

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

April 5, 2019

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

COUNCIL CHAIR KELLY T. KING: Good morning all, this is the Maui County Council, regular Council meeting of April 5, 2019. It's nine o'clock a.m.

And, we will start with roll call today. We have our Deputy County Clerk today, Maggie Clark.

Maggie can you start with the roll call.

### ROLL CALL

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, ALICE L. LEE, G. RIKI HOKAMA, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: NONE.

DEPUTY COUNTY CLERK MARGARET C. CLARK: Madam Chair, there are nine Members present, and zero Members excused. A quorum is present to conduct the business of the Council.

CHAIR KING: Excellent, alright. Thank you, Members. Can I just please ask everybody to silence their cell phones and other noise making devices. Everyone in the chambers, as well.

And, we will turn to Councilmember Tamara Paltin for opening remarks.

## OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

CHAIR KING: Thank you, Ms. Paltin.

All those who are so inclined, please stand up and join me for the Pledge of Allegiance?

## PLEDGE OF ALLEGIANCE

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

CHAIR KING: Thank you.

Madam Clerk.

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

## CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 19-67

RECOGNIZING APRIL 2019 AS SEXUAL  
ASSAULT AWARENESS MONTH AND CHILD  
ABUSE PREVENTION MONTH

CHAIR KING: Vice-Chair Keani Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll start with opening remarks or with the motion.

CHAIR KING: Usually you make a motion and ask the Clerk to read the resolution.

VICE CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT THE RESOLUTION "RECOGNIZING  
APRIL 2019 AS SEXUAL ASSAULT AWARENESS MONTH  
AND CHILD ABUSE PREVENTION MONTH".

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice Chair Keani Rawlins-Fernandez, seconded by Councilmember Alice Lee.

Member Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request that you ask Madam Clerk to read the resolution in its entirety?

CHAIR KING: Ms. Clark.

*(The resolution was read in its entirety.)*

CHAIR KING: Thank you, Ms. Clark.

Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Childhood sexual abuse is a serious on-going threat to our families and children. As the #Me Too movement has emboldened survivors to speak, we learn repeatedly that if unchecked, even one perpetrator in a position of trust and power can drive an epidemic.

In 2011, a statewide study, "And how are the children?", by the Consuelo Foundation in 2011, uncovered troubling evidence that sexual violence is a serious threat to the current and future wellbeing of Hawaii's people. This is especially true on Molokai and other geographically isolated, under resourced communities that are vulnerable to an epidemic of inter-generational sexual violence. The topic of sexual violence is so painful and sensitive, in part, because it affects so many of us, directly or indirectly.

On average, one in four girls, and one in six boys, will experience sexual violence before the age of 18. Thirty percent of perpetrators are themselves under the age of 18. Over eighty percent of perpetrators are someone the victim knows and trusts.

Behind each of these statistics are millions of names, faces and stories. Behind these statistics are people I know and love.

Sexual abuse is child, in childhood is a terrible betrayal that has been linked through scientific study to future substance, subsistence abuse, suicide, depression, anxiety, obesity, auto-immune disease, thyroid disease, heart disease, reduced life span and reduced economic security. Plus, this hidden issue contributes to many of our more visible and costly challenges. Often sexual abuse tears families apart.

On April 20<sup>th</sup>, Molokai's second annual Keiki Fest will gather hundreds of Molokai ohana to commemorate sexual assault awareness month and child abuse prevention month. Emphasizing the uplifting aspects of violence prevention, the community gathers to celebrate the worth and accomplishments of Molokai's children, youth, and teens. Local halau and leaders present, will present on stage, while over twenty community partners promote positive parent-child engagement through interactive activity booths, giveaways and education about concepts, such as consent, healthy boundaries and our collective kuleana to prevent violence and promote wellbeing.

Recognizing April as a prevention and awareness month helps the community to honor the voices and experiences of abuse survivors, including their stories of suffering, anger, grief, healing, resilience and empowerment. Most importantly, we affirm that abuse is never a victim's fault.

This event is organized by the Molokai Sexual Violence Prevention Community Action Team and staff of the Molokai Child Abuse Prevention Pathways (MCAPP). MCAPP is a Molokai based non-profit organization that works to stop childhood violence, childhood sexual violence before it happens with the support of the Maui County Department of Housing and Human Concerns. Supported by MCAPP, the Molokai community has worked continuously for the past seven years to build community awareness and prevent childhood sexual violence through education.

Molokai is now leading, now leads the state in the delivery of sexual violence prevention education in schools. Over ninety percent of the students in eighth, eight grade levels, spanning Pre-K through twelfth grade receive in-depth culturally relevant, age specific instructions every year. This amounts to over seven hundred young people, nearly ten percent of the island.

Elementary school, elementary students learn their bodies are special and sacred and belong to them. They learn about the difference between good touch and bad touch, good secrets and bad secrets; that a bad touch or a bad secret is never their fault, and what to do if anything bad happens.

Middle and high school lessons include how to define and identify sexual violence; establish healthy boundaries, communicate with respect, and seek consent.

Outside the classroom, MCAPP empowers teens, sexual abuse survivors, and other community leaders to become advocates through their Lamaku Mentoring and Leadership Development Program incorporating Hawaiian values, social and emotional learning, sexual violence prevention concepts, hands on learning and civic engagement. The program's name, Lamaku, references a traditional candlenut lamp evoking the island of Molokai. The spark of healing and the act of leadership in bringing light to hidden issues.

Beyond the impact to health and well-being, sexual violence is a source of shame and stigma and can silence the victims in many ways. As a member of the Council, I believe prevention enables youth and survivors to engage more fully in the social, political, and economic systems in which they live. Mahalo, Chair.

CHAIR KING: Thank you, Member Rawlins-Fernandez. Did you want to urge your fellow Councilmembers to support your resolution?

VICE CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo. I urge my colleagues to vote with me in supporting this resolution.

CHAIR KING: Okay. Mahalo. Any other comments or questions?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I think all that we would like have said has been said. And I'm glad it's happening on Molokai, and we supported that organization last year through budget funding and I'm glad that it's very successful. So, I too support the resolution.

CHAIR KING: Okay, thank you, Ms. Sugimura. If there are no other comments, I just would add my support to this very important issue. I remember discussing these issues with, last year in budget session, when we funded some of the programs on Molokai, so I'm glad to see that they're going strong. I understand you have Liz here from MCAPP, to receive the resolution. So, thank you for being here, Liz.

And, I also wanted to mention that, I'm glad that it's kind of, this is timed when our Acting Prosecuting Attorney Don Guzman is here in the audience. Because I remember him mentioning in, when we had the interview with him in the GET Committee, that the difficulty of prosecuting these types of crimes because of the withdrawal of the complaints from family members. So, I know that's one thing that

he's going to be working on and I know he supports this type of resolution and that we, putting more emphasis on how we can get to that, the solutions to actually prosecute these types of crimes and try to start ending some of this perpetration on, especially our children.

So, with that, I will call for the vote. All those in favor of the resolution that's on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero, unanimously. Thank you.

Member Rawlins-Fernandez, would you like to invite your recipient up?

