basin that would surround the site?

MR. AGAWA: Yes. Correct. That's all incorporated in the design, to shed the runoff.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

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CHAIR SUGIMURA: Thank you, Member Sinenci. Any other questions? So, I...okay. Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just was wondering, I know in the other day that you had said 30 years is the Department of Health's minimum standard, and that you guys plan to monitor it in perpetuity. And I just was wondering, you know, Administrations come and go, Directors come and go. And to be certain of that, would it be helpful for us to tie that to the legislation of approval in some way that, you know, the intention in perpetuity is to monitor in perpetuity? Because, you know, in three years, or five years, or however many--whatever, the next Administration could say, nah, no need, and that's not what we want.

CHAIR SUGIMURA: Director?

MR. AGAWA: Thank you, Chair. Thank you, Member Paltin. That's an excellent question. I do agree that we need to also get additional budget, right, for this monitoring and mitigation management. So, yeah, I would agree. If...if there's something that can put in to legislation that keeps the Department managing this site in perpetuity, I think that's a great idea. And I would also suggest if we could tie in some kind of funding mechanism too. Because again, this is a new area that our Department of Solid Waste would have to manage, right? So...and we can work on even the...the dollar amounts that we project over the next X amount of years beyond the 30. But I do agree with that, yeah. Thank you.

COUNCILMEMBER PALTIN: Thank you. My follow up would be to Corp. Counsel. Any suggestions there on wording, and where it should go?

MS. TOSHIKIYO: Thank you, Member Paltin. So, are you asking whether or not you could condition this budget amendment? Because this one is an up or down vote for the Council.

COUNCILMEMBER PALTIN: Okay.

MS. TOSHIKIYO: So, I don't think it could be done through this mechanism. And additionally, this budget is only for Fiscal Year 2024, not for future fiscal years as well. So, there would have to be some other type of legislation that would require the monitoring in perpetuity. And so, that's something we can discuss a little bit more. I think that there's a few different options, but it wouldn't be through this...this bill that's currently before you.

COUNCILMEMBER PALTIN: Like, something like an RFLS, you mean something like that?

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MS. TOSHIKIYO: Yes, or if you have a...a proposal that we can review because it's...you're talking about a couple of things, right? Requiring the ongoing monitoring, and then how do you fund it, especially when your budget is by fiscal year.

COUNCILMEMBER PALTIN: Yeah, it's...it's all in my head, so I don't know --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: -- if you can really...but...

CHAIR SUGIMURA: Okay. Your time's up...and your time's up. . . .*(laughing)*. . . Did you--anybody have another question? So, I...I just would like to ask the Director. So, what is the total cost for the project, and when will the additional funds be requested? I think you said yesterday 65 million was the estimate. And then when would these additional funds that you're talking about now be requested?

MR. AGAWA: Thank you, Chair. Yes, you're correct, the total funding is approximately 65 million. Again, this is an estimate, so debris tonnages and, you know, we don't have a proposal yet for the operations from when we go out to bid. But 65 million, and then we would be looking for funding in Fiscal Year '25 for the additional amount. So, the amount today is the start-up for--that would cover the costs that we anticipate for the remainder of Fiscal Year '24.

CHAIR SUGIMURA: Okay. Thank you very much. Members, anybody else has any questions? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. 65 million, wow. So, that...it's in one of the documents, the correspondence from Budget Director, it says no construction costs are included in this funding request. So, that's just for this...the 1.2 million, right? The total, like what you're saying, Director Agawa, was 65 million, and that will include the construction costs?

CHAIR SUGIMURA: Director?

MR. AGAWA: Thank you, Chair. Thank you, Member Johnson. Yeah, so we do have a breakdown. You are correct. The construction costs, we estimate to be about a little over 28 million at this point.

COUNCILMEMBER JOHNSON: Okay. Thank you for that clarification, Director. So, I know there was a term yesterday, it was called temporary debris site. You know, for this massive site that's in the \$60 million, what is the cost, if there is any, for the temporary debris sites, are there costs associated with those?

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MR. WINGATE: Chair? Thank you for the question. Thank you, Chair. Yes, but that would be funded by the direct Federal assistance by mission assignment to the Corps of Engineers.

