

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

August 8, 2017

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, AUGUST 8, 2017, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui shall please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBER ELEANORA COCHRAN.

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

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

CHAIR WHITE: Thank you, Mr. Clerk.

For opening remarks this morning, we have Member Carroll. Good morning.

OPENING REMARKS

The opening remarks were offered by Vice-Chair Robert Carroll.

CHAIR WHITE: Thank you, Mr. Carroll.

Members and the folks in the gallery, will you please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And just a reminder for everyone to please turn off their noisemaking devices.

And with that, Mr. Clerk, do we have any, any testimony for ceremonial resolutions?

DEPUTY COUNTY CLERK: Mr. Chair, we have no testimony for ceremonial resolutions.

CHAIR WHITE: Okay. The Chair is going to take a quick recess, since Ms. Cochran's item is first up, I believe. So, we'll be in recess for, recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:04 A.M., AND WAS RECONVENED AT 9:05 A.M., WITH ALL MEMBERS PRESENT.)

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

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

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-120

RECOGNIZING THE 166TH ANNIVERSARY OF
THE BIRTH OF LAHAINA STATESMAN
WILLIAM PUNOHU' AWEOWEO' ULAOKALANI WHITE

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair. Thank you, sorry for my tardiness.

CHAIR, I MOVE TO, I MOVE TO ADOPT THE PROPOSED RESOLUTION WITH NON-SUBSTANTIVE CHANGES ENTITLED "RECOGNIZING THE 166TH ANNIVERSARY OF THE BIRTH OF LAHAINA STATESMAN WILLIAM PUNOHU'AWEOWEO'ULAOKALANI WHITE".

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER CHAIR: Thank you, Chair. And, the reso, if you folks had gone through just states so many of his accomplishments, and highlights, you know, the historical impact he had during the final days of the years of our Kingdom of Hawaii, and beginning of the Territory of Hawaii.

I had the honor and privilege of going to the unveiling of the headstone on Sunday, this past Sunday over at Kapalama in the Kalihi area. And, meeting around 200 of his descendants was such a moving experience, and just awe-inspiring and so emotional. And the families who had no clue who they descended from were just so blown away, and it's, was just such a touching, moving event. And the unveiling was so profound.

And it's, it's hard to put into words, but I did mention to the family that we would be here today doing this. And at, on Sunday, it had not been voted on, but we will be discussing it today on their behalf. And they were so thankful and grateful to Maui County.

And I think it's one of those things where the Queen had knighted Punohu White. And the Queen shared with him that, you know, she couldn't change the political climate at that time, but for people like himself to persevere and to onipa`a and move forward, and keep our Hawaiian spirit alive.

And I shared with the families today, on Sunday, that we have people here today changing that political climate, and making sure that the, the lives of Mr. Punohu White

and Joseph Nawahi, and people of that stature, you know, did not do, live in vain, you know, for the efforts they, they put forward.

So, I just want to explain, try to explain the significance and importance of today. And thank you for allowing me to bring this forward on behalf of this County. So, hopefully, looking forward to, to support on this resolution, Chair, at this time. Thank you.

CHAIR WHITE: Would you like us to have the Clerk read it in its entirety, so that the public has--

COUNCILMEMBER COCHRAN: Oh, yes, please.

CHAIR WHITE: --a better idea what, what his accomplishments were?

COUNCILMEMBER COCHRAN: Yes, very much so.

CHAIR WHITE: Okay. Thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran, any further discussion on your part?

COUNCILMEMBER COCHRAN: Thank you. Yea, if, if you don't mind, Chair. So, there's a photo passed out to you folks. That was all we had given our ho`okupu, our makana to William White, and it was just such a, an honor as I stated. And you can see the, the star or that emblem. He was a Knight Commander under Kalakaua, given to him by Queen Liliu.

And, I also went there on behalf of Waiola Church, as I am a board member. And so, to bring support because he was a member of that church. So, so many ways he's so tied to Lahaina, and being, you know, in politics, a statesman and everything that our Clerk had mentioned, is such an honor.

And, unfortunately, Mr. White, he's not related to Councilmember White, but he is a White descendent. And it's just, I can't name, recite the whole genealogy, but, it's again, my honor to put this forward. Thank you very much.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I'd like to just express mahalo to Councilmember Cochran bringing this to our awareness, and also the public's behalf. I think this is of extreme value for us to recognize the contribution of those that have come before us. And I like the fact that he's recognized as a statesman, because it must have taken a lot of challenges during the times, especially during the overthrow. And for us as those that are ancestors of the host culture, and all those that have migrated to Hawaii Nei, I can truly appreciate this recognition. So, thank you Ms. Cochran.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, from myself, Lanai, our people of Lanai, I also thank Ms. Cochran for bringing forth important historical lessons for us to learn and live by now more than ever. You know, I've gone through the 60's, through that so-called hippie invasion; 70's during the renaissance of Hawaiiiana. And if you people remember Israel Kamakawiwo'ole and his song "Hawaii '78", now more than ever, I think the aina is crying out for our aina koa warriors. Our land warriors to rise up once more to protect the interest of the land.

I for one have always took the position of island solutions for island problems by island people. And I think this reminds us, because not only does Ms. Cochran, through this resolution, but it's a legacy of West Maui leaders. Let us not also forget David Malo, and what he stood for, for the people of the Hawaiian nation, as well as all of us in Maui County.

So, I take great pride in supporting this resolution today. And I also raise the callout to our local people that we must be vigilant, we must persevere, because there are a lot of challenges on Maui County at this time, and we need to be strong. We need to be aina na koas, our land warriors. And I for one am happy to maintain and take up that challenge each and every day. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, I want to say mahalo to my colleague for bringing this resolution forward, a resolution of recognition of our ancestors of our past. It's a time for us to, to learn through hindsight of our leaders of our land from the past, where we are today and to assess where we'll be going tomorrow. It's a callout to recognize the accomplishments of our lahui of aloha aina. And it's to call and, and, and to say that we all can be at the table. We all can participate. Kanakas must be at the table. And the past has shown us that kanakas can be statesmen to be leaders of our community, and move us forward. So, the beckon call is out to all aloha aina warriors to be present, and be a part of this process of change. Mahalo for this resolution.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Seeing none, all those in--

COUNCILMEMBER COCHRAN: Chair, sorry.

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

COUNCILMEMBER COCHRAN: Real quickly, I just want to relay the, the Molokai connection here. William White is married to Ester Apuna Akina, descendent of Kaiakea, High Chief of Molokai. And so, strong connection and tie to Molokai here too. And mahalo for all the great words that was shared here this morning. Thank you.

CHAIR WHITE: Thank you. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk. I'm sorry.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-120.

RESOLUTION
NO. 17-121

CONGRATULATING LEELA WATERFORD
FOR WINNING THE 2017 KAMAAINA KIDS
HAWAII STATE SPELLING BEE

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN:

CHAIR, I MOVE TO PASS THE RESOLUTION.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, may I ask the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. We are so pleased to welcome our Hawaii State Spelling Bee champion Leela Waterford to the Council today. The National Spelling Bee contestants journey begins at the local school level, and Leela was one of 11 million students who competed in the Bee's contest this year; 290 of whom advanced to the national event.

She was the first runner-up for the Maui District title two years ago. She also watched her sister compete up to the final round at the National Bee last year. She, she knew that she needed to do so as well to follow in her, at least come close to her sister's accomplishments.

With the support of her parents and her school principal, she studied and worked to make her dream a reality. She prevailed over the others in Hawaii, in the Hawaii contest to win the state competition and travel to Washington DC, and tied for the 41st in the nation.

I know that usually when we have people at this skilled level, we, for me, personally would like to have, at least get a sample of, or at least test some of the spelling skills that the recipient may have. So, may, may I ask her to come down to the podium?

I, I know for the life of me, I probably couldn't spell during my, my years growing up if it not for a dictionary. But, in 1979, there was the winning word, and I'd like to test our recipient today. In 1979 during my years of growing up was the word, if you could spell narcolepsy, narcolepsy.

Come, come to the podium. I just, I just want to see if you, we got to, we got to make sure that you're the, the real champion here.

CHAIR WHITE: I think it's important for us to point out that he's not asking any of the Members to spell it.

COUNCILMEMBER GUZMAN: Yes, yes.

CHAIR WHITE: There might be a challenge there.

MS. LEELA WATERFORD: Narcolepsy. May I have the definition?

COUNCILMEMBER GUZMAN: You're, you're very good, but I'm a very prepared Councilmember. So, the definition would be, "a condition characterized by an extreme tendency to fall asleep whenever in relaxing surroundings".

MS. WATERFORD: Can you use it in a sentence?

COUNCILMEMBER GUZMAN: During Budget, a lot of our Members suffer from narcolepsy.

MS. WATERFORD: Does this come from the Greek roots narkose meaning "numbness", and lepsis meaning "attack"?

COUNCILMEMBER GUZMAN: I don't know.

MS. WATERFORD: Narcolepsy, N-A-R-C-O-L-E-P-S-Y; narcolepsy.

COUNCILMEMBER GUZMAN: Perfect. Good job. You have, you went through the eye of the needle. You are a champion.

So, thank you very much, Chair. And I, I, she's well deserved of this recognition. And I'd ask my Members in full support of this resolution. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I don't know about that definition though, because it said relaxing setting, and you used the budget sessions as an example.

But I, I do want to say that I fully support this. I was happy to second it. I, and I, and I want to congratulate you personally. I think spelling is a dying skill. And in this day of all the social media and the IMO and the BTW, and you know, one of my greatest fears as a, with a background in journalism and English is that someday the spelling bees are going to be all about these, these contracted initials. And, and it's great to see that that spelling is still highly respected.

And I wanted to say too that in these, in this day of social media, as a, as a journalist, you, that is sometimes and often the first impression you get of somebody is a message. Without even knowing how old they are or sometimes even if they're a man or woman, what they're wearing, what they look like, you see a message and if it's fraught with spelling, it gives me heartburn personally. So, I, I love it, I love to see that students are still respecting the, the age-old skill of spelling. And I congratulate you and wish you well in the next National Spelling Bee.

MS. WATERFORD: Thank you.

CHAIR WHITE: Members, any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I got to chat with her before Council started and I think a real inspiration always is when you have a strong family foundation. So, I want to really congratulate your parents. And of course, your sister must be very inspirational to you, because I think she said her sister set the, her, herself in that same mode, so you wanted to achieve what your sister did. So, congratulations to your whole family. I, I support this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I support this resolution, and actually would like to personally say congratulations. I appreciate your efforts and commitment. I also congratulate your Emmanuel Lutheran School, as well, of course, your family. Mahalo.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. As somebody who's really challenged by spelling, I really appreciate and I'm really proud of you. And I think we all are, that you've gone to the heights you've gone. Congratulations.