VICE CHAIR RAWLINS-FERNANDEZ: Yes. I would like to call up Liz Fujii, Executive Director of Molokai Child Abuse Prevention Pathways and I wanted to honor her with a lei, made of pua kalaunu, our Queen's favorite flower. It represents the legacy of her gift, the trust to create the Queen Lili'uokalani Children's Center and her love for Na Pua o Hawaii, our keiki, to mahalo Liz for all her hard work.

CHAIR KING: Would you like to come down and maybe say a few words. I think, is there anything left that Ms. Rawlins-Fernandez didn't say already.

MS. LIZ FUJII: No, thank you so much. Aloha mai kakou. Thank you, Council, for recognizing the vital importance of preventing sexual assault and child abuse. I just want to say that it's a very heavy subject but I take great joy in this work because I get to see great courage every day. And to address this issue here in the chambers takes courage and to even witness this takes strength. So, thank you everyone for being here today.

My name is Liz Fujii and I am the Executive Director of Molokai Child Abuse Prevention Pathways (MCAPP). Our mission is to keep children safe and promote ohana well-being, by preventing sexual violence against children, as well as, teen suicide. Led by Molokai's strengths, including profound resourcefulness, aloha, family bonds and connection to place, we envision a Molokai where happy, healthy children and families is everyone's kuleana.

MCAPP delivers culturally responsive sexual violence prevention programs to build ohana well-being in our community. We're proud of our rural, predominantly Native Hawaiian and lower income community for retaining deep cultural connections to place, including a lifestyle rich with farming, fishing, hunting, spirituality, pride and complex family connections. We've been working for seven years to do this work and the curriculum is meant to protect youth from becoming both victim or perpetrator, we don't want that for anybody.

There's an effort in Hawaii and throughout the U.S. to bring this kind of education to all schools, but Molokai is the only island in the state that's doing this today. And I want to thank you for your support in that. With your support in the past year, we've reached 745 youth and keiki, as well as 71 faculty members. And I have a written update here for all of the Councilmembers, just to show you what you're helping to support.

Thank you for describing Keiki Fest, I won't get into that. I will say that our mentoring program, Lamaku has taken it upon themselves to organize an awareness week at school in the days leading up to Keiki Fest. So, it's sort of like a spirit week, where every day they will wear a different color and share a message that's important to them about prevention.

So, on the first day, they'll talk about how it's never a victim's fault, and the next day they'll share that it shows strength to get help, it shows strength and courage to tell your story. And on Wednesday, we'll talk about being an ally and finally they'll talk about enlightening others like the lamaku, so learning and sharing what they know. I'm really proud of these youth.

And when Council Chair King speaks about families withdrawing from the court system, it happens a lot, in a lot of different ways. These issues get kind of brushed under the rug, and we know that youth leadership is key to building the community will to address these issues, so that we end this problem once and for all.

So, on behalf of MCAPP, thank you so much for your support. It means a lot to us and to our keiki and thank you. May I hand out these paper reports to the Councilmembers, or should I give them to staff?

CHAIR KING: You can give them to staff to hand out, but if we can invite the Councilmembers to come up front and do the photo since we didn't do the photo ahead of time and recognize the, and you can give the lei, Ms. Rawlins-Fernandez. It will just take a few minutes and join Liz up here. Thank you for all your good work, Ms. Fujii.

Ms. Clark.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-67.

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

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

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

We currently have four individuals who have signed up to testify in the Council Chamber, and one testifier signed up at the Molokai District Office.

The first person signed up to testify in the Chamber is Rick Nava, testifying on Committee Report 19-42, to be followed by Doug McLeod, testifying on CC 19-159.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. RICK NAVA (testifying on Committee Report 19-42):

Good morning, Chair. Good morning, Councilmembers. My name is Rick Nava, and I'm here to support attorney Guzman, as the head Prosecuting Attorney for the County of Maui. I have known attorney Guzman for over a decade and have worked with him on several projects, attended meetings, and have watched him and listened to him during Maui County Council meetings.

I have the utmost respect for attorney Guzman, for his commitment and his dedication to improve the Maui County. Because of attorney Guzman's foresight, the County of Maui acquired 267 acres of undeveloped coast line on Maui's Northshore. Thanks to attorney Guzman for introducing the bill that bans tobacco use on County parks, the beaches, and the recreational facility in the County of Maui.

Further, I also, we should also thank attorney Guzman for working pro bono to make the Lahaina Junior Golf Association become a 501(c)(3) corporation.



What I shared with you is just some of attorney Guzman's contribution to help the County of Maui be a better County for all of us. People say that attorney Guzman is hard to work with. I disagree completely. As a lawyer, attorney Guzman works with facts, he's very detailed, and likes to ask questions. I do not believe that an individual who asks questions should be labeled as a person who is hard to work with.

Attorney Guzman is very passionate to make positive difference for the people of the County of Maui. He is a no-nonsense individual, he pushes himself very hard, and the people he works with. I appreciate his commitment and the effort he exerts to ensure that things are done right the first time and in a timely manner. I know that attorney Guzman will do a great job as the head Prosecuting Attorney and will be a tremendous asset to the County of Maui.

I humbly ask all of you, the Maui County Council, to please confirm attorney Guzman as the new head Prosecuting Attorney for the County of Maui. Thank you.

CHAIR KING: Thank you, Mr. Nava. Any questions, Councilmembers. Seeing none, thank you for your testimony.

MR. NAVA: Thank you, thank you.

CHAIR KING: Thank you for coming all the way from West Maui.

MR. NAVA: Yes, and on time.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Doug McLeod, testifying of County Communication 19-159, to be followed by Artemio Baxa.

MR. DOUG MCLEOD (testifying on County Communication 19-159):

Good morning, Chair King, Councilmembers. I do support Mr. Guzman, as well, by the way, based on experience working with him and I never found any, found him difficult to work with at all. But that's not what I'm an expert on and that's not what I'm here to talk to you about today.

As I said, my name is Doug McLeod and I have had a number of roles in the energy sector on Maui, you know, including a term here for the County as the Energy Commissioner and a bunch of work with non-profits in the private sector.

And I want to talk about the proposal from Councilmember Rawlins-Fernandez, to do a review of the Anaergia projects, and that's CC 19-159. And I'm testifying in strong support of that.

In my limited time today, I'd like to make two points to you, the first relates to the Central Maui Landfill. And what I'd really like to do is leave you with the understanding that, right now, today, the landfill is already one of the major sources of energy in Maui County. Every single day that landfill is producing methane, and methane is what on the mainland they would call, natural gas, that's coming out of a field in Oklahoma or Texas. The methane gets produced by the breakdown of all the things that are already in the landfill.

So, there is however a big difference between what we have today and the natural gas field on the mainland. So, the difference is, right now we've spent millions of dollars to build a system that collects all that methane, but currently all we do is we flare or burn off the methane, without actually producing energy. The energy potential of the landfill is equal to the sum of all of the County's solar facilities combined.

But there's another thing you really need to understand, not just the size of the energy potential there, but that when you deal with methane coming from a landfill, not from a natural field, the production is very short lived. It has a very specific curve. And it means that once the production ramps up, it stays at that level for a short time and drops off.