COUNCILMEMBER JOHNSON: Okay. Great. Thanks for the clarification. I was wondering about that. Thank you, Chair. All my questions have been answered.

CHAIR SUGIMURA: Great. Any more questions, Members? Okay. Seeing none. Great. Moving right along here. I'll entertain a motion to recommend passage on first reading, Bill 122 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, SUPPLEMENTAL TRANSFER TO THE SOLID WASTE FUND; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA, SANITATION; AND APPENDIX C, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA," incorporating any nonsubstantive revisions.

COUNCILMEMBER U'U-HODGINS: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Okay. Somebody made the so moved. So, okay. So moved is Member U'u-Hodgins, and second from Vice-Chair...okay...Chair Lee. All right. Any more discussion, Members? Seeing none. You know, we didn't ask your...one of your resource was Paul Ruesch, we didn't ask him to say anything. That's okay? Okay. Sorry about that. Members, at this time, I'd like to...all in favor, say "aye." That makes us--Member Kama's here, so you're off the...nine "ayes." Who's not here?

MR. KRUEGER: Chair, Staff doesn't see Councilmember Paltin.

CHAIR SUGIMURA: Oh, okay. Eight "ayes," one excused, is Member Paltin. Motion carries. Great.

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VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Paltin

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 122 (2023).

ITEM 53: BILL 123 (2023), AMENDING FISCAL YEAR 2024 BUDGET: DEPARTMENT OF FINANCE (COUNTYWIDE COSTS); AND DEPARTMENT OF WATER SUPPLY (WATER OPERATIONS PROGRAM)

CHAIR SUGIMURA: Okay. Moving right along here. This next item is Fiscal Year...Budget 53, Bill 123 (2023), Amending Fiscal Year '24 Budget: Department of Finance (Countywide Costs); for Department of Water Supply (Water Operations Program). Oh, that's where we have Deputy Directors in the Chambers. You want to come in here? Members, our eighth item is for Bill 123, which amends Fiscal Year '24 Budget, which recognizes 9.2 million in estimated revenues from Carryover/Savings from the General Fund transfer to the Water Fund and appropriate...appropriate it for the Department of Water Supply's water operations. We have with us today Water Supply Deputy Director James Landgraf, as well as Budget Directors, and as well as Finance. So, Member...Mr. Landgraf, Deputy Director Landgraf, you want to say some opening comments?

MR. LANDGRAF: Thank you, Chair, Councilmembers. Yes. So, we're here to ask for funds for our B and C categories to help us work through this wildfire and more quickly recovering the water system in Lāhainā.

CHAIR SUGIMURA: Very good. Budget Office, you want to add any comments to that?

MS. MILNER: Thank you, Chair. Just as we discussed with the last one, this will be an interfund transfer from the General Fund over to the Water Fund, which we don't generally do. But we consulted with Finance, and because of the

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extenuating circumstances that we're currently going through, they did not have an issue with that at this time.

CHAIR SUGIMURA: Okay. Any other resources--do we want to hear from Finance for this before we go into questions? None. Okay. Do we have any public testimony?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony. I'll do a countdown...three, two, one. Chair, seeing no other individuals wishing to testify.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 54 . . .

CHAIR SUGIMURA: Very good. So, Members, with your permission, we'll close public testimony, receive written testimony. And thank you very much. All right. Now we'll ask you to provide questions to any of the resources, three minutes. Go ahead, Chair Lee.

COUNCILMEMBER LEE: Ms. Milner, you mentioned this interfund transfer is not something--a process you normally follow. Could you explain that further?

MS. MILNER: Thank you, Chair, and Council Chair. Generally, we--the Water Fund is self-funded, so we don't need to do interfund transfers over to the Water Fund. But obviously, we are not going to have any excess Water Fund revenues coming in at this time, so we determined, in consultation with the Administration, and Department of Finance, and others that what made the most sense was to do a transfer from the General Fund to cover these costs, as we need to move forward with them as soon as we can.

COUNCILMEMBER LEE: Thank you. And that is the second one that we are dealing with...because the first one was DEM?

MS. MILNER: Yes, Chair.

COUNCILMEMBER LEE: Okay. Thank you.