MS. WATERFORD: Thank you.

CHAIR WHITE: Any further discussion, Members?

The Chair will just add that one of our, the crutches that we all use is spellcheck, and I can't imagine what it would be like to be standing in front of a big audience without my spellcheck. But, congratulations for a job well done.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, may I ask Leela to come to the floor to receive her accolades?

CHAIR WHITE: Certainly.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Obviously, she has passed our Council test, and she's well-deserved of this resolution and recognition. I'd like to have a moment for her to say a few words, and I'd like to congratulate you on such a successful spelling bee contest and reaching the goals that you needed to.

MS. WATERFORD: I would like to start by thanking Councilman Don Guzman and all of the Maui County Council for inviting me here today for this special recognition.

In 2015, I was officially stung by the spelling bee. Motivated by my sister's past success and my dad's promise of a trip to Universal Studios if we both made it to States, we studied hard and made it happen. For the first time in Hawaii history, siblings won the Maui County Spelling Bee. And as a tiny fifth-grader, I represented Maui alongside my sister at the State Bee. I ended up placing ninth that year. My sixth-grade run, however, was extremely disappointing. I messed up terribly in my school bee, misspelling the word "supervisor". Perhaps one of you would like to give it a shot. Anyone?

CHAIR WHITE: I'm sure Mr. Guzman would like to.

MS. WATERFORD: I watched my older sister win the Hawaii State Spelling Bee that year and compete in the National Bee. And I vowed then and there that I would never be just a spectator to a Bee victory ever again.

2017 was, was my year for redemption. I slowly climbed my way to the top; winning my class bee, then school, county, and finally States where my championship word was "billycan".

As the State spelling champ, I would be one of the 291 spellers at the National Bee in Washington DC. The Scripps National Spelling Bee was an amazing experience. The honor of representing Hawaii hit me the most at the opening ceremonies. Some states like Illinois, California, and Texas had over 15 representatives each. But I walked in with the great privilege of being the lone representative of the State of Hawaii.

I stood on stage with the support of my family, friends, school, island, and state. I also received special well-wishes from Tulsi Gabbard, and even cast members from "Hamilton", one of my favorite Broadway musicals.

I consider my run at Nationals to be successful, but somewhat unfinished. After months of intense preparation; studying foreign language rules, roots, and lot and lots of words, I spelled all my onstage words correctly; including "crapehanger" and "advolution". But when someone asks which word I got out on, I have to explain the dreaded spelling and vocabulary written test. With so many brilliant spellers competing, there's now a written test to cut the field for the finals to 40, and I just missed the cut. But, out of the 11 million kids who compete in spelling bees every year, maybe tying for 41st isn't so bad.

From the time when I greeted the pronouncer with an aloha kakahiaka to spreading aloha to spellers from all around the world, I hope I made Hawaii proud. My closest friendships that week were with girls from California, Virginia, American Samoa, and Ghana. I will remember this forever.

Though I'm not sure if I will attempt to return to the National Bee this year, I hope to find ways to remain involved in bee experience, and motivate other kids on Maui to find a love of words and reading. That's where this journey really began for me, and I hope to share this excitement in the future. Thank you.

COUNCILMEMBER KING: Chair. Chair, can I ask a clarifying question?

CHAIR WHITE: Sure, Ms. King.

COUNCILMEMBER KING: So, other than a potential slogan for the former Mayor of the Big Island, what does "billycan" mean?

MS. WATERFORD: It's an Australian cooking pot.

COUNCILMEMBER KING: Oh okay. Thank you.

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

And, congratulations again.

Mr. Clerk, may we proceed with the agenda.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-121.

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

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

When testifying, please state your name and the name of any organization you represent.

Currently we have five individuals registered to testify in the Council chamber.

The first person to testify is Gabriel Beeson-McArdle, testifying on County Communication 17-316. He will be followed by Rosemary Robbins.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. GABRIEL BEESON-MCARDLE, (testifying on County Communication No. 17-316):

Aloha, Councilmembers. My name is Gabriel Beeson-McArdle. Good morning, and thank you for hearing my testimony today. I am so grateful for all the positive words I've heard so far.

I'm here to testify in strong support of the introduction of legislation to ban Oxybenzone contained in sunscreens. I grew up on the west side of Maui, snorkeling and diving in the pristine waters of Mokuleia Bay, known by most as Slaughterhouse Beach. I use to spend hours and hours in those waters diving. I moved off-island for several years, and when I came back, I could not believe my eyes; still such beauty.

There were some obvious changes, however. It seemed there were less fish and more people. With the influx in tourism and overall increase in human activity also should come increased responsibility and respect. This is why I'm in strong support of the introduction of legislation to ban Oxybenzone contained in sunscreens.

I grew up on the west side of Maui surfing, paddling, snorkeling, and diving the reefs. I believe it is our responsibility as stewards of this aina and water, the wai, to care for our home we rely on heavily, our waters and connection to them because we are all one. It was taught in school that that is what Hawaii means; "ha wai i".

This synergy is so important to our economic viability and strength as well. We, here on Maui, rely heavily on our tourist-driven economy. If there are no fish and no reefs to snorkel and dive, there will be no visitors. We have to take the necessary steps to ensure these waters and reefs are kept in their pristine natural conditions for generations to come.

Would you want to spray "Banana Boat" chemicals on your salad at lunch before eating it? Well, that is how the fishes and the honu see it when we spray chemicals on our bodies and then jump directly into their home where they eat.

I'm very passionate about the ocean. I was on canoe team when I was keiki and I've loved the water ever since. This is why I have reached out to a handful of my favorite all-natural, eco-friendly, bio-degradable, reef-safe sunscreen companies, and applied to become a potential rep. I'm a licensed massage therapist, and practice lomi and Thai massage. But I will dedicate my weekends and spare time to spreading the word about reef-safe alternatives.

Here is a box of some samples a company I contacted sent me. And they're all great products. I've been using them for years; seven years or so, since they first came out. And they all have different applications. This is a stick. This is face stuff you can apply. They're all baby-sensitive and reef-safe, and non-greasy, and water-resistant. They, they pretty much do it all and cover all the bases.

In a recent report, the Department of Health's key concern to, to be resolved is the availability of safe and effective alternatives. The report goes on, on to say that the, the, on titanium dioxide and zinc oxide nanoparticles are alternatives to Oxybenzone, but, however, the zinc oxide and titanium dioxide nanoparticles wash off the skin and they can enter the aquatic environment. But, these are specifically non-nanoparticle ingredient items.

So, thank you for your time. And I appreciate the introduction of this legislation. Mahalo.

CHAIR WHITE: Thank you for being here this morning.

MR. BEESON-MCARDLE: Thank you very much.

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

MR. BEESON-MCARDLE: Mahalo. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Rosemary Robbins, testifying on County Communication 17-319. She will be followed by Susan Varsames.

MS. ROSEMARY ROBBINS (testifying on County Communication No. 17-319):

Good morning, everybody. Rosemary Robbins, concerned citizen, somebody who was out in the water long before even zinc oxide was available where I lived.

I would like to echo appreciative thoughts for your opening remarks this morning, Member Carroll, about for the common good. Thank you so much. We can never hear that often enough, because we're competing with so much in our world today that doesn't seem heavily devoted to the common good.

I'd like to speak this morning from agenda page 5; County Communication 17-39 *[sic]*. This is submitted by the Upcountry representative Yuki Lei Sugimura. And it is, may I read this? I guess no problem. Smoking in vehicles when persons under the age of 18 are present.

As a water safety instructor trainer, lifeguarding instructor trainer, lots of aquatics stuff over the years right here on Maui, for years as a volunteer, I worked with the American Red Cross and the American Lung Association teaching aquatics to children who had respiratory challenges. We were all over the place, used all the pools; it was wonderful.

And the parents and grandparents would drive the children to those sessions, and they were apprehensive as all get out, because they remember the two o'clock in the morning arrivals at the emergency room at Maui Memorial in those days, with this little one turning strange colors for not having sufficient oxygen repelled through her respiratory organs, or his. On the other hand, the children would arrive, as enthusiastic as I'll get out. So, we got the parents to be distracted and worked with the children,

and it was wonderful. I see their grandchildren out there today. And a lot of them were able to outgrow the abnorms that they had as children.

It reminds me of what I see somedays as I'm leaving my neighborhood, and that is a youngster that is waiting for, I think, the middle school bus. And when I look at this presentation you'll be dealing with later on today, this youngster is sitting on a stonewall partially enclosed by a beautiful hedge smoking; middle school. We know that the younger the children are who begin smoking, the longer term the damage that's being done.

So, I truly appreciate your bringing this up. Thank you. I encourage everybody to appreciate it; get that passed.

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

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Susan Varsames, testifying on County Communication 17-316. To be followed by Lila Jones.

MS. SUSAN VARSAMES (testifying on County Communication No. 17-316):

Good morning.

CHAIR WHITE: Good morning.

MS. SUSAN VARSAMES: So, I am Susan Varsames. I own the Holistic Learning Center of Maui. And, the point of Holistic Learning Center is to teach people how to use natural products for their health and wellness, and to stay away from chemicals.

And in that vein with what's happening with our Oxybenzone bill, I am in support of eliminating Oxybenzone from our reefs. I've done an enormous amount of research, and I just wanted to share some basic facts with you. I think, you know, we're taught in school as kids that it's the trees that give us so much oxygen on the planet, when in fact it's the coral reefs that give us almost 70 percent of the oxygen on our planet.

And as the Oxybenzone goes into this space, you know, we, we all know the effects of, of tourism and the fish, etc., but I think it's important to understand what it's doing in the bigger picture. Oxybenzone has the ability to change your hormones. It's a known hormone disrupter. And what that means is it literally changes male fish into female fish, and they are unable to fertilize.

I do own the Holistic Learning Center in New York where we do biomedical testing. And the number one chemical that's found in the bloodstream of infertile couples is, surprise, Oxybenzone. So, this is something that is not just affecting fish, it's affecting humans.

And I think another thing to understand was the whole initial intent of Oxybenzone was to prevent cancer. And we have plenty of studies now that show when you combine Vitamin E and frankincense, it does a better job than Oxybenzone. So, there's no reason to put something on the reef that is disrupting hormones; choking the fish; destroying our, our economy; destroying our ability to fish off of our shores; because that's where the tourists are heading.