Why does all this matter? It matters because the County has consistently given extensions on the Central Maui Landfill contract to Anaergia. Those extensions are in fact costing the taxpayers quite a bit in terms of lost opportunity. And I'm emphasizing again the shape of the curve of methane production that you have from a landfill to understand why four years matters. And it's already been four years without any field work, no EIS, and four years of lost production of methane from that landfill. So, that's all I want to say about the landfill.

With my remaining time here, I'd like to comment very briefly about the project proposed for the Kahului Wastewater Plant, and the easiest way to understand why that is so unsuitable as a power plant facility. MECO put their plant at the harbor there in 1947 because the fuel for the plant was coming in by the harbor. If you're doing projects today where your fuel is not imported, you do not do your project down by the harbor for all the reasons related to climate.

I'll go ahead and stop my comments now. Thank you, Chair.

CHAIR KING: Thank you, Mr. McLeod. Any questions, for Mr. McLeod?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Good morning, sir. I was, I don't understand a lot of what you just said, but I'm wondering if you would be open to meeting with me later on to help me understand this stuff.

MR. MCLEOD: Of course, Councilmember.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR KING: Thank you, Member Kama.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I just wanted him to finish what he was trying to say regarding the, his last comments about MECO, and--

CHAIR KING: About the airport project? Okay, but you're still on the Anaergia review--

COUNCILMEMBER SUGIMURA: --I think, didn't you switch subjects?

CHAIR KING: No, it's the same. It's another Anaergia project that he is talking about.

MR. MCLEOD: But just to wrap it up quickly, what I was saying is that MECO has done a lot of work looking at where to put power plants now. And they have consistently said for the last five years that they would not put another power plant down there. It has got safety issues, it's got inundation issues. And what I'm saying is that this County project does not make sense in this location just based on general best practices.

You know, we don't even need to talk about the money piece. That, that project, the energy cost is twice what you would say the market price is today for renewables. But, I'm really not trying to talk money with you so much as to say that one is fundamentally unsuitable, based on current thinking about where you put power plants.

CHAIR KING: Thank you. Member Sugimura, did you get your answer?

Okay. Councilmember Sinenci, you have a question?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. McLeod. I just wanted to get your, your job title.

MR. MCLEOD: Right now, I'm just testifying as a taxpayer. I served as the Energy Commissioner for the County of Maui. I served on behalf of non-profits, like Maui Tomorrow on energy issues, I'm not currently working for them. I also do some private sector consulting. I built the first feed-in tariff system on Maui. I've done a lot of solar projects around Maui, thirty or forty.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR KING: Okay, any other questions? So, as we move forward, we may want to call you back as a resource person.

MR. MCLEOD: Of course, appreciate your time and appreciate your work on the other more important issues, as well. I'm a father of two daughters, so thank you.

CHAIR KING: Thank you, Mr. McLeod.

Ms. Clark, we'll take one more testimony from the chambers and go to our neighbor districts.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Artemio Baxa, testifying on Committee Report 19-42.

MR. ARTEMIO C. BAXA (testifying on Committee Report 19-42):

Good morning, Honorable Chair King, other officers and Members of the Council. I initially testified at the initial hearing of the nomination of Mr. Guzman as the head of the Department of the Prosecuting Attorney. I continue to fully support his nomination. I am convinced, I am confident that if confirmed he will lead the office in a very outstanding way. He will do it from top to bottom, to the lowest of the employees. Again, please confirm him. I reiterate, he will do an outstanding job in leading the office. Thank you.

CHAIR KING: Thank you, sir. Are there any questions? No questions? Alright, thank you for being here.

MR. BAXA: Thank you.

CHAIR KING: Appreciate your testimony.

Ms. Clark, can we go out to the neighbor, let's start with Lanai.

Any testimony in Lanai?

DEPUTY COUNTY CLERK: Lanai Office, please identify yourself and introduce any testifiers.

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

DEPUTY COUNTY CLERK: Hana Office, please identify yourself and introduce any testifiers.

MS. MAVIS OLIVEIRA-MEDEIROS: Aloha kakahiaka, Chair. This Mavis Oliveira-Medeiros from the Hana Office. There is no one here to testify.

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

MS. ZHANTELL LINDO: Aloha, Chair. This is Zhantell Lindo at the Molokai District Office and we have one testifier, Kaleialoha Moss, on item CR 19-37.

CHAIR KING: Molokai.

MS. KALEIALOHA MOSS (testifying on Committee Report 19-37):

I want to thank Councilwoman Rawlins-Fernandez, for working with us and her support on this resolution.

This resolution to change the zoning of our property, if adopted, will allow us to continue running our businesses that are already on the property, and that have been there for decades. It will also allow us to make necessary repairs, such as fixing our leaking roof, that we have been told we are unable to do because of the interim zoning.

I am asking that the Council please refer this resolution to the Molokai Planning Commission so that we can keep moving forward. I thank you for your time.

CHAIR KING: Thank you. Can you state your name, again? We didn't catch that.

MS. MOSS: It's Kaleialoha Moss, also I'm also known as Pumpkin.

CHAIR KING: Okay, thank you.

DEPUTY COUNTY CLERK: Madam Chair, there is one last person signed up to testify in the chamber. Nadine Awana Chase, testifying on County Communication 19-158.

MS. NADINE AWANA CHASE, TRI-ISLE RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL (testifying on County Communication No. 19-158):

Aloha mai kakou. My name is Nadine, excuse me, I apologize, I'm trying to get over an infection, so sorry. My name is Nadine Awana Chase, I represent Tri-Isle Resource Conservation and Development. I'm here, testifying on item, or Communication 19-158.

We were asked by the Office of Economic Development to provide our testimony with regards to our request for funding, which is the first-time request for funding for operating capital of \$50,000.

If you are unfamiliar with our organization, our mission is to protect, preserve, develop and serve the island communities through, by providing employment and business development opportunities. We do this through the implementation, management, and fiscal sponsorship of agricultural, economic, environment projects.

If you're unfamiliar with our history, and I think a few of you already know it, just to really brief, in 1962, Congress allocated funding through the Department of Agriculture, which in part, RCD's throughout the nation. Unfortunately, in 2011, we lost funding and we have been able to capacitate ourselves since 2011 without that type of funding support. The great thing is that since 2011, TRCD has brought into the County of Maui, non-profit networks and economy, over \$12 million in grants from both private and public sectors.

Fast forward to today, since 2017 we've cut our budget operating funding, we are now down to an FT of 1.75 from what was typically 3.85. We continue to review our operating budget to align ourselves, to keep ourselves operating. In 2018, we approached the previous Administration and requested for the \$100,000 line item from operating funds. In 2019, we then spoke with our new Administration and Mayor Victorino informed us that we could request for \$50,000 as operating budget. I see my time is up, so I apologize. I will submit our written testimony. Any questions?

COUNCILMEMBER SUGIMURA: Chair. Sorry.

CHAIR KING: Yes, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: What item is this, again?

CHAIR KING: Well, we were given 19-158, but I was looking through that and I don't see. So, if you're testifying, Ms. Chase, if you're testifying on a budget item for the upcoming budget, this is not the appropriate meeting to do that.