CHAIR SUGIMURA: Thank you very much. Any other questions for Water? Member Nohe Hodgins, as well as Member Sinenci, then Member Johnson.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Do you guys really need a mini escalator, or is that a typo?

MR. LANDGRAF: No, that's not a typo. We do because we need an extra...because we just have three of them right now.

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COUNCILMEMBER U‘U-HODGINS: Um-hum.

MR. LANDGRAF: So, with the amount of work that we're having to see being done in Lāhainā, an extra excavator would help us move along the process quicker.

COUNCILMEMBER U‘U-HODGINS: Excavator, not escalator. Because as it's written, it says escalator.

MR. LANDGRAF: Okay. My...it was correct --

COUNCILMEMBER U‘U-HODGINS: So, I, too, would assume it's an excavator.

MR. LANDGRAF: Yeah. No, it's supposed to be excavator.

COUNCILMEMBER U‘U-HODGINS: Okay.

MR. LANDGRAF: I did see that, and I...I thought we made the correction on it, but...

COUNCILMEMBER U‘U-HODGINS: Okay.

MR. LANDGRAF: Because on my paper, it says excavator. Sorry.

COUNCILMEMBER U‘U-HODGINS: Oh, okay. Yeah. Your paper. We need yours then.

MR. LANDGRAF: Yeah. . . .*(laughing)*. . .

COUNCILMEMBER U‘U-HODGINS: Thank you, Chair.

MR. LANDGRAF: I know, I saw that. Sorry.

CHAIR SUGIMURA: . . .*(laughing)*. . . Okay. Next is Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to echo Chair Lee's request from the last one of the Staff to just inquire with the Finance about the Carryover/Savings.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR SUGIMURA: We got that. Next, we have Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, these...in the letter from the Budget Director, 11/15/2023, it lists some of the things that they were talking--and of course, we now find out it's excavator. Any--so, my question is,

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you know, going through this big process with FEMA and everything, these are...these are items that we can't get funding from FEMA from, is--so that is why we're asking? Have we asked FEMA and all of the other Federal monies out...the pots of monies out there? There's no other way, so we have to use our own monies?

CHAIR SUGIMURA: Budget, do you have that, or is that something for Mr. Nishita? Go ahead.

MS. MILNER: Chair, we'll defer to Deputy Managing Director Nishita. But what I would say is that FEMA reimbursement takes a significant amount of time, so I will defer to him on whether this would be a reimbursable cost. But even if it is, we would need to make the expenditure upfront.

CHAIR SUGIMURA: Do we have Director Nishita on the line? No, yeah? I don't see him. Okay. Are you satisfied with that?

COUNCILMEMBER JOHNSON: Oh, okay. Well, that's fine.

CHAIR SUGIMURA: You're fine with that?

COUNCILMEMBER JOHNSON: I...I just...thank you, Chair. I just...if...I guess then, I don't mind waiting to get reimbursed. If we're spending our money up front and we do plan to get it reimbursed, that's kind of where I'm curious is, is there a plan to get the reimbursement back, or is it--I--of course, if there's a high need, sure, go for it, spend our own funds. But is...by spending our own funds, it doesn't exclude us from trying to reapply to get the reimbursement, I'd assume? That's what I...I'm curious about.

CHAIR SUGIMURA: Okay. We can send the question to Deputy Managing Director, or Office of Recovery Manager, whatever title he has then, to Mr. Nishita. Okay. You got that? Okay.

COUNCILMEMBER JOHNSON: Great. Thank you so much, Chair. No further questions.

CHAIR SUGIMURA: Okay. So, Members, do we have any other questions regarding this item? Seeing none. I hope this is where we're getting our batteries for Upcountry, right, Deputy Director Landgraf? Are we?

MR. LANDGRAF: What was that, Chair?

CHAIR SUGIMURA: Batteries for Upcountry. I remember that came up in one of our community meetings. I can ask you later.

MR. LANDGRAF: Oh, okay. . . .(laughing). . .

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CHAIR SUGIMURA: Okay. So, at this time then, if there are no other questions, we'll entertain...I will entertain a motion to recommend passage on first reading, Bill 123, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; AND DEPARTMENT OF WATER SUPPLY, WATER OPERATIONS PROGRAM," incorporating any nonsubstantive revisions.