And I think if we pay attention some of this, to some of the studies that are being published, we're, we're going to blast a huge amount of information in the Maui Times in the next couple of months. And, Craig Downs from Haereticus Labs has been our go to person for this research, and has done a great job of, of teaching us that there are healthier alternatives that can prevent cancer, and we can get the job done with a much healthier product.

And to that degree, I'm producing my own. It's called "Mama Kuleana". It's in a biodegradable container. So, even the container will melt in, you know, in three months. And again, keeping plastics off the reef is, is a real passion of mine.

So, I'm in support of banning that. There's absolutely no reason for us to have this health issue for the fish and for us when we have way cheaper and healthier alternatives. Thank you.

CHAIR WHITE: Thank you, Ms. Varsames.

Members, any need for clarification?

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here. I, you know, I've often wondered why if it, I mean, I know I've read a lot of the studies on how harmful Oxybenzone is to the reef, and I've always wondered if it does that to the reef, what is it doing to, you know, humans? And why would we want to put it on ourselves? So, I just wanted to ask you if that was, I mean, you mentioned the hormonal implications. Are there any other health effects to humans from applying this directly onto our skin? And, and also can we get copies of your, the reports that you're referring to?

MS. VARSAMES: Absolutely. I'll just need like an email to send everything to.

But, what happens is sort of a good news, bad news. When the Oxybenzone came out, the good news is that it lasts in your system for more than a decade. The bad news is that it lasts in your system for more than a decade. So, when you see a tourist spraying their child with Coppertone, that 12-year-old is going to have infertility problems.

We're also looking at miscarriage rates. You know, when I was delivering my babies 30 years ago, the miscarriage rate was 1 in 35. It's now 1 in 6 for first pregnancies. And it is thought to be that miscarriages are your body's way of clearing for the next healthy pregnancy. And if we look at the biomedical testing of our unborn children, what we're seeing is high toxic levels, and Oxybenzone is one of them. So, it is crossing blood brain barrier. It is getting into placenta. And it is creating the hormone disruption that's creating the infertility problems to begin with.

So, it's something that would be in the system of a parent that is, and because of the cellular function and the unicell function of sperm, it's not effective, it's not a problem for the men that are using it as it relates to the children, but it is for the women.

COUNCILMEMBER KING: Okay. Thank you. And I--

MS. VARSAMES: Does that answer your question?

COUNCILMEMBER KING: Well, yea, and I look forward to seeing the actual reports, cause that's, that's been one of my issues for a long time, the Oxybenzone, so.

MS. VARSAMES: Sure, I'll, I'll put a packet together and mail it off.

COUNCILMEMBER KING: Thank you for being here.

MS. VARSAMES: Terrific. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Lila Jones, testifying on County Communication 17-316. To be followed by Sylvia Litchfield.

MS. LILA JONES (testifying on County Communication No. 17-316):

Hello. This is my first time testifying, so I'm a little nervous. But, thank you, Councilmembers for opening communications regarding the use of Oxybenzone based sunscreens and its impact on our reef.

I am a marine biologist who studied at Hawaii Pacific University, and I have a minor in chemistry. Most of my undergraduate work was looking at chemical impact in our marine environment, not just in the water, but how it affects marine life as well. What we've been seeing is that Oxybenzone has been shown to drastically reduce juvenile coral viability. It reduces their ability to withstand temperature stresses, and it causes deformation of coral larvae. Craig Downs actually submitted that research, and he showed that coral larvae exposed to Oxybenzone will actually encase itself in its calcium-carbonate skeleton before finding . . . to actually settle on. So, this is affecting the next generation of coral already.

As Mama Kuleana mentioned, the chemical structure does mimic estrogen. So, when it enters into the body, it's affecting certain fish, fish species who do a natural transition from female to male. It's denying their capability to do that. So, it's affecting the corals, it's affecting the fish, it's affecting our, our bodies as well. Craig actually mentioned to us, when he was here last on Maui, that it only takes about 30 minutes after application of Oxybenzone for that chemical to show up in your urine. So, it's passing through our body quickly. It's having, but it's also staying there for a long term.

So, the economic impacts are also of growing concern. It's far-reaching and drastic, because our reefs are a major source of our economy not only for tourism, but for food and for subsistence for local families, restaurants, things of that sort. So, if the reef goes, we go with it.

So, I would like to overall just convey a sense of urgency when opening this process of creating and implementing legislation. I am in strong support of banning the sale and use of oxy-based sunscreens. And I do hope that Maui County will sort of lead the State in this endeavor. Thank you.

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Sylvia Litchfield, testifying on County Communication 17-316. Ms. Litchfield is the last individual who has signed up to provide testimony.

MS. SYLVIA LITCHFIELD (testifying on County Communication No. 17-316):

Aloha. My name is Sylvia Litchfield. We've been educating the public about Oxybenzone and toxic sunscreens. We pass out the cards from the DLNR. It gives people an idea of what kind of chemicals to look for in sunscreens. There's more and more, excuse me, more and more sunscreens available.

And I just want to thank you all for the opportunity to be here today, and that we are so privileged and lucky to be on Maui. But, we're also so lucky to have a Council like you guys.

Craig Downs' name has been mentioned a couple times before. But, he's inspired us all so much. And I'm hoping that you all, all get to meet with him. He's coming back in November and he would just be a really great resource. So, we, we have such a great County Council and a County government. And Craig has not only been taking samples of the corals on Maui, but he's working internationally. And, this is an international issue. The world's eyes are going to be on us, and Maui can really lead the way.

Craig has worked with a lot of governments on many issues, not just sunscreen pollution, but many different issues that have been affecting ocean safety. And he says that our government in Maui is one of the most receptive, one of the most responsive. We really are leading the way. Australia will be looking at us, Japan,

China, the rest of the country, as well as the rest of the islands will be watching us. And I'm, I'm very proud of that.

So, I just want to make myself available to you guys. I've been in touch with the DLNR; the natural sunscreen companies; the students at UHMC; marine biologists; Rob Parsons' office, the environmental coordinator at the Mayor's Office of Economic Development. And, I, I just want to offer myself to you, if I can in anyway get you in touch with the information that you will need to make an informed decision.

I'm grateful for the people that testified before me, because the science is so vast, I could tell you so many things about Oxybenzone. But, there's even more than that to consider, is what is the most effective way to write this legislation to keep it away from our most precious reefs? So, yea, there's just a whole hui of people here. And if I can help you in any way, yea, just to, to help you make an informed decision.

And we have just a few short years left to act on this, we really do. And the science is really there. I think you're going to be really impressed when you see the body of knowledge and that we have an opportunity to do something about this. This is enactable. We can actually, you know, global warming is, is a tough one, and it is a contributing factor. But, now that we have identified this particular chemical--

CHAIR WHITE: Thank, thank you very much, Ms. Litchfield. You've, you've come to the end of your time. But I appreciate your testimony.

Members, any need for clarification?

I have a quick question. You had, you held up the red card. Do you have copies of those for the Members, or can you?

MS. LITCHFIELD: I have two here with me today. Can I give this one to you?

CHAIR WHITE: To the, the staff. I guess the question that I had was, you said that there are other chemicals to look for. Are those, I'm assuming those are chemicals to look for so that you don't use the products, or so--

(Councilmember Guzman was excused from the meeting at 9:52 a.m.)

MS. LITCHFIELD: That's correct. There's more--

CHAIR WHITE: Are there other chemicals besides Oxybenzone that, that are a problem?

MS. LITCHFIELD: That's right. There's more than just Oxybenzone. So, we could address more than just Oxybenzone, or we could just take it one chemical at a time. That will be another issue for the Council to look at.

CHAIR WHITE: Okay. Well when that comes to Committee, I'm sure that we'll take a look at more than just Oxybenzone. So, thank you very much for being here this morning.

Any other need for clarification?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here Ms. Litchfield. Are, are you working with, last time I was at Ahihi and I went snorkeling out there, there was a ranger out there. I'm not sure, was he DLNR?

MS. LITCHFIELD: Yea.

COUNCILMEMBER KING: Because they're handing out--

MS. LITCHFIELD: Was that Jeff Bagshaw?

COUNCILMEMBER KING: They're handing out flyers, they had a little tent and they're handing out flyers about this, the sunscreen, lists all the chemicals to look for to avoid. And I wasn't sure if they were doing exchange. They had a big barrel there like, you know, you could throw your stuff away, but then they had nothing to hand you.

But, no, I just didn't, I didn't know if that was Federal or State. So, that's the State DLNR that's doing that? So, there's a recognition at the State level that this is harmful to the reef. And, and I know that it got partially through the State Legislature last year to actually ban it statewide and didn't make it all the way. So, hopefully we can again lead the way like we did with the polystyrene ban.

MS. LITCHFIELD: That's correct. They're really trying to educate the tourist as they get to the reserve. But, it's pretty much too late. They've already got the sunscreen on that they're going to wear. They're not going to turn around and go back to the store.

So, Jeff Bagshaw is another great resource to talk to about his experience of how to keep the Oxybenzone away from the coral.

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

COUNCILMEMBER KING: Thank you.

MS. LITCHFIELD: Mahalo.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Members, we have received written testimony. Without objection, we'll receive that into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

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

1. Lila Jones;
2. Sylvia Litchfield;
3. Natalia Hussey-Burdick, Environmental Caucus of the Democratic Party of Hawaii;
4. Pat B. Lindquist, Napili Bay and Beach Foundation; and
5. Barbara Barry.

CHAIR WHITE: And, without objection, we will close public testimony for this morning.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, so ordered.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of June 2, 2017 were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
JUNE 2, 2017 BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

(Councilmember Guzman returned to the meeting 9:55 a.m.)

CHAIR WHITE: Thank you.

Members, any discussion on the minutes? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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

COUNTY COMMUNICATION

NO. 17-298 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 24, 2017)

Transmitting the Wireless Enhanced 911 Board budget in the amount of \$2,705,104.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from you or the Members, I request that the Clerk bring up all county communications up to and including 17-302.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 17-299 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 25, 2017)

Informing of the intent to expend \$28,000 in Federal Forfeiture Funds to pay for mules for the Wailuku and Lahaina Patrols.

NO. 17-300 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 25, 2017)

Transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$678,778.

NO. 17-301 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 25, 2017)

Transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Elder Abuse Prevention Program in the amount of \$26,492.

NO. 17-302 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 26, 2017)

Transmitting two reports on the settlement of claims as of June 30, 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATIONS
AS READ BY THE CLERK.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Just one point for clarification, Chairman, that is on 17-299. The mules that we talk about here are actually all-terrain vehicles. It is part of a brand from the Kawasaki Corporation. They're not really four-legged animals that the Police Department has acquired. Thank you very much.