MS. CHASE: Okay, so we were informed and instructed by the Office of Economic Development Director to provide testimony today with a schedule, and I could only identify one item, which is the 19-158--

CHAIR KING: --okay. I think that was an incorrect suggestion.

MS. CHASE: Is there another item? I'm so sorry--

CHAIR KING: No, we're not discussing the 2020 Budget today. So, I'm sorry I let you finish, but I was looking for that item.

MS. CHASE: Okay. I was looking for it too, the whole time. I'm so sorry. I apologize.

CHAIR KING: It's okay.

MS. CHASE: Any questions?

CHAIR KING: No, we're not taking questions--

MS. CHASE: Okay, thank you. I'm so sorry.

COUNCILMEMBER HOKAMA: Point of information, Chair

MS. CHASE: Thank you for this time.

CHAIR KING: Yes. Mister--

COUNCILMEMBER HOKAMA: I believe she has a relevance as the Mayor has transmitted the whole Budget bills and appropriate legislation that you will find in that bunch of bills that the Mayor has transmitted, that \$50,000 request.

MS. CHASE: Thank you. Thank you. It's all the way in there--

CHAIR KING: You have a question, Ms. Rawlins-Fernandez?

VICE CHAIR RAWLINS-FERNANDEZ: You said that its--

CHAIR KING: --well I don't see it, \$50,000 item in here, so--

VICE CHAIR RAWLINS-FERNANDEZ: Um-hmn, okay.

CHAIR KING: Not sure what the reference is. I think the reference is to the next--

COUNCILMEMBER SUGIMURA: --its inside.

CHAIR KING: There's an operating budget for the Fiscal Year July 1, 2019 in here, but there's not 2020.

VICE CHAIR RAWLINS-FERNANDEZ: Okay, so, but she said she'll submit, will you please submit your testimony to--

MS. CHASE: Yes.

VICE CHAIR RAWLINS-FERNANDEZ: --my committee, Economic Development and Budget.

MS. CHASE: Absolutely.

VICE CHAIR RAWLINS-FERNANDEZ: EDB-1.

MS. CHASE: Okay. Thank you.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo.

MS. CHASE: Thank you.

CHAIR KING: Okay.

Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, there are no other individuals in district offices nor the chamber who wish to offer testimony.

CHAIR KING: Okay. Anybody wants to, has a burning desire to offer testimony can come down now and fill up the paper work. Otherwise, we'll discuss the closing testimony. If there are no objections.



MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed, and I would like to, if there are no objections to receiving written testimony. I do want to just note that we had two written testimonies, Emlyn Higa and Jeffrey Eng, in favor of approving Donald Guzman for the Prosecuting Attorney and we have one testimony from Rob Parsons, supporting the CC 19-159, authorizing the Council Chair to conduct a fiscal and performance audit of Anaergia Services. So those will be written into the record.

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

1. Jeffrey K. Eng;
2. Hawaii Green Growth & Partnerships;
3. Emlyn H. Higa, Deputy Prosecuting Attorney; and
4. Rob Parsons.

CHAIR KING: Alright, so testimony is closed and Madam Clerk, we'll move on to the agenda and approve minutes.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with the minutes.

## MINUTES

The minutes of the Council of the County of Maui's Organizational meeting of January 2, 2019 were presented at this time.

CHAIR KING: Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ACCEPT THE MINUTES.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Moved by Vice Chair Rawlins-Fernandez, seconded by Councilmember Alice Lee.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes, nine to zero. No opposing.

Okay, Members with no objections, I will ask that we take two items out of order on the agenda and that the Deputy Clerk call County Communications 19-160 and 19-161. These are two items that we will be receiving motions for actions on; and the first one, we have the candidate here, I think, she's in the chambers and she asked if we could please address this issue so that she doesn't have to sit through the entire agenda.

If there are no objections.

MEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay, great. Madam Clerk.

## COUNTY COMMUNICATIONS

NO. 19-160 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE, (dated March 29, 2019)

Transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF DAWNALYN FUJIWARA TO THE SALARY COMMISSION".

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNANCE, ETHICS, AND  
TRANSPARENCY COMMITTEE FROM FURTHER  
CONSIDERATION OF THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 19-160.

COUNCILMEMBER LEE:

SECOND.

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

And this is the first step in three steps to address this issue. We are first discharging it from the GET Committee and after this will be a motion to waive. Any discussion? If not, all those in favor of discharge say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero.

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

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

COUNCILMEMBER LEE: SECOND.

CHAIR KING: Okay, moved by Member Molina, seconded by Member Lee. This will waive the Council Rules, and part of the issue, I think what we, we'll be getting to is the

urgency of this because of the deadline. So, any discussion? If not, all those in favor of the motion on the floor, oh I'm sorry, Mr. Hokama?

COUNCILMEMBER HOKAMA: So, what is the deadline, please?

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The deadline the, to, I should say is the April 14, 2019 due to the Administration missing their own deadline to submit a nominee. So, our deadline is April 14, 2019, otherwise, if we don't take action on this today, then we will lose the authority to nominate the person under consideration.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: Thank you, Mr. Molina.

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

All those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero. No noes.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO AMEND THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 19-160.

COUNCILMEMBER LEE:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

THE MOTION TO AMEND INCLUDES THE FIRST "BE IT RESOLVED" PARAGRAPH, BY STRIKING THE WORDS "COMMENCING APRIL 1, 2019", AND ALSO AMENDING THE SECOND "BE IT RESOLVED" PARAGRAPH, BY DELETING THE EXTRA SPACE AFTER "FUJIWARA".

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, well, I think the motion was already moved and seconded.

COUNCILMEMBER MOLINA: Yeah, and Madam Chair if I could add further to the discussion. And again given the time frame for the Council action on the nomination and because the appointment is not retroactive, it's appropriate at this time to move the start date from the resolution, and should the Council vote favorably on the nomination, the appointment will take affect upon adoption of resolution.

CHAIR KING: Okay. So, Mr. Molina, you need to kind of backtrack a little bit and move the motion first and then move to amend the motion.

COUNCILMEMBER MOLINA: Yeah, I'm sorry about that. So getting a little, pulling the cart before the horse, yea.

SO ANYWAYS, YEAH, SO ADOPT THE RESOLUTION.

CHAIR KING: Okay, motion to adopt the resolution.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Seconded by Councilmember Lee, and then--

COUNCILMEMBER MOLINA:

MOTION TO AMEND.

CHAIR KING: Motion to amend, seconded by Councilmember Lee.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: We are on the motion to amend. Any questions or comments? Everybody understands the amendment? Alright, all those in favor of the amendment, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Amendment passes nine to zero, and we're back to the main motion.

COUNCILMEMBER MOLINA: Thank you very much.

CHAIR KING: As amended.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Sorry, I'm a little eager this morning.

As I've mentioned before, the Mayor did not submit to the Council a nomination to fill the vacancy by the deadline of February 13, 2019. So Council has been, typically is given 60 days to nominate and approve the appointment of an individual to fill this vacancy.

I want to thank my colleague from West Maui, Ms. Paltin for seeking this nominee to serve on the Salary Commission, and at this point, I'd like to go ahead and yield the floor to Member Paltin for further comments.