COUNCILMEMBER SINENCI: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SUGIMURA: Chair...Member Sinenci made the motion, seconded from Chair Lee. Okay. Any more discussion? All right. All in favor, raise your hand, say "aye." I think these are nine "ayes." Motion carries.

VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 123 (2023).

CHAIR SUGIMURA: Members, thank you very much. Thank you very much, Mr. Landgraf. Nice seeing you. He's been...he's been working really hard answering all my questions, so thank you...thank you very, very much.

ITEM 54: BILL 124 (2023), AMENDING FISCAL YEAR 2024 BUDGET: DEPARTMENT OF FIRE AND PUBLIC SAFETY (FIRE/RESCUE OPERATIONS PROGRAM)

CHAIR SUGIMURA: Members, Bill...the next bill is Bill 54...BFED-54, Bill 124, Amending Fiscal Year Budget, Department of Fire and Public Safety (Fire/Rescue Operations). Our final item is for Bill 124, which amends the '24

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Budget to recognize \$2 million in estimated revenues from Carryover/Savings from the General Fund, and appropriate it for the Department of Finance, Public Safety's Fire/Rescue Operations. So, do we have Brad Ventura on the line? Chief Ventura, as well as Budget Director Zielinski. There he is. All right. So, at this time, Fire Chief, do you have any opening comments regarding this item?

MR. VENTURA: Sure. Thank you, Chair. Aloha, everybody. Can you hear me?

CHAIR SUGIMURA: Yes, we can hear you.

MR. VENTURA: Excellent. So, our budget amendment is for items that were either lost or damaged during the wildfires. And as we provided the breakdown to you yesterday afternoon, I'm not sure if you all received it, many of the items...several of the items are insured, and many of the items will be repaired. All these things, we anticipate getting a 90 percent or more reimbursement from FEMA. And as Councilmember Keani Rawlins mentioned, Chief Giese is working on, and going to...to many meetings about, but he's well-vested in getting back our money.

CHAIR SUGIMURA: ...*(laughing)*... Very good. Budget Office, do you have any comments?

MS. ZIELINSKI: Thank you, Chair. No, just that as...as Fire Chief said, he is looking for--seeking \$2 million for equipment under his B category, and that the funds will be from Carryover/Savings as well. Thank you.

CHAIR SUGIMURA: Okay. Good. Okay. Do we have any public testimony?

MS. APO TAKAYAMA: Chair, Staff has not received any request for testimony on this item. I'll do a countdown...three, two, one. Chair, seeing no individuals wishing to testify at this time.

. . . CLOSE PUBLIC TESTIMONY ON ITEM 54 . . .

CHAIR SUGIMURA: Thank you. Members, with your permission, I'm going to close public testimony, receive written testimony, and proceed on with discussion. So, now, Members, if you have any questions for the resources, please raise your hand. Oh, Member Paltin.

COUNCILMEMBER PALTIN: Hi, thank you. I just wanted to re-ask the question I jumped the gun on two bills ago. Under the after-action review from Western Fire Chiefs Association, experienced third party to conduct AAR and produce report for 50 grand. Wondering if this report will be available to the public, and the time frame in which it would be ready?

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MR. VENTURA: Great. Chair, may I? Thanks for the question, Councilmember Paltin. A couple of things about that after-action report. We've been working with Western Fire Chiefs Association, and just to give you an idea, that was their all-inclusive price if we weren't able to help them with anything. But what we did was, we found them a housing option, so they won't be charging us for things like that while they're here, so that number will come down quite a bit. We will make this report available to you all when it's done. Timelines are a tough thing to give out in today's world, but we hope that this is done early, you know, by next summer or so, to have a first review. They're going to get it back to us. We'll provide any input, or improvements, or any changes, or if they miss something, or if more people need to be interviewed, then we'll...we'll put out the final after that. They are arriving here on Maui this Saturday evening, and Sunday, I have a briefing with them all day, and then Monday, they begin their interviews. So, they're getting ready to roll.

COUNCILMEMBER PALTIN: And then the portable radios damaged during the fire and lost, where those 800-megahertz radios?

MR. VENTURA: Yes. Correct. Some of them were lost in those apparatus that burnt, and others were lost in just the activities of the day.