CHAIR WHITE: Thank you for that clarification. I was a little concerned.

Any further discussion, Members, on the filing? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-303 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 26, 2017)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 11-B, Pukalani Acres, identified as TMK: (2) 2-3-003:004 (Por).

(Councilmember Hokama was excused from the meeting at 9:57 a.m.)

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

THIS IS FROM THE DIRECTOR, AND IF THERE'S NO
OBJECTIONS, I'D LIKE TO JUST FILE COUNTY
COMMUNICATION 17-303.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you. And the reason being is this is one of those items that is housekeeping type. And the Director of Finance is required to notify us, but does not need approval through us in order to do so. And there is a map in, in our Granicus or binders.

And the road widening lot is dedicated to the County, is part of a Federal, Federal-Aid project to reconstruct Makani Road from Haleakala Highway to Old Haleakala Highway. And this road widening acquisition rectifies a partial encroachment of Makani Road onto private property during this Federal-Aid reconstruction project. And the total acreage is .037 acres. CIP funds of \$17,600 were used to acquire this road widening lot.

So, Director of Public Works has approved the dedication and transmitted this communication to us. Thank you, Chair.

CHAIR WHITE: But the Chair would prefer that we do it by motion.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: So, if you could just, if that's your motion, do we have a second?

COUNCILMEMBER KING:

SECOND.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; and that's Mr. Hokama.

Mr. Clerk.

NO. 17-304 - ALAN M. ARAKAWA, MAYOR,
(dated July 24, 2017)

Informing of a vacancy on the Real Property Tax Review Board due to the resignation of Stephanie Stucky on July 24, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION
17-304.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor received notification of the resignation of Stephanie Stucky from the Real Property Tax Review Board on July 24, 2017.

We would like to thank Ms. Stucky for her time served on the Commission, and wish her the best in her future endeavors. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

NO. 17-305 - STACY CRIVELLO, COUNCILMEMBER,
(dated August 1, 2017)

Relating to a Councilmember's report on the Hawaii State Association of Counties Executive Committee meeting held on July 31, 2017.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: I move to file, thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 17-305.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Council Chair White, Councilmember Hokama, and I attended the meeting of the Hawaii State Association of Counties Executive Committee on July 31, 2017, at the Honolulu Hale Committee Meeting Room in Honolulu, Hawaii.

I am making this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e), of the Hawaii Revised Statutes.

The HSAC Executive Committee received a report from each of the counties and reports on the National Association of Counties Conference in Ohio last month, and the Western Interstate Region.

The Executive Committee began discussions on the 2018 HSAC Legislative Package, and received other legislative updates. Most importantly the Executive Committee discussed the upcoming special session of the State Legislature to convene August 28 through September 1, at which time the Legislature is anticipated to consider funding for the Honolulu Rail System.

The Executive Committee discussed possible funding mechanisms for the rail the Legislature may be considering, including a possible extension of the Honolulu General Excise and Use Tax Surcharge, and an increase to the Transient Accommodation Tax, or a combination there, thereof.

The Executive Committee discussed possible positions it may wish to take in preparation for the special session, noting the difficulties in taking position when it is still unclear what proposals will be made to fund rail. The Executive Committee discussed the possibility of supporting an extension of the GET as the fairest and most equitable way to fund rail construction.

A quorum of the Council was not present at the meeting.

The HSAC Executive Committee meeting was not specifically and exclusively organized for or directed toward Members of the Council, but was a meeting of the four HSAC Executive Committee Members comprised of a Member each from the Hawaii County Council, Kauai County Council, Honolulu City Council, and the Maui County Council, and associated staff.

No commitment related to a vote on any Council business was made or sought at the meeting.

Mr. Chair, this concludes my report.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion on this item? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

NO. 17-306 - MIKE WHITE, COUNCIL CHAIR,
(dated August 1, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JAMES G. M. KRUEGER AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Wrong paper.

I MOVE TO, ON YOUR BEHALF CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF JAMES G. M. KRUEGER AS A LEGISLATIVE ANALYST FOR THE OFFICE OF COUNCIL SERVICES", AND FILING OF THE COMMUNICATION.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Sugimura *[sic]*.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. James G. M. Krueger is an outstanding candidate for the position of Legislative Analyst. A graduate of Kamehameha Schools Maui, James went on to graduate summa cum laude with a bachelor's degree from Texas Christian University in History, minoring in Business and Chinese.

As a history major focusing on both Asian and U.S. Studies, he has skills and experience in researching and writing, that we are both, that are both pertinent and valuable in the position of Legislative Analyst.

I recommend the appointment of James G. M. Krueger as a Legislative Analyst in the Office of Council Services, and respectfully ask for the Council's support. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

And, just to correct the record, the second was from Ms. Crivello.

Any further discussion, Members?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair and Office of Council Services for providing the opportunity to actually sit in an interview, if that's what I could call it. But, these I, I just want to share my support also for this young man. I was very inspired just to talk to him and see what he's done in his very young life. And, and has seen a great part more than I have of the world, besides being very interested in our

community. So, I wanted to also share and support the Office of Council Services in hiring him to be our Legislative Analyst. And I look forward to working with him. Thank you. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, so this is not the James Krueger Law Office down the road here?

CHAIR WHITE: No.

COUNCILMEMBER COCHRAN: Okay, I was kind of confused. Sorry, I didn't--

CHAIR WHITE: I believe, I believe there's no relation.

COUNCILMEMBER COCHRAN: I'm trying to figure out where, if my office had gotten an invite to interview, to meet, to greet and all that. So, I'm not, sorry, I'm, yea, so different person. Okay, I just didn't even know that much. Sorry, Chair, but just wanted that clarification.

CHAIR WHITE: Thank you for that clarification.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Any further discussion?

I'll just add that we have several wonderful young men that have applied and have gone through the process, and have been interviewed by a number of you. And it's, it's very exciting to see that we've got people with such energy and positive attitudes and willingness to put in the hard work and the time necessary to assist us in Council Services.

So, any further discussion, Members?

COUNCILMEMBER KING: Just, Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER KING: We have the gentleman in the audience here?

CHAIR WHITE: Yes. Mr. Krueger, if you wouldn't mind standing.

COUNCILMEMBER KING: Just, I assumed it was you, because you had a pretty wide grin on your face. So, thank you.

CHAIR WHITE: Thank you. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Congratulations, Mr. Krueger.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-122.

NO. 17-307 - MIKE WHITE, COUNCIL CHAIR,
(dated August 1, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SAUMALU S. MATAAFA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

ON YOUR BEHALF, I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF SAUMALU S. MATAAFA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES", AND FILE THE COMMUNICATION.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. First of all, I want to thank these young people for giving us the opportunity to, just that you applied and, and passed all the regimentation to serve as Legislative Analyst.

Saumalu S. Mataafa is another outstanding candidate for the position of Legislative Analyst. A graduate of Lahainaluna High School, Saumalu continued his education at Embry-Riddle Aeronautical University, where he earned a bachelor's degree in Aeronautics, and a master's in Human Factors and Systems.

Saumalu gained experience as research associate, analyst and program coordinator at the NASA Ames Research Center. He also worked as a research analyst at the Hawaii State Legislature this past session. His skills and experience will be very useful in the Office of Council Services.

I recommend the appointment of Saumalu S. Mataafa as a Legislative Analyst in the Office of Council Services, and respectfully request your support of this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item?

Seeing none, I'll just add that one, one more great young man will add a lot to our capacity to do research, and to create legislation that's very helpful to Maui County.

Seeing no other discussion. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Congratulations, Mr. Mataafa. If you could stand. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-123.

NO. 17-308 - MIKE WHITE, COUNCIL CHAIR,
(dated August 1, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ALEC J. WAGNER AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

ON YOUR BEHALF, I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF ALEC J. WAGNER AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES", AND TO FILE THE COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Finding three outstanding candidates for the position of Legislative Analyst is difficult and not very likely but Alec J. Wagner is another outstanding candidate recommended for appointment.

A graduate of Lahainaluna High School, Alec continued his education at Saint Mary's College in California where he earned a bachelor's degree in, in policies *[sic]*, focusing on Comparative Politics.

Alec's experience communicating policy topics and in performing quantitative *[sic]* and quantitative political and economic research while earning his degree will be useful as a Legislative Analyst.

In addition, Alec has worked as a volunteer in important topical areas such as sustainability, technology invocation *[sic]*, economics, housing, food justice, immigration and civil rights.

I recommend the appointment of Alec J. Wagner as a Legislative Analyst in the Office of the Council Services, and respectfully request your support for this resolution.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

COUNCILMEMBER CRIVELLO: Could we have our applicant stand.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Wagner.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. I, I had a, the great privilege, or not really great privilege, but I had the privilege of interviewing all three applicants, and I found them to be very well qualified. And I wanted to thank Greg and, and the team, the hiring team at Council Services for doing such a, a good job in getting a pool of applicants

and screening, therefore, providing us with very well-qualified candidates. So, thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further comments?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I also want to share the sentiments of Member Guzman, because I got to interview all three of the candidates. And really not knowing what's going to happen, you have all these geniuses who can pass this test that Office of Council Services put together and can do writing and thinking.

And I was very pleased to find Saumalu here is, you know, I didn't get to comment on his, and he's here with his whole family, which is really representative of how wonderful these, these young men are.

On Alec, I just want to mention that this is how committed he is; he flies in. He's still living, I think, Palo Alto. But, he flies in every time he has an interview, or to take the test, and to interview with us. And then here is again today. And I'm sure his family must be so happy to have him come home. But, I, I think it's just representative of the kind of commitment that these three young men have in terms of building their future.

So, welcome to our ohana. We all work really hard, and we look forward to our growth as a organization to represent the people that we serve for Maui County. So, thank you. I, I too share my strong support for this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura. Any further discussion, Members?

Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Congratulations to all three of you, and welcome.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-124.

NO. 17-309 - STACY CRIVELLO, COUNCILMEMBER,
(dated August 1, 2017)

Transmitting a proposed resolution entitled "EXPRESSING SUPPORT FROM THE COUNTY OF MAUI FOR THE STATE LEGISLATURE'S APPROVAL OF AN EXTENSION OF THE HONOLULU GENERAL EXCISE AND USE TAX SURCHARGE NECESSARY TO ENABLE THE COMPLETION OF THE MINIMUM OPERABLE SEGMENT (EAST KAPOLEI TO ALA MOANA CENTER) OF THE HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 17-309, AND TO
FILE THE COMMUNICATION.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

(Councilmember Hokama returned to the meeting at 10:15 a.m.)