CHAIR KING: Okay, Member Paltin.

COUNCILMEMBER PALTIN: Ah, thank you, Member Molina.

I've known Dawnalyn Fujiwara for many years. Um, full disclosure, she actually was my steersman back when I use to paddle. I find her bravery, her steadfastness, and her leadership to be what we need on the Salary Commission. She got me through the channel alive, and, you know, that's no small feat. And, you know, her roots are from the Westside, although she no longer lives there.

Her family has always giving great service to our community and I wanted to just mention, you know, her grandmother also filled this role on the Salary Commission. And I think that, you know, just from having known her and all the good things that, you know, pretty much all of her family does and contributes to Maui County, I thought she would be very good fit and I'm very excited that she was willing to serve and come here today. Thank you.

CHAIR KING: Okay, thank you. Any other, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I'd like to express my support for her also. Some of us may know, you mention, I was going to mention, Mae Fujiwara, who, we miss her. And she served on this commission, as well as others, and did a lot of community service, besides Lahaina Honolua Seniors. But she comes from genes of, I think you also have your Aunty was Star, what's her last name, Medeiros, she was very active I think, with the ILWU. And her brother is Darryl Fujiwara, and all together their family does amazing things for the community, including organizing a volleyball tournament, I think.

And your mom is on Adult Daycare, anyway you just have the genes to give back to the community. I think you'll be a good person on this important commission. So, thank you.

CHAIR KING: Councilmember Rawlins-Fernandez, followed by Councilmember Hokama.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, um, for the record, I wanted to ask Dawnalyn Fujiwara to come down.

CHAIR KING: Okay. Do you have a question for her?

VICE CHAIR RAWLINS-FERNANDEZ: Um, not, not at this time. I was just hoping to hear some remarks about her interest in this position. But--

CHAIR KING: I'll take that as a question.

VICE CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR KING: Ms. Fujiwara, would like to make some remarks?

MS. DAWNALYN FUJIWARA: Sure, just going to introduce myself. Aloha and good morning, my name is Dawnalyn Fujiwara, I'm from Lahaina, as mentioned. Some of you may have known my late grandma, Mae Fujiwara, as well as, Darryl Fujiwara, both very hardworking community leaders.

I have worked at Equity One Real Estate for the past 15 years, of that 10 years a licensed realtor and property manager. I am a canoe paddler with Kahana Canoe Club in Lahaina. I also recently joined their Board of Directors, this year. We'll see how that goes. I also coordinate the canoe club's only long-distance canoe race, which is called the Maui Nui Canoe Race, of which the County of Maui has been our biggest supporter for the last eight years. I mahalo you.

I also am a member of the Lahaina Hawaiian Civic Club, the Buddhist Women's Association, as well as, Lahaina Hongwanji Mission. At this time, I feel that I am ready and have the capacity to serve my community. And, that's why I'm here.

CHAIR KING: Okay, thank you. Any further questions, Ms. Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo for being here with us today, Ms. Fujiwara.

MS. FUJIWARA: Mahalo.

CHAIR KING: Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. First, I want to give you my appreciation to volunteer to serve. Civic service is always very commendable, so I thank you in advance.

My question is more as it regards to the Salary Commission responsibilities. Have you been briefed, have you briefed yourself on the requirements of a Salary Commissioner?

MS. FUJIWARA: I've kind of briefed, kind of looked into it, looked into the Corporation Counsel kind of background a little bit. I'm not really well versed in it, but I've kind of, kind of want to take on that responsibility. And in real estate, we are held to a very high ethics standard. So, I feel that I have a very good background in treating everybody equitably and serving the community and all the above.



COUNCILMEMBER HOKAMA: Well for us yeah, and I appreciate that comment because 1) it shows me your willingness to gather information before a decision, so that pleases me a lot.

MS. FUJIWARA: Thank you.

COUNCILMEMBER HOKAMA: Because, for me this, for some may not consider a major commission, but I find this commission to be very important as it relates to our structure and our compensation plans. Okay, because it impacts all the other employees and their contracts and their union collective representation, as far as where our top executive branch people salaries are set by. And the impact on our amount of monies we give to benefits, obligations and then of course, what eventually your decisions will impact us on why we ask our residents to paying taxes.

So, I look forward to it, but again, you know, just know that you are going to be sitting in a very crucial position and timing of your decisions makes a big difference. Cause, I'm very critical, of the commission's last decision on their salary implementation. And so, I just ask that you take that into consideration during your term as one of your key responsibilities.

MS. FUJIWARA: I will, mahalo.

COUNCILMEMBER HOKAMA: Thank you.

COUNCILMEMBER KAMA: Chair.

CHAIR KING: Thank you, Mr. Hokama.

Councilmember Kama.

COUNCILMEMBER KAMA: Good morning, Dawnalyn and thank you for being here. Thank you for your willingness to serve. And I just, before I ask you, I just want to let you know that, you know, when I served on the Salary Commission for the compensation of the Office of Hawaiian Affairs Trustees, that was my very first commission I sat on many, many years ago. And at that time, it was really difficult for me, and I trusted in the people that were on the commission before me, and that they would help me and lead me to understand the position and how difficult it would be. But they helped me through it and it was okay, it was great, it was a wonderful experience. So, I just hope you have that wonderful experience too. That would you be willing and able also to, to take in, you know, the advice from those who are already seated at that table?

MS. FUJIWARA: Exactly, that's what I'm hoping for, as far as experience, learning and gaining new strengths and weaknesses and kind of moving forward with everybody together.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: You have additional comments, Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. For the second and last time on the motion.

First, of all, as an FYI, this motion will include the filing of County Communication 19-160. And I too would like to offer my support for you. I really appreciate you taking the time to serve our community in this capacity.

And just for your own information, the next Salary Commission happens to be next week Friday, April 12, in the Mayor's conference room. I believe it's 8:30 or 9:00 and maybe you may want to consult with Ms. Baisa from the Mayor's Office. I'm not sure if she becomes official, when she officially becomes a member, I think that, I guess a transmittal to the Mayor about our actions today would then make her an official member. So, I am not sure when we can get that transmittal to the Mayor. So either way you can attend, whether you are officially, you become an official member of the Salary Commission by next week or not, I would recommend you attend. It's going to be a very important meeting from what I understand. So, it's on the 9<sup>th</sup> floor, 8:30 – 9:00, or so.

MS. FUJIWARA: Okay.

COUNCILMEMBER MOLINA: Next week Friday.

MS. FUJIWARA: Mornings are best for me.

COUNCILMEMBER MOLINA: Alright but thank you again for serving.

CHAIR KING: Okay, thank you, Mr. Molina. Okay, following up on that, Ms. Fujiwara, because I've been told by, I never ask a pregnant woman this, but I've been told by three people that you are hapai, and so I just wanted to make sure that you have looked into the schedule of the Salary Commission, you're going to be able to attend those meetings.

MS. FUJIWARA: Ah, yes.

CHAIR KING: Okay, is this your first?

MS. FUJIWARA: Second.

CHAIR KING: Okay, so you already know how, yeah, usually when it's your first you know, you can never convince anybody how much work it's going to be.

So, alright. Any, Member Paltin, did you have any comments?