COUNCILMEMBER PALTIN: Okay. And then are we able to get the replacement with the insurance? Like, say, we give the 509,000 for Engine 1, and then the total cost is 1.344. Is--are we expecting the insurance to pay out timely, that we can replace all of those equipments [sic], and engines, wildlands, and things like that, like, this year?

MR. VENTURA: I would say as far as getting those two main apparatus replaced, the answer is yes. Those two apparatus are already under contract, so funding has been allocated for them. So, now it's just a matter of us gathering back our money from the various entities, insurance being one, and FEMA being the second one.

COUNCILMEMBER PALTIN: Okay. And then last one, equipment rental. That's all done with, or are we going forward as well...or this is equipment rental that already occurred?

MR. VENTURA: This is equipment rental that happened already . . . *(timer sounds)* . . . and we've been invoiced for. In our cover letter with this attachment, we did note that we may have some outstanding invoices that we haven't received because there's one company particularly that I don't see on this list that may be invoicing us late.

COUNCILMEMBER PALTIN: Okay. Thank you.

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CHAIR SUGIMURA: Okay. Any other questions for Fire Chief, or for the Budget Office? Okay. Seeing none. Wow. All right. So, Members, at this time, I'm going to entertain a motion to recommend passage on first reading, Bill 124, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, REVENUES; AND DEPARTMENT OF FIRE AND PUBLIC SAFETY, FIRE/RESCUE OPERATIONS PROGRAM," incorporating any nonsubstantive revisions.

COUNCILMEMBER COOK: So moved.

VICE-CHAIR KAMA: Second.

CHAIR SUGIMURA: Wow, okay. Member...Member Cook made the motion, seconded by Vice-Chair Kama. Any more discussion? Seeing none. All in favor, raise your hand and say "aye." And I think who is not here is Chair Lee, so that's eight "ayes." Is that correct, right? Chair Lee, yeah? Okay. Eight "ayes," and one excused. This motion carries.

**VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and
 Councilmembers Cook, Johnson, Paltin,
 Rawlins-Fernandez, Sinenci, and U'u-Hodgins.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 124 (2023).

CHAIR SUGIMURA: So, before I close this meeting--hey, we made it, so we don't have a recess meeting next week. We went through every single item. Thank you very much, Members, for working hard. We did it. And there was one question to Water that was never answered, and we didn't get the response from Water, right? I checked this morning, I didn't see any response from Water.

MR. KRUEGER: Chair, we...we did receive the response from Water. It was mid-morning, around 10:45 our time.

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CHAIR SUGIMURA: Okay. So, what I wanted to ask was part of the funding requested by the Department of Water is for temporary water lines. Why is it a Category B expense and not CIP? And that was one of the questions that we sent in, so was that answered? I'm sorry. And maybe we can talk about it when we...Budget Office?

MS. MILNER: Thank you, Chair. Yeah, the Water Department said that these were for ongoing repairs of water lines in Lāhainā. It's not a capital improvement project, but because it involves emergency work related to public health.

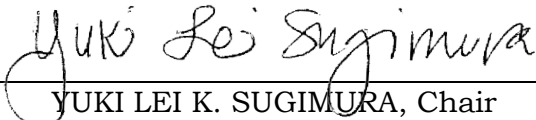
CHAIR SUGIMURA: Okay. So you would not be issuing a CIP?

MS. MILNER: Correct.

CHAIR SUGIMURA: All right. Members, so can you believe that we did it? Nine items on the agenda. Super, super fabulous team. So, at this time, I'm going to...thank you, everybody, for attending. Thank you to all the resources. Thank you, Josiah Nishita, who had to live with us for most of this morning, and Budget Office for being here, as is. And so, at this time, it is now 12:01, and this meeting, Budget, Finance, Economic Development, is now adjourned. . . .(gavel). . .

ADJOURN: 12:01 p.m.

APPROVED:



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

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Transcribed by: Logan Tsuji

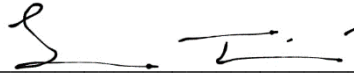
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CERTIFICATION

I, Logan Tsuji, hereby certify that pages 1 through 74 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 21st day of December 2023, in Wailuku, Hawai'i

A handwritten signature in black ink, appearing to read 'Logan Tsuji', is written over a horizontal line.

Logan Tsuji