COUNCILMEMBER CRIVELLO: Thank you, Chair. Please bear with me on this. Members, I'd like to draw your attention to the Amendment Summary Form, and revised proposed resolution attached thereto that I've asked to be distributed at the meeting today.

SO, I ACTUALLY MOVE TO AMEND THE TITLE OF THE RESOLUTION BY STRIKING THE PHRASE "EXPRESSING SUPPORT FROM THE COUNTY OF MAUI" AND INSERTING IN ITS PLACE THE PHRASE "REQUESTING THE SUPPORT OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND ITS EXECUTIVE COMMITTEE"; INSERTING THE WORD "AS" BEFORE THE WORD "NECESSARY"; AND STRIKING THE PHRASE "(EAST KAPOLEI TO ALA MOANA CENTER)"; AND, FURTHER, TO AMEND THE FIRST BE IT RESOLVED PARAGRAPH BY STRIKING THE WORD "SUPPORTS" AND INSERTING IN ITS PLACE THE PHRASE "RESPECTFULLY REQUESTS THE SUPPORT OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND ITS EXECUTIVE COMMITTEE FOR"; AND, FINALLY, TO AMEND THE SECOND BE IT RESOLVED PARAGRAPH BY STRIKING ALL RECIPIENTS OF THE RESOLUTION AND INSERTING IN THEIR PLACE "EACH MEMBER OF THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE".

So, I need a second.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. The amendments to the title and BE IT RESOLVED paragraphs of the resolution will make it clear that the expression of support is directed to HSAC and its Executive Committee, who will advocate on behalf of the Councils, rather than having individual Council resolution proceed directly to the State Legislature. If HSAC receives support from all four Councils, HSAC will then direct the efforts to the State Legislature. The basic policy direction contained in the revised resolution otherwise remains the same.

CHAIR WHITE: And--

COUNCILMEMBER CRIVELLO: Okay, so I go back to the main motion? No.

CHAIR WHITE: No. Is there any further discussion on the amendment? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Crivello, back to the main motion.

COUNCILMEMBER CRIVELLO: Thank you. As amended, I'm back to the main motion as amended. At this Hawaii State Association of Counties Executive Committee meeting held on July 31, 2017, the Executive Committee discussed taking a position on the source of revenues to fund the Honolulu Rail Project in preparation for the anticipated special session of the State Legislature to convene on August 28.

Although the contents of the proposal the State Legislature will be considering are not yet known, this past session lawmakers left off with competing proposals with one version, including the possibility of an extension of the General Excise and Use Tax Surcharge and an increase to the Transient Accommodations Tax to fund the rail project.

The proposed resolution attached to County Communication 17-309 expresses Maui County's support to extend the Honolulu GET Surcharge for the rail project. If adopted, the resolution will be presented to the HSAC Executive Committee for consideration as it formulates its plans for the anticipated special session.

The Honolulu City Council has a similar version of the proposed resolution up for consideration on its agenda for August 9, 2017. The Big Island and Kauai Counties have not yet considered a proposal.

I ask for the Council's full support of this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak in support of the motion as amended. I want to thank Ms. Crivello for representing our County at the State Association's Executive Committee, as well as your participation in sharing your thoughts about the potential financial impacts.

This morning in speaking in support of the proposed revised resolution, Mr. Chairman, my, my concern of course is the residents of and taxpayers of Maui County. It is my concern that should this project fail or does not get appropriate funding and support both from the City and County of Honolulu, our sister county and the State of Hawaii, the total community of the total State will have devastating impacts because we will be required to repay the Federal government of what they have already put forth in financial support. And more than likely, this State is going to use General Funds, which is all our taxes.

For one, you know, Oahu has supported the sister counties, especially Maui; if we look at the regional park and their major \$50 million investment, how they've addressed our healthcare program with our hospital system. So, they have provided us assistance, because to me, that was part of their constitutional requirement.

The high-speed rail for Oahu is a City and County amenity; major infrastructure requirement. But, the residents and taxpayers of this County do not truly get a benefit, in my estimation. And that is my estimation, Chairman, not the Council's, not no one else's.

But we will have the unfortunate burden of the various options before the Legislature for this special session of being one who will either need to pay additional to support our sister island of Oahu with no benefit. Whether they go through the TAT version, which I'm not terribly in favor of, because all of their new revenue in my understanding of proposals being considered, Chairman, only benefits Oahu. None of the three neighbor-island counties get any benefit from increasing TAT under, more than likely, the House version under Chairwoman, let's see over here, Luke.

We have heard comments from our counterparts in City and County of Oahu and from those in the Senate that extending the existing tax, existing tax, Chairman. They're not even talking about new tax. The House is talking about new taxation. The Senate is

talking about extending existing taxation. And although Oahu, people who will be paying this additional excise tax, one of the key components is even the visitors will pay the excise tax, not only residents. So, it's a broader base ability to collect revenue.

And for me, Chairman, of course, my kuleana is Maui County. And so, I speak in favor. I think we need to support our sister county, City and County of Oahu, excuse me, Honolulu, as well as the Senate's position, cause I think they have a greater perspective of the total impacts statewide, and a greater understanding of what the TAT taxation means for Maui, Kauai, and the Big Island. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I, I just would like some clarification, maybe from Member Crivello, because she has, she's a officer of HSAC. But, when this comes up before special session, which is August 21 to September 1, and if we want to send support to the Legislature, can we do it the same way that we did during the session, or is there a way that we as Councilmembers can support HSAC's position? And I wait to hear, maybe some direction, excuse me, from Member Crivello or yourself, however you can have us and our citizens send support in whatever way you would like as the special session goes on, so that our voices are heard. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Here's the problem. The purpose of this resolution is to provide the Executive Committee of HSAC the ability to go and, and lobby on our behalf. That does not stop each of the Members here from providing their own testimony, their own perspectives.

The challenge is that, as you all know, where we operate under the Sunshine Law, the State does not. And what, what happens during the regular session and is happening this time around is that the decisions are largely pre-determined. So, there will be an opportunity to provide testimony at a briefing that is being held on the 14th of August. I believe there will be another opportunity at some point during the special session to provide testimony. But in the words of some of the Legislators themselves; that's too late. Because the decisions are being made as we speak. The negotiations are being done by the leadership in the Senate and the House. And the decision will have already been reached probably before the briefing on the 14th, and certainly before the special session begins.

So, it's, it's very disappointing because, as you all know, we have asked many times for the Sunshine Law to be loosened just a little bit, so we can attend community meetings as a, as a group for educational purposes. To allow us to transmit documents prior to a meeting so that the Members have an opportunity to read the, read what they're going to be handed just prior to a meeting. So, it's very disappointing for me to watch this process and know full well that it's likely that we're going to have an additional one percent TAT at the end of this session, unless everybody screams and, and makes a big issue of it.

The impact to Maui County is that one percent TAT based on the current spending levels means that roughly \$15 million will be taken out of our economy and sent to the rail project on Oahu. From the neighbor-islands, it totals about \$27 million. So, this is not a, a small impact. This is a fairly significant impact.

It also is an effort by the, by the Legislature to, to establish another tax. As you'll recall back in 2009 and '10, they increased the TAT one percent each of those years, with the promise of a sunset about five years later. Of course, the sunset went away. So, we all know that once the tax is established, it doesn't, generally it doesn't go away, sunsets turn into nightfall.

And so, it's concerning because this is a tax on all of us. And it's just another example of the TAT being used as a go-to tax to solve all the problems. When it was first initiated, it was meant to pay for the convention center. Of course, the neighbor-island hoteliers complained that we will be paying for the only convention center that can't be accessed from our hotels. Only one in the, in the country that somebody's paying for without access. But, we went along with it, because Oahu really felt it was important for their, their ongoing success. So, there was a, there was at least a nexus there.

The next increase in the TAT came when the decision was made to form the Hawaii Tourism Authority. So, that rather than going back, having HVD at the time going back to the Legislature every session not knowing what funding source they were going, or what funding amount they would be able to use for marketing, we established an increased tax, and provided a set level of funding.

Or actually, it wasn't a set, it was a percentage of funding. That has been capped. The counties had a percentage of funding. That's now been capped. The convention center had a percentage of funding. That's now been capped. So, the net effect is in the last ten years, all the, the main recipients of the TAT have been capped, and the State has taken the opportunity in 2008 and '09 or '09 and '10, to increase the TAT by two points. They took the entire amount of that two percent increase, and it never came back to the counties.

So, the net effect of our going back to the 93 million from 103 the previous couple of years, is that from 2007 till 2017, the State's share, while we've dropped from 103 to 93, the State's share has gone from 17 million up to 266 million. That does not include the proposed increase of the TAT this time around. So, once again, this is, this is going to be an increase without a nexus, an increase without a justification that this is a, a tourist related expense.

If you look at all other, the other 50 States, the average that the, that the local governments get from tax revenues on lodging, whether it's hotels, condos, or timeshares, or whatever, 67 percent of those tax revenues go to local government. Now, that's 67 percent of all taxes collected. So, that means it would be 67 percent of the GET and the TAT. Well, the TAT generates about 67 percent of the tax on hotel and condo revenues.

So, if we were treated like all the others, we get the entire amount of the TAT, which currently is about \$484 million. That would significantly help us pay for a lot of the services that we provide to visitors. The Fire Department, Police, and Parks in particular, are the ones that most interface with the visitor industry. And while our share of the TAT, which is for support of the local government providing services has dropped by \$10 million over seven years, the cost of those three departments in the four counties that receive the revenues has, our cost have increased by \$264 million. So, it's, it's really difficult for the Chair to see that there's any kind of fairness in this.

And of course, they, they talk about the fact that they, they support education, which the counties do not. They support the hospital system, which the counties do not. But, if you look at other small states, there are many cases in which even though the counties are handling the education system, there are states that spend a greater portion of their general fund on education than Hawaii does; even though that's an amount in addition to what the counties spend. So, it's, it's very disappointing.

You know, this, this is an important vote for us to take, because it shows that the, the four counties are standing together. Unfortunately, we've been standing together very strong, and getting whopped for years. It's frustrating, but that's unfortunately the situation we're in.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I guess with all this information that you've presented to us, I think it's more, it's quite important for us to submit our testimony and encourage others to. And so, you know, they're hosting a public informational briefing on State funding for the City and County of Honolulu at 10 a.m.,

August 14, in the State Capitol Auditorium. So, they further make note with this announcement that key Committee Chairs from both the House of Representatives and the State Senate have been meeting to discuss rail funding, and lawmakers want to hear from the public as they work on an agreement on rail financing.