COUNCILMEMBER PALTIN: Yeah, I just wanted to say, you know, I know having quorum is so important, and it's sometimes a challenge when there isn't quorum and because, you know of, I'm continually impressed by Dawnalyn's ability to show up and be responsible and you know, not even living in Lahaina, sometimes and she still comes out to Lahaina for practice and things like that. So, I'm really impressed in her ability to meet schedules and you know, just go the extra mile. So, I just couldn't be happier that she's willing to serve.

CHAIR KING: Okay, thank you for that. Alright, if there are no other comments, I will call for the question. All those in favor of the motion on the floor which also includes filing unless there's any objections from our second movant, no, okay, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: None opposed, the motion passes nine to zero. Congratulations, Ms. Fujiwara, you are now a member of the Salary Commission.

MS. FUJIWARA: Mahalo.

CHAIR KING: Thank you for your willingness to serve.

MS. FUJIWARA: Thank you.

CHAIR KING: Okay, may I ask the Deputy Clerk, please call up County Communication 19-161.

DEPUTY COUNTY CLERK: Madam Chair, for the record, the previous resolution is RESOLUTION 19-68.

NO. 19-161 - KELLY T. KING, COUNCIL CHAIR,  
(dated March 29, 2019)

Transmitting a proposed resolution entitled, "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES REPRESENTATIVE AND ALTERNATE FOR FISCAL YEAR 2020".

CHAIR KING: Okay, Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RESOLUTION ATTACHED TO COUNTY COMMUNICATION 19-161, AND TO FILE COUNTY COMMUNICATION 19-161.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Rawlins-Fernandez, seconded by Councilmember Molina.

Councilmember Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Section 5 of By-laws of the Hawaii State Association of Counties states that prior to April 15 of each year, each Council shall pass a resolution appointing one of it's Members to serve as an officer of the corporation, and a designated alternate.

Chair King has been serving the Maui County Council very well as our representative on the HSAC Executive Committee. She currently serves as secretary and has been actively involved in HSAC's legislative efforts. She has also put much effort into planning the HSAC Conference to be hosted on Maui this year.

Councilmember Paltin's background as a lifeguard will be beneficial to the HSAC Executive Committee as one of the HSAC legislative priorities has been to get back tort liability immunity for the county lifeguards. As a new member, Councilmember Paltin will provide new energy, have the opportunity to learn more about statewide county issues, and hopefully continue serving the HSAC into the future. Mahalo, Chair.

CHAIR KING: Thank you, Member Rawlins-Fernandez. Any comments?

Ms. Paltin

COUNCILMEMBER PALTIN: Thank you, Chair. I look forward to this opportunity to serve. You know, I have had experience in other counties and how they were run, being originally from the County of Hawaii. And I have worked as a county lifeguard for about 17 – 18 years and I am very familiar with the tort liability situation. And, you know, I lobbied along with my fellow co-workers to regain the tort liability insurance and unsuccessfully for a couple of years. I look forward to this opportunity to serve our community and work, work together to try and get resolution on this and many other issues. Thank you.

CHAIR KING: Okay, thank you. Councilmembers, any other questions or comments? If not, I'll call for the question. All those in favor of the resolution on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: None, none opposed. Measure passes, nine to zero.

Deputy Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-69.

CHAIR KING: Continue with our agenda.

NO. 19-147 - KAY FUKUMOTO, ECONOMIC DEVELOPMENT DIRECTOR,  
(dated March 22, 2019)

Transmitting a copy of Supplemental No. 2 to Memorandum of Understanding between the County of Maui and the State's Hawaii Tourism Authority for the County Product Enrichment Program.

CHAIR KING: Okay. Council Vice Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to request that this item be referred to my Committee.

CHAIR KING: Okay. My notes say file, but go ahead, we'll make the referral.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR KING: Ms. Clark.

The recommended action is that County Communication No. 19-147 be referred to the Economic Development and Budget Committee.

NO. 19-148 - SCOTT K. TERUYA, FINANCE DIRECTOR,  
(dated March 18, 2019)

Informing of the acceptance of Sewerline Easement S-1, T.F.T. Subdivision, Lot A-1-A, TMK: (2) 3-4-025:017 POR.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Madam Chair, may I request that County Communication Nos. 19-149, 150, 151, 152 and 153 also be brought up at this time.

CHAIR KING: Okay, any objections.

MEMBERS VOICED NO OBJECTIONS.

NO. 19-149 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 18, 2019)

Informing of the acceptance of Sewerline Easements S-1 & S-2, portions of Tokito Manta's Lot and Lot 3 of Aina-Hau Tract, TMK: (2) 3-4-034:005 POR and (2) 3-4-034:082 POR.

NO. 19-150 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 25, 2019)

Informing of the acceptance of Waterline Easement 1-A, Kehalani Modules 8 & 9 (Waterline Realignment), TMK: (2) 3-5-038:010, 011 & 012 POR.

NO. 19-151 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 25, 2019)

Informing of the acceptance of Waterline Easement D, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:083 POR.

NO. 19-152 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 25, 2019)

Informing of the acceptance of Waterline Easement E, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:084 POR.

NO. 19-153 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 25, 2019)

Informing of the acceptance of Waterline Easement F, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:085 POR.

CHAIR KING: Okay. Member Lee.

COUNCIL MEMBER LEE:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-148, 149,  
150, 151, 152, AND 153.

CHAIR KING: Okay. Do I have a second?

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Lee, any comments?

COUNCILMEMBER LEE: Yes, Madam Chair. Members, these communications are for notification purposes only. Section 3.44.015H, Maui County Code requires the Director of Finance to notify the Council in writing of any acquisition or conveyance made to the County pursuant to this section.

County Communication Nos. 19-148, 19-149, are underground sewerlines easements located on Lower Main and Kahawai Streets in Wailuku. The easements are acceptable to the Department of Environmental Management and are in conformance with county standards. No county funds were used to acquire these easements.

County Communication Nos. 150, 151, 152, and 153 are easements for access to water meters and waterlines located in Kehalani. The easement locations and widths are acceptable to the Department of Water Supply and are in conformance with county standards. No county funds were used to acquire the easements. I ask for the Members support to file these communications.

CHAIR KING: Okay, Members, any questions or comments? Seeing none. All those in favor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes, nine to zero.

Ms. Clark. I just realized I'm stuck between saying Ms. Clark and Madam Clerk. So, Ms. Clark.



DEPUTY COUNTY CLERK: Both are correct.

NO. 19-154 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated March 21, 2019)

Relating to Councilmembers' report on the Waikapu Community Association meeting on March 11, 2019 at the Valley Isle Fellowship Church, Wailuku, Maui, Hawaii.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ACCEPT THIS COUNTY COMMUNICATION  
19-154.

VICE CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sugimura, seconded by Councilmember Rawlins-Fernandez.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Members, Councilmembers Alice Lee, Tamara Paltin, and I attended the Waikapu Community Association meeting on March 11, 2019 at the Valley Isle Fellowship Church.

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

Briefly, some of the highlights noted at this meeting:

The first was a presentation from Heidi Bigelow of Waiale Elua. Waiale Elua is a 100% workforce housing project located in Waikapu. Homes are three or four bedrooms, and the project includes a community park.