So, we can go further to the Legislature's, Legislature's website or call the Committee Clerk as to how you can submit testimony for the public briefing. And we have our frustrations, but we can come with the numbers to express the, that the City and County of Honolulu be taxed accordingly, and leave us, give us our fair share with the TAT if that makes sense. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, I'll, I'll cast a vote of support for this resolution to allow our representation on HSAC, you know, on our Hawaii State Association of Counties. But this vote will be cast with reservations. With reservations, because I've already received numerous communications from our constituents and residents of Maui County who vehemently oppose in giving tax money to pay for the Honolulu rail. I've heard from many kupuna, senior citizens, who probably will not even be able to use the rail when it gets completed. They probably will not be here. And so, they strongly oppose that because they would much rather see their funds be used for County services for senior citizen needs.

So, I will support HSAC representing us. But, I would also ask that they also see that the funds of Maui County remain in Maui County.

CHAIR WHITE: Thank you, Mr. Atay.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Just for clarification, thank you, Councilmember Atay, for your vote. So, this resolution is to support the City and County of Honolulu to have the Legislature authorize, or reauthorizing the extension of their existing General Excise Tax. And Maui County is not, well, we don't want, and this resolution does not mention for us to be taxed any, any kind of GET; that it's strictly for the City and County of Honolulu. Maui County is what you've just explained about our TAT distribution, I guess, is, is how we want to do it.

So, I just wanted to clarify that with the understanding that this resolution in no way taxes our Maui residents.

CHAIR WHITE: Correct. Thank you.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, for my second and final opportunity to speak on this motion. I'm glad that Mr. Atay made a comment. Because for me, Chairman, part of us not getting what I consider what is owed this County, our ability to promote and generate the revenues, is the impact on how this County then needs to ask the property tax base to make it up under property taxation, okay.

Let us not forget the impacts that our residents face due to certain, oh I don't know how to say politely on an official record, Chairman, but I know my colleagues know I'm pretty blunt about certain things. But, it is obvious that the new leadership of the State House has an attitude that the counties' needs, taxation needs to be increased to generate revenues, and that they prefer the counties to raise the taxes, instead of the State Legislature. And that, to me, is an interesting mentality of the State House under their new leadership.

Again, for me, Chairman, the potential of this new increase on the TAT is for Oahu's benefit. And the extension of the Excise Tax is something our counterparts on the City and County Council, nobody likes taxes, Chairman, but rural taxpayers, we understand to provide the services and infrastructure requirements of a healthy and growing community.

But for us, Chairman, the mentality of the House to force the counties then to, what I would call, raise the property tax to make up for the shortfalls that we should be receiving from our property tax base under resorts, hotels, timeshares, and whatever it is for short-term rentals. I don't think it is of, you know, there's a question of fairness for our property owners and our businesses. And I'm bringing this up, because I think our community is questioning why we had to raise property taxes.

That was, and again, my point is we are happy to provide the services, but there's . . . And if you even look at the leadership from the Governor's Office regarding contracts, regarding extensions of certain agreements, I am dumbfounded that even the Governor and his people have not found a way to find the revenue stream to pay for

all their agreements to extend and increase expenses. I don't know what's wrong with the State leadership mentality, but by God, thank God we have a responsible Senate.

And I think the community needs to be fully informed, fully educated, because next year, people, we will be making choices on who we want to represent our interest and our welfare. And I think people need to know where those State leaders stood on taxation, and again, why they choose to have the County bear the brunt through County taxation to force us to raise the revenue to pay for things that I think they should have taken into consideration.

Whether they want to or not, they should have had a healthy discussion on why or why not Hawaii resident income tax is at the right level or not. Why shouldn't we consider? Because many seniors are open to an increase of the General Excise Tax but giving our residents, our kupuna, an exemption for food and drugs because that is one of their highest costs of living; food and medication. That State still can have a net benefit of increased income. Why haven't they brought this up on their tables of discussion, and at least have the community be able to provide comment? Where's the responsibility on that side of governance?

It shouldn't be only the counties that have to face the brunt of how to pay the bills, Chairman. This is about fairness again. And as I stated before, you cannot govern if you don't understand governance. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Just another, another number for you with this new tax level at 10.25, it means that Maui County will generate \$155 million in TAT and will get back 21. Not too fair for a tax that everywhere else in the country is a local tax.

So, I think we've rung the life out of this horse.

COUNCILMEMBER COCHRAN: Chair. Actually, Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. So, Chair, the GET Surcharge will be raised only, will only be imposed upon City of Honolulu?

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: I mean, okay. And, we're just--

CHAIR WHITE: This, this resolution is focused on supporting Honolulu's request to extend the Surcharge on the GET just for Honolulu.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: We don't, we don't know what the, the Legislature might come up with, because they, they have several things that they're saying are on the table.

COUNCILMEMBER COCHRAN: Okay. Yea, I, I don't know. I'm, I'm just not comfortable in supporting at this time. Thank you, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "no"; Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-125

Mr. Chair, proceeding with County Communications for referral. The following County Communications are recommended for referral to the following committees as noted:

NO. 17-310 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 21, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM; ACCOUNTS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT

PROJECTS)"; along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-310 be referred to the Budget and Finance Committee.

(COUNTY COMMUNICATION NO. 17-310 WAS FILED LATER IN THIS MEETING. See pages 53 through 55 for discussion.)

NO. 17-311 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 21, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, MANAGEMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-311 be referred to the Budget and Finance Committee.

(COUNTY COMMUNICATION NO. 17-311 WAS FILED LATER IN THIS MEETING. See pages 53 through 55 for discussion.)

NO. 17-312 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 21, 2017)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, GUARDRAIL AND SHOULDER IMPROVEMENTS AT VARIOUS LOCATIONS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, GUARDRAIL AND SHOULDER IMPROVEMENT AT VARIOUS LOCATIONS"; and
3. CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-312 be referred to the Budget and Finance Committee.

NO. 17-313 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 21, 2017)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY, WAILUKU WATER COMPANY ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAILUKU WATER COMPANY ACQUISITION"; and
3. CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 17-313 be referred to the Budget and Finance Committee.

(See pages 55 and 56 for discussion.)

NO. 17-314 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 21, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, LIQUOR EDUCATION FUND".

The recommended action is that County Communication No. 17-314 be referred to the Budget and Finance Committee.

NO. 17-315 - LYNN ARAKI-REGAN, BUDGET DIRECTOR,
(dated July 28, 2017)

Transmitting the Budget Implementation Report as of June 30, 2017 (Fiscal Year 2017 Fourth Quarter).

The recommended action is that County Communication No. 17-315 be referred to the Budget and Finance Committee.

NO. 17-316 - ELLE COCHRAN, COUNCILMEMBER,
(dated July 5, 2017)

Relating to Oxybenzone and its effects on the environment.

The recommended action is that County Communication No. 17-316 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-317 - ELLE COCHRAN, COUNCILMEMBER,
(dated August 1, 2017)

Relating to the intersection of Waiale Road and Waiinu Road, Wailuku.

The recommended action is that County Communication No. 17-317 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-318 - ELLE COCHRAN, COUNCILMEMBER,
(dated July 12, 2017)

Relating to placing a lifeguard tower at Pu`u Keka`a.

The recommended action is that County Communication No. 17-318 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-319 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated July 26, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8.20, MAUI COUNTY CODE, TO PROHIBIT SMOKING IN VEHICLES WHEN PERSONS UNDER THE AGE OF EIGHTEEN ARE PRESENT".

The recommended action is that County Communication No. 17-319 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any objections to the items referred as read by the Clerk?

Mr. Hokama.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 17-310 AND 17-311**

COUNCILMEMBER HOKAMA: Chairman, thank you.

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATIONS
17-310 AND 17-311.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, in my review of the communications, both items are flawed in its proposal. Especially, if you're going to ask us for positions, Chairman, and salary, you got to include fringes, which this does not.

They're talking about carryover/savings. We have not even officially closed our books for the last current fiscal year. In my understanding of the 20 years that I've watched this County move forward, it usually takes one quarter of the new year for us to finally finalize all expense, invoices, and payments regarding our general ledger.

And so, to tell me today, within 30 days of a new fiscal year of carryover/savings, when they even couldn't tell the Budget Committee regarding bond/lapsed bond revenues for the last review, I find it too interesting and not enough information for us to move this forward.

Secondly, Chairman, the Council and your Committees are not responsible to do the administrative work of the various departments in having to rewrite their legislation proposal. I expect them to send down complete considerations that we can then move forward, have a discussion, and a decision, but not for us to rewrite the legislation.

I expect better transmittals to come forward. If not, they can expect me to either file it or not post it for consideration. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair. Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. Hokama. Mr. Hokama, I don't, so I did look through item 17-313, the one asking for 150 for, towards, I think, acquisition purposes for Wailuku Water Company. And as I browsed through that item, it looks like it, we would have had to have appropriated this back in March, when the appraisal had to have commenced then. We are in August. So, I not sure, are we behind the, behind schedule on this at this inquiry here? I don't, I had questions.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I would be happy to have a discussion with Ms. Cochran. But, the, the motion on the floor is very limited to only 310 and 311 at this time.

COUNCILMEMBER COCHRAN: Oh, sorry, Chairman.

COUNCILMEMBER HOKAMA: So, I would ask Ms. Cochran, you know, I'm happy to have that appropriate discussion, but can we dispose of the motion on the floor first please? Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Cochran.

COUNCILMEMBER HOKAMA: Chairman, if, if you don't mind.

CHAIR WHITE: Yes, Mr. Hokama.

DISCUSSION RELATING TO COUNTY COMMUNICATION NO. 17-313

COUNCILMEMBER HOKAMA: I heard very clearly Ms. Cochran's comments and concern. I have the, those same things. Why I am, I am being open to have this referred to Committee, Chairman, is to allow us to have that discussion about timing, the dates and everything. This is a request. This is not a decision-making time at this point in the process. Again, what is being requested is 150,000 to do an appraisal of which this Council can help scope if it feels appropriate, and get the information that the Council deems appropriate and pertinent to make the best informed decision, Chairman.

This is a request from the Administration. They are projecting how they plan to pay for it, by which again, it is intriguing, it is water fund carryover/savings. And, I'm open to allow the Members of Budget and Finance to have that opportunity to share their concerns, share their comments, and then again, help reach a conclusion and a decision for Council's disposition.

CHAIR WHITE: Thank you.

Ms. Cochran, anything further?

COUNCILMEMBER COCHRAN: Yea. Well, thank you, Mr. Hokama. I, yea, there's questions. Looks like monies should have been paid out to the escrow services and what have you. So, anyhow, I'm just happy to hear that we will be discussing in further detail. Thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Any further objections to the referrals?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, in regards to 17-313, as the Chairman of your Water Resource Committee, I, I, I would heed and, and recommend the support to Budget and Finance Chairman Committee to have this issue heard, and will participate on that level in Committee.

CHAIR WHITE: Thank you, Mr. Atay.

Any further comments, Members? Seeing none, the, the items will be referred as read to the Clerk, or read by the Clerk, excuse me.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 17-101 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 17-126, entitled "AUTHORIZING SETTLEMENT OF JOHN S. DIAZ V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-04-01704," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN:

MOVE TO RECOMMEND THE ADOPTION OF COMMITTEE
REPORT 17-101.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on July 5, 2017, to consider the proposed resolution to authorize the Department of Corporation Counsel to settle this workers' compensation claim.

A Deputy Corporation Counsel said that the claim involves an employee who, during the course of the scope of employment, fell on a ten-foot stepladder from a seven-foot level, injuring both wrists and shattering his right heel. According to the proposed resolution, the injuries were sustained on June 14, 2004.

Following an executive meeting, your Committee voted 6-0 to recommend adoption of the proposed resolution. I respectfully ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-126.

COMMITTEE REPORT
NO. 17-102 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending the following:

1. That Resolution 17-127, entitled "INDEMNIFYING MYLES S. WON IN JASON GRIEGO AND JAMES SANCHEZ V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM KJM," be ADOPTED; and
2. That the correspondence dated June 1, 2017, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JASON GRIEGO AND JAMES SANCHEZ VS. COUNTY OF MAUI, ET AL., CIVIL NO. 15-00122 SOM-KJM," be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 17-102.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on July 5, 2017, to consider two proposed resolutions relating to the case read by the Clerk.

One resolution would authorize the Department of Corporation Counsel to settle the case, and the other would indemnify Officer Myles S. Won in the case.

The Seconded Amended Complaint filed in this case alleges Plaintiffs suffered various Constitutional violations on or about July 14, 2013, as a result of the actions by the named Defendants, employees of the Department of the Police. Complaint also alleges false imprisonment, false arrest, intentional infliction of emotional distress, and negligence claimed.

A Deputy Corporation Counsel said that the portions of this lawsuit that remain are the Fourth Amendment claims relating to the manner of arrests, negligent claims, respondeat superior claims against the County, and intentional infliction of emotional distress claims. The remaining of the lawsuits have been, the remaining of the lawsuit has been dismissed by the order of the Court following the County's motion for summary judgement. The Deputy further informed your Committee that a settlement demand had been received from the Plaintiffs' counsel.

Following an executive meeting, your Committee voted 6-0 to recommend adoption of the revised proposed resolution to indemnify Defendant Myles S. Won in the case, and to file the correspondence transmitting the proposed resolution authorizing settlement. I respectfully ask that the Council support the Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-127.

Mr. Chair, there is no further business before the Council.

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

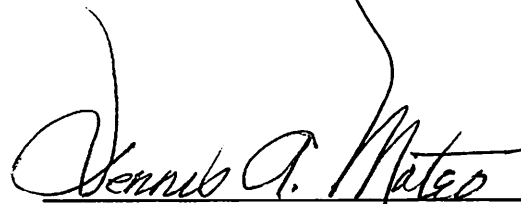
And thank you all for being here today. And have a wonderful, I was going to say wonderful weekend, but it's only Tuesday.

COUNCILMEMBER GUZMAN: I wish.

CHAIR WHITE: Have a wonderful day. We're adjourned.

ADJOURNMENT

The regular meeting of August 8, 2017 was adjourned by the Chair at 10:57 a.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Aloha Maui County Council members and Mahalo for hearing testimony on Council member Cochoran's initiative NO 17-316 relating to Oxybenzone and its effect on the environment which is such an important issue facing our island community.

I support introducing and passing a bill that would ban the sale of oxybenzone based sunscreens in the county of Maui. I would also like to encourage that legislation banning sales be put into effect as soon as possible, if not immediately. There is a sense of urgency needed in taking action to protect our reefs and our ocean based economy from this easily preventable threat.

Oxybenzone has been shown to be increasingly damaging and devastating to our coral communities. The chemical oxybenzone lowers the temperature threshold of corals leading to the corals to bleach under slight temperature fluctuations in the water where they normally would be undamaged. This particular chemical is also falling under scrutiny with health officials due to its properties as an endocrine disruptor. It is unfortunate that oxybenzone, which mimics estrogen, is the most common ingredient in sunscreens and so lethal to our environment.

The disruption to animals' hormone systems are preventing certain fish species such as parrot fish, which gender transition, from changing from female to male. If there are no males of a species, eventually the species as a whole will die out. It also prevents coral larvae from settling and creating new colonies and has been linked to deformation of juvenile coral polyps. This is a major issue facing Hawaii's marine life.

The impacts on our vibrant reefs that we use for tourism, fisheries, and our overall economy, has far reaching implications into the future and can severely and negatively affect the financial security of our island. Oxybenzone is making it impossible for the next generation of fish and corals to even be conceived and is creating a female dominated environment. If we plan to continue to attract our visitors with our pristine reefs, fresh seafood, and biodiversity, we must ensure that the reef is in fact healthy enough to sustain those activities.

It is imperative that we take action and lead the state in claiming responsibility for our ecosystem. Hawaii is the most isolated island chain in the world and home to many species that are not found anywhere else. Please stand with the environment that we cherish and love to share. Please accept this responsibility to protect and defend our source of food, joy, and fascination that is what we've built our home around.

Mahalo,
Lila Jones
B.S. Marine Biology

RECEIVED
2017 AUG - 8 AM 7: 40
OFFICE OF THE
COUNTY CLERK

Before You Buy or Apply, Read the Ingredients
Every Day, Every Reef
These sunscreen ingredients are proven coral-killers:

**OXYBENZONE, OCTINOXATE
AVOBENZONE or AVOBENZINE
ETHYLHEXL METHOXYCINNAMATE
HOMOSALATE
OCTISALATE / OCTOCRYLENE**

‘Āhihi-Kīna‘u
Natural Area Reserve

State of Hawai‘i
Department of Land Natural Resources
Division of Forestry and Wildlife



Some sunscreens are killing our reefs!
Please use **ZINC** or **TITANIUM OXIDE**
sunscreens only.

Before You Buy or Apply
Read the Ingredients
Every Day, Every Reef





Environmental Caucus
of the Democratic Party of Hawai'i

August 07, 2017

Re:

Testimony for Communication No. 17-316 relating to Oxybenzone and its effects on the environment.

Position: SUPPORT OXYBENZONE BAN

Aloha Maui County Councilmembers,

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports measures that protect Hawai'i's natural resources, as does the Democratic Party of Hawai'i Platform. **Communication No. 17-316** starts the discussion to help our coral reefs recover from the devastating effects of oxybenzone.

The negative impacts of oxybenzone on Hawaiian corals have been clearly outlined in a 2016 study published in the journal *Archives of Environmental Contamination and Toxicology*:

"Whether in darkness or light, oxybenzone transformed planulae from a motile state to a deformed, sessile condition. Planulae exhibited an increasing rate of coral bleaching in response to increasing concentrations of oxybenzone... Oxybenzone is a skeletal endocrine disruptor; it induced ossification of the planula, encasing the entire planula in its own skeleton." (Downs et al. 2016)

That means the coral larvae- the *planulae*- became deformed, stopped moving, and died in direct response to oxybenzone. Numerous other studies exhibit the dangers of oxybenzone to coral reefs in general (Danovaro et al. 2008), as well as its negative effects on fish (Coronado et al. 2008).

The Environmental Caucus, on behalf of our general members who voted to support oxybenzone bans, respectfully urge you to ban the sale and use of this toxic chemical in the County of Maui.

Every day our corals absorb oxybenzone and other reef-killing chemicals from thousands of beach patrons, and they are dying at an alarming rate. We appreciate the Maui County Council taking the initiative to ban oxybenzone as soon as possible- our delicate marine ecosystem cannot afford to wait. References are provided on the following page, and our secretary is available to answer any questions.

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2017 AUG - 8 AM 7:49
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COUNTY CLERK



Environmental Caucus

of the Democratic Party of Hawai'i

Mahalo nui loa for your consideration. We hope that you will join us in securing an environmentally sustainable future for our marine wildlife.

Respectfully submitted,

Natalia Hussey-Burdick
Secretary
(808) 688 3481
nataliah@hawaii.edu

Literature cited:

Coronado, M. *et al.* (2008) "Estrogenic activity and reproductive effects of the UV-filter oxybenzone (2-hydroxy-4-methoxyphenyl-methanone) in fish." *Aquatic Toxicology* 90:3, 182-187.

Danovaro, R. *et al.* (2008) "Sunscreens Cause Coral Bleaching by Promoting Viral Infections" *Environmental Health Perspectives*. 116: 4, 441-447.

Downs, C.A. *et al.* (2016) "Toxicopathological Effects of the Sunscreen UV Filter, Oxybenzone (Benzophenone-3), on Coral Planulae and Cultured Primary Cells and Its Environmental Contamination in Hawaii and the U.S. Virgin Islands." *Archives of Environmental Contaminants and Toxicology*. 70:2, 265-288.

RECEIVED **NAPILI**

2017 AUG -8 AM 7: 40 Bay and Beach Foundation

PO Box 10823
Lahaina, HI 96761

OFFICE OF THE
COUNTY CLERK

August 6, 2017

- Honorable County Council Members,
County of Maui
Attn: County Clerk

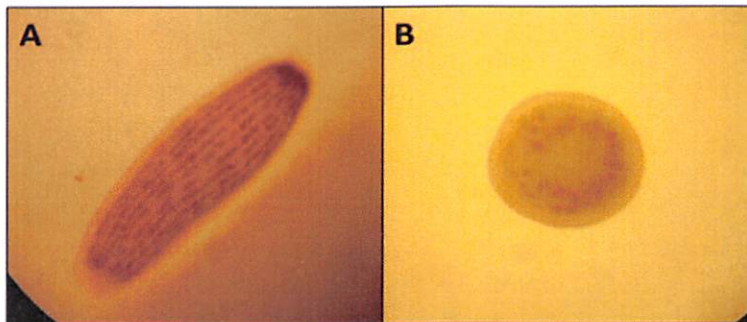
- Dear Maui County Council Members:

- Napili Bay and Beach Foundation is writing you today, to ask you to support legislation for Maui County that bans the sale of sunscreen and other personal-care products that contain OXYBENZONE, to be communicated by Councilwoman Elle Cochran as No. **17-316**.