The second project is the Waiko Light Industrial Subdivision, also known as the Waialae, sorry I have the wrong island, Waiale Business Park, by Leilani Pulmano of

Pacific Rim Land, Inc. The Waiko Light Industrial Subdivision is a 21-lot light industrial project that covers 31 acres of land surrounding the Consolidated Baseyards.

The third project is, was presented by Michael Atherton, who spoke about the Waikapu Country Town project, which we had one presentation couple weeks ago. This proposal is to develop a new residential mixed-use community on lands within and around the Maui Tropical Plantation. The project will include 1,433 residential units, including 146 ohana units; retail, commercial spaces; a school; park and open space. The project was later heard by the Planning and Sustainable Land Use Committee on March 13, 2019 as item number PSLU-30 and deferred.

Fourth project was reviewed from Michael, sorry Bill Frampton of Waikapu Development Venture presented on a workforce housing project along Waiale Road, south of the Longs Drugs store. The project was approved by the Maui County Council last year and will include 80 housing units in Waikapu.

The final presentation was made by Duane Ting, who would like to build on 140 acres of land below Waikapu Heights and south of Kuikahi Street. Mr. Ting is in the early planning stages of this project, and he would like to build an agricultural subdivision. The project area is designated as urban and rural in the community plan, water is available from Mr. Atherton.

A quorum of the Council was not present at the meeting. The Waikapu Community Association meeting was not specifically and exclusively organized for or directed toward the Members of the Council but was an event for which anyone could register to attend, open to the public. No comments relating to a vote on any Council matters were made or sought at the meeting. This Chair concludes my report.

CHAIR KING: Okay, thank you for that very detailed report. That was excellent, Ms. Sugimura. Any questions, or comments on the report? And the motion was to file, correct?

COUNCILMEMBER SUGIMURA: Right. Motion is to file.

CHAIR KING: Okay, if not, all those in favor of filing Ms. Sugimura's report, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
PALTIN, MOLINA, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes, nine to zero.

Madam Clerk.

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

NO. 19-155 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 15, 2019)

Transmitting a proposed resolution entitled "AUTHORIZING THE DISPOSITION BY SEALED BIDS OF THE THREE COUNTY OWNED SANDHILLS ESTATE LOTS".

The recommended action is that County Communication No. 19-155 be referred to the Economic Development and Budget Committee.

NO. 19-156 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 20, 2019)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of February 28, 2019.

The recommended action is that County Communication No. 19-156 be referred to the Economic Development and Budget Committee.

NO. 19-157 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated March 28, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.44, MAUI COUNTY CODE, RELATING TO BOND COVERAGE FOR MEMBERS AND SUBORDINATES OF THE MAUI REDEVELOPMENT AGENCY".

The recommended action is that County Communication No. 19-157 be referred to the Economic Development and Budget Committee.

NO. 19-158 - MICHAEL P. VICTORINO, MAYOR  
(dated March 25, 2019)

Transmitting the following:

1. Mayor's Proposed Budget Program;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2020";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF SIXTY-FOUR MILLION, SIX HUNDRED SEVEN THOUSAND DOLLARS (\$64,607,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR THE WEST MAUI RECYCLED WATER SYSTEM EXPANSION, FISCAL YEAR 2020 BUDGET ORDINANCE";
7. A proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2019";
8. A proposed bill entitled 'A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY'; and
9. Mayor's Proposed Budget Program Synopsis.

The recommended action is that County Communication No. 19-158 be referred to the Economic Development and Budget Committee.

NO. 19-159 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCILMEMBER,  
(dated March 28, 2019)

Transmitting a proposed resolution entitled, "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AND PERFORMANCE REVIEW OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS FOR ANAERGIA SERVICES LLC-RELATED PROJECTS".

The recommended action is that County Communication No. 19-159 be referred to the Economic Development and Budget Committee.

NO. 19-162 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,  
(dated March 22, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI".

The recommended action is that County Communication No. 19-162 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay. Members, are there any objections to the referrals?

VICE CHAIR RAWLINS-FERNANDEZ: Chair King.

CHAIR KING: Yes.

VICE CHAIR RAWLINS-FERNANDEZ: I just wanted to provide some comments on item 19-158. Earlier, a testifier had a, there was a little bit of confusion about her testimony, whether it was appropriate at this time. And, the information I received was that the, Tri-Isle RC&D grant is at page 15 of the operating budget bill, transmitted by this County Communication. The budget proposal is on this agenda, even though it sent to my committee, and I just, I wanted to--

CHAIR KING: Okay.

VICE CHAIR RAWLINS-FERNANDEZ: --just clarify that.

CHAIR KING: Okay, thank you.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Any other comments on the referrals? No, okay, if not, we'll go ahead with the referrals as read.

Ms. Clark.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 19-38 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Resolution 19-70, entitled, "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", be ADOPTED; and

2. That County Communication 19-84, from the Community Development Block Grant Program Manager, be FILED.

CHAIR KING: Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

May I request that you ask the Clerk to also call up Committee Report 19-39 and 19-40.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. Ms. Clark.

**COMMITTEE REPORT**

NO. 19-39 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 23 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (HOME DELIVERED MEALS PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

**COMMITTEE REPORT**

NO. 19-40 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 24 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-83, from the Budget Director, be FILED.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN THE  
COMMITTEE REPORT 19-38, 19-39 and 19-40.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Moved by Councilmember Rawlins-Fernandez, seconded by  
Councilmember Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Economic Development and  
Budget Committee unanimously supported all three items, they voted 9-0, to adopt.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero.

DEPUTY COUNTY CLERK: For the record, for Committee Report 19-38, RESOLUTION  
NO. 19-70. Relevant to Committee Report 19-39, for the record BILL 23 (2019), and  
relevant to Committee Report 19-40, for the record BILL 24 (2019).



COMMITTEE REPORT  
NO. 19-41 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL  
PRESERVATION COMMITTEE:

Recommending the following:

1. That Bill \_\_\_\_\_ (2019), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-85, from the Acting Director of Environmental Management, be FILED.

CHAIR KING: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 19-41.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sinenci, seconded by Councilmember Kama. Did I hear that right? Okay, alright.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Your EACP Committee met on March 12, 2019 to consider a proposed bill to authorize the Mayor to enter into intergovernmental agreements with the State Department of Health, relating to contracts for glass recycling and electronic device recycling, pursuant to section 2.20.020, according to the Maui County Code.

The Acting Director of Environmental Management said the State has for many years provided funding by contract to support the County's efforts in recycling glass and electronic devices. In the past, the State has modified the general provision relating to

indemnification by the County in these types of recycling contracts, however, the State is requiring the indemnification provision to remain in the Fiscal Year 2019 recycling contracts. He said the Department of the Corporation Counsel has therefore opined Council authorization is required for the Mayor to enter into these contracts with the State.

Your EACP Committee voted six to zero to recommend passage of the proposed bill on first reading and filing of the communication. Today, I ask for the Members support for your committee's recommendations.

CHAIR KING: Okay. Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, thank you so much. I would ask our Committee Chair, if he can give some comment regarding the State's new position on the indemnification and what does that mean to this County, please?

CHAIR KING: Okay, um, Mr. Sinenci.

COUNCILMEMBER SINENCI: This was on March 12, we invited the Acting Director for the Environmental Management Department to come and make these provisions and present this to, to our committee on that date.

COUNCILMEMBER HOKAMA: So--

CHAIR KING: Okay, do we want, do we want to ask Corp. Counsel? Would you like an opinion from Corp. Counsel?

COUNCILMEMBER HOKAMA: Well, I had hoped that it would have been in the committee report, the rationale of the indemnification adjustments, but there are none. And then, I still don't understand why the State has changed its previous position and requiring this indemnification of the County. So, I need to know, what does this mean to us financially and legally.

COUNCILMEMBER SINENCI: Chair.

COUNCILMEMBER HOKAMA: --under liability?

CHAIR KING: Mr. Sinenci.

COUNCILMEMBER SINENCI: I would refer to Corporate Counsel for comment.

CHAIR KING: Okay. Mr. Kushi, do you have an answer for that?

DEPUTY CORPORATION COUNSEL EDWARD KUSHI: Madam Chair, Member Hokama. I wasn't at the committee hearing. I haven't looked at the underlying contract, but I know there is a shift in the State Administration's position about indemnification. Previously, we had worked out language between the Attorney General's Office and our office, to say that either side would indemnify. But now apparently the new Attorney General's Office position is that, you need to take it or leave it.

So, this is why we've come specifically before the Council's body, this body, to say okay, we're going to take it, subject to these provisions. If you don't take it, you lose it. Now, that's been the recent position of the Attorney General and to date, all of my deputies are very concerned about it.

COUNCILMEMBER HOKAMA: I have a problem with this, cause I need to know--

DEPUTY CORPORATION COUNSEL KUSHI: Correct, correct.

COUNCILMEMBER HOKAMA: --what is the . . . of the liability?

DEPUTY CORPORATION COUNSEL KUSHI: We got a problem with it too. But there's money involved and you either go along with the State or you don't get the money.

COUNCILMEMBER HOKAMA: Two hundred seventy-five thousand will not break this County.

DEPUTY CORPORATION COUNSEL KUSHI: Correct.

COUNCILMEMBER HOKAMA: So, again is the liability greater than this \$275,000 amount? That's what I need to know.

DEPUTY CORPORATION COUNSEL KUSHI: Member Hokama, again, I wasn't there, I don't know anything about the, I just, in the contractual terms, we have a problem with the State.

CHAIR KING: Mr. Kushi, who is the Corp. Counsel for this committee?

Mr. Sinenci, do you know? Who is your Corp. Counsel support?

COUNCILMEMBER SINENCI: I believe it was Ms. Richelle Thomson.

CHAIR KING: Richelle Thomson.

Okay, what we can do is put this item to the end of the agenda and ask Ms. Thomson if she can join us to answer some of these questions. Is that?

COUNCILMEMBER HOKAMA: That would be fine, Chair. Cause at this point, I will speak against and vote "no" on this--

CHAIR KING: Okay, is that, is that acceptable to Councilmember Sinenci?

COUNCILMEMBER SINENCI: That's fine.

CHAIR KING: Okay, I'm going to defer this to the end of the agenda and then if we can, Mr. Kushi get ahold of Ms. Thomson and ask her if she could join us in the chambers.

Mr. Kushi?

DEPUTY CORPORATION COUNSEL KUSHI: Yes.

CHAIR KING: Can you get ahold of Ms. Thomson and ask her if she can join us in chambers?

DEPUTY CORPORATION COUNSEL KUSHI: Okay. I hope she's watching.

CHAIR KING: Well, she's your employee, so.

Ms. Paltin. You have a comment?

COUNCILMEMBER PALTIN: Oh, I'm sorry that was an accident.

CHAIR KING: Okay, I thought, okay. Alright, we're going to go ahead and defer this item to the end of the agenda.

(See pages 61 through 72 for discussion and action.)

CHAIR KING: And Ms. Clark, if you can move on to the next agenda item.

COMMITTEE REPORT  
NO. 19-42 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 19-71, entitled "APPROVING THE MAYOR'S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY," be ADOPTED; and
2. That the proposed resolution entitled, "DISAPPROVING THE MAYOR'S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY", be FILED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-42.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Council Vice Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Governance, Ethics, and Transparency Committee met on March 12, 2019 and voted 8-0 to approve the Mayor's nomination of Mr. Guzman to serve as the County's Prosecuting Attorney.

I'd like to thank Attorney Guzman for taking the stand and responding to the questions from the committee. Thank you, Madam Chair.

CHAIR KING: Thank you, Councilmember Molina.

And we do have Mr. Guzman in the Chambers if anyone has any direct questions, but we'll, we won't ask you to come down yet unless someone does have a question. But, thank you for being here. Any other comments or questions?

Ms. Rawlins-Fernandez.

**VICE CHAIR RAWLINS-FERNANDEZ:** Mahalo, Chair. I speak in support of Mr. Guzman's confirmation today. As our lead Prosecuting Attorney for the County of Maui, a lot of faith is being put in Mr. Guzman to transform the office environment and culture, and to strengthen community relations.

In the short time since Mr. Guzman has shouldered the interim prosecuting attorney position, he has already made noble strides towards improving and renewing faith with this influential position. Using his authority to correct prior injustices to victim's families and to our Hawaiian community. For that, I would like to publicly acknowledge his efforts and let Mr. Guzman know that his actions have not gone unnoticed.

I also want to thank him for his swift action in taking the first steps toward correcting the alleged years long illegal activity conducted by his first deputy prosecuting attorney. I am told that since the day he received the evidence from my office, the forfeiture asset truck that has not, has not been driven by the first deputy, and that the keys has since been handed over to the Mayor's Office.

I hope that with the Council's support and trusting Mr. Guzman with the keys to this important government office, his advocacy for ethics and guiding principles will continue to restore and abide by the highest standards of Hawaii's Rules of Professional Conduct, especially, "Rule 8.3. REPORTING PROFESSIONAL MISCONDUCT".

A few other examples from the Hawaii Rules of Professional Conduct that stand out in my mind include: Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer is also guided by personal conscience and probation *[sic]* of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and legal profession and to exemplify the illegal *[sic]* profession's ideal, ideals of public service. The legal professions relative autonomy carries with it special responsibilities of self-government. The profession has responsibility to ensure *[sic]* that it, its regulations are conceived in the public interest and in not furtherance parochial or self interest concerns of the bar. Every lawyer is responsible for the observance of the Rules of Professional Conduct. A lawyer should also aid in securing observance by other lawyers. Lawyers play a vital role in the preservation of the society.

With that, I thank Mr. Guzman for his willingness to shoulder this incredibly important mission and I'm committed to supporting his efforts in every way I can and I look forward to a healthy working relationship with the Department of the Prosecuting Attorney. Mahalo, Chair.

CHAIR KING: Thank you, Ms. Rawlins-Fernandez. Any other comments or questions since we have the candidate here.

Councilmember Paltin, you have a comment or question.

COUNCILMEMBER PALTIN: I just wanted to, you know, reiterate that members or employees in the Department of Prosecuting Attorney, you know, respect