- In our continuing efforts to protect and improve the health of Napili beach and bay, we have recently learned of the deleterious effects of some sunscreen ingredients on reef life, particularly the ingredient OXYBENZONE, found in many popular sunscreens brands.

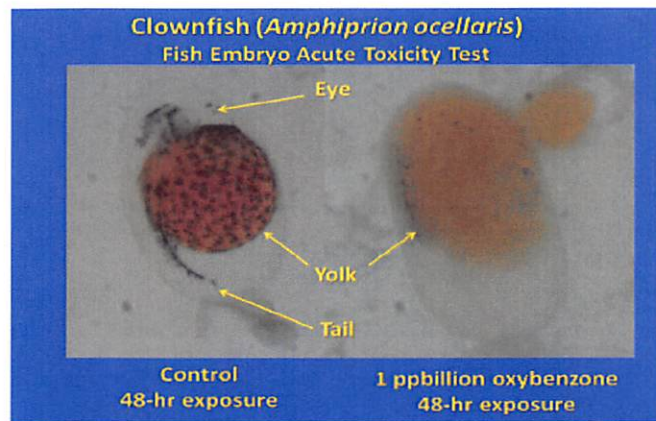
- OXYBENZONE has been scientifically shown to stress coral reef life health by causing:

- loss of motility and viability in juvenile corals that are essential for building new reefs



Panel A is a normal, healthy juvenile coral (also called a planula). It is about 5 mm in length. Panel B is a coral exposed to oxybenzone for 8 hours. Used with permission from Archives of Environmental Contamination and Toxicology.

-

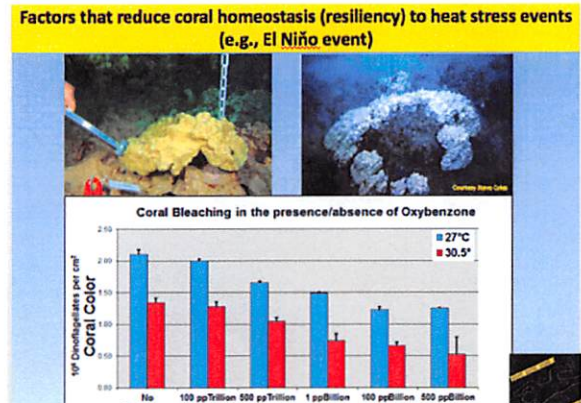


- damage to baby fish

Pat B. Lindquist, President
Scott Ullrich, Director

Gregg Nelson, Vice-President
Jamie Lung-Ka'eo, Director

Nane Aluli, Secretary
Dana Reed, Director



- coral bleaching at lower temperatures
- Data provided by Haereticus Environmental Laboratory
- We, and many others, are concerned about documented losses in coral reef coverage and resilience on Maui's reefs in the face of global warming trends in the State of Hawaii and on coral reefs worldwide. "Maui's Reef Report Card, 2016", recently published by Maui Nui Marine Resource Council, indicates an overall score of POOR for the County Reefs, and documents 25% of the reefs are lost beyond repair and 50% are declining in health, a very sad report card indeed.
- Dead and dying reefs directly translate to economically important environmental losses for Maui of:
 - coastline resilience to erosion
 - tourism dollars as the snorkel and dive sites lose reef fish and coral formations
 - abundant local food sources
- The science and environmental impact of this chemical is quickly being recognized and its importance is spreading in the broader social consciousness. In October 2015, Time Magazine claimed that pollution research on OXYBENZONE is one of the "12 Things You Need to Know" and created an infographic - <http://time.com/4082272/coral-reefs-sunscreen-oxybenzone/>.
- Since then, a large number of citizen groups across the U.S. have rallied together to educate the general public about this easily mitigated environmental and human-health threat. Attached here is a Public Service Announcement sponsored by a large number of businesses, NGOs, and scientists, which was published in the Washington Post Express and in Mother Jones in Spring and Summer, 2017.
- I am calling upon your leadership to support this initiative by Councilwoman Cochran to protect our beaches and coral reefs in the County of Maui by banning sale of all personal care products containing OXYBENZONE, effectively mitigating this source of pollution.
- Sincerely,

Pat B. Lindquist

Pat B. Lindquist, President, Napili Bay and Beach Foundation

We are a non-profit organization formed to protect and improve the health of Napili beach and bay, tax ID # 20 5394259

Pat B. Lindquist, President
Scott Ullrich, Director

Gregg Nelson, Vice-President
Jamie Lung-Ka'eo, Director

Nane Aluli, Secretary
Dana Reed, Director

CORAL REEFS ARE DYING

and those in the
waters of Hawai'i
are among the
most at risk

Sunscreen pollution, especially the chemical **oxybenzone**, plays a role in that loss. The toxicity of **oxybenzone** can cause both coral bleaching and coral death, as well as induce reproductive diseases in fish. Oxybenzone can play a destructive role in **preventing** the natural restoration of a damaged reef—ultimately leaving the seascape barren and desolate. Sunscreen pollution's worst impacts occur on reefs where locals and tourists love to swim and experience the ocean.

To learn more about sunscreen pollution and coral reefs, and to see a short film, visit

ReefsAtRisk.org



To learn more about what Hawai'i and its elected representatives are doing, go to **bantoxicsunscreens.com** or **bereefsafe.com**

PHOTO COURTESY OF SARAH LEE AT
WWW.SARAHLEE.PHOTO

AQUA-ASTON
HOSPITALITY



As a community of businesses, scientists, and non-profits, we are asking you to learn more about this issue, and like us, become part of the solution in rebuilding healthy coral reefs.

BUSINESSES:

808 Boards, Inc.
Hawaiian Paddle Sports
Hawaii Mermaid Adventures
Valley Isle Excursions
Maui Marketing
Maui Standup
Maui Surf Lessons LLC
Snorkel Depot
Waterworks Sports
Sunrise Surf Lessons Kauai
BeReefSafe.com
Rainbow Kayaks
Maui Kayak Adventures
Kai Kanani Sailing Charters
Tuga Sunwear
Pakaloha Bikinis
Snorkel Bob's
Hale Napili
Napili Shores Resort
Nalu Koa Maui
Napili Kai Resort
Napili Surf Resort
The Mauian
Napili Sunset
Ozone by Outrigger Resorts
Aqua-Aston Hospitality

SCIENTISTS:

Dr. Robert Richmond, University of Hawaii
Dr. Michael J Risk, McMaster University
Dr. Abbas Haghsheenas, University of Tehran
Dr. Eugene Shinn, University of South Florida
Dr. Ariel Kushmaro, Ben Gurion University
Dr. Esti Winter-Kramarsky, Weizmann Institute
Dr. John Fauth, University of Central Florida
Dr. Silvia Diaz Cruz, Spanish Council for Scientific Research
Dr. Omri Bronstein, Natural History Museum of Vienna, Austria
Dr. Kim Sheehan, University of Oregon
Dr. Heather Hamlin, University of Maine
Dr. Craig A. Downs, Haereticus Environmental Laboratory

COSMETIC COMPANIES:

Joe Dinardo, (ret) VP, Revlon-Almay
Raw Elements USA
All Good
Stream2Sea
Sea & Summit
Suntegrity Skincare
Mama Kuleana

NGOs:

Napili Bay and Beach Foundation
Friends of Hanalei Bay
Hawaii Ocean Ambassadors
For the Fishes
Hawaii Wildlife Fund
Sustainable Coastlines Hawaii
Maui Huli'au Foundation
Malama O Puna
Pacific Whale Foundation
Humane Society of the US
Maui Nui Marine Resource Council
Boxerwood Education Assoc.
Humane Society International
Save the Waves
Hawaii Ecotourism Association
Save Honolulu Coalition
KUPU
Colorado Ocean Coalition
Inland Ocean Coalition
Hawaii Association for Marine Education & Research
Conservation Council for Hawai'i
Coral Restoration Foundation
Hui O Ka Wai Ola
Hui O Ho'ohouua
Toxic Free NC
Haereticus Environmental Laboratory

Ua Mau ke Ea o ka 'Āina i ka Pono
(The Life of the Land is Perpetuated in Righteousness)

Pat B. Lindquist, President
Scott Ullrich, Director

Gregg Nelson, Vice-President
Jamie Lung-Ka'eo, Director

Nane Aluli, Secretary
Dana Reed, Director

From: Barbara Barry gardenmeister@msn.com

Subject: For todays hearing on CC 17-313

Date: August 8, 2017 at 8:56 AM

To: Mike.White@mauicounty.us, Stacy.Crivello@mauicounty.us, Alika.Atay@mauicounty.us, Elle.Cochran@mauicounty.us, Don.Guzman@mauicounty.us, Kelly King Kelly.King@mauicounty.us, Riki.Hokama@mauicounty.us, Yukilei.Sugimura@mauicounty.us



Aloha Council Members,

I am writing to oppose the funding of the survey for the purchase of Wailuku Water Company land and water rights.

I feel this is premature considering that there is still many questions about the role of County funds to restore private property belonging to Wailuku Water Company after the floods of Sept. 13, 2016.

It seems very odd that the sale would come so closely on the heels of so many unanswered questions about where the emergency monies went, where are the FEMA funds that the County was going to use to pay for the months of repairs, why the County was working on Private property belonging to Wailuku Water Company, the removal of the pohaku and subsequent crushing for the County land fill and the cover up. We should be in no rush to move forward on this until all the accounting has been audited and the FEMA funds received. There is a serious lack of water flowing in the Wailuku River. Has there been more versions further upstream from the Lao Valley park? There is just a small amount of water flowing and I know it has been raining in the W. Maui mountains recently. The dates in the Acquisition document between Wailuku Water Company and the County of Maui are in the past so unless the document is updated with the correct dates, it is invalid.

The 1100 acres involved with this sale that (might) become someone else's property strikes me as a very odd arrangement. Why is the County agreeing to this clause? Why not keep it separate?

See # 6 of the Acquisition agreement.

Understanding that the Water falls under the Public Trust Doctrine of the State of Hawaii, I urge you to slow down and not rush this sale through. Too many questions need to be answered and the Public's involvement need to be allowed with more ample notices and documents that are being produced for complete scrutiny and understanding.

This is a enormous amount of money that is being asked for this property. Why not just look at the average that deals with the intake area for the Water? Does the county really need to own all the adjacent property? I seriously doubt it. We have many pressing issues like affordable housing that needs to be addressed.

Please do not move forward with this project until the questions are all answered, legal, ethical and fiscal.

Mahalo,

Ms. Barbara Barry

Ha'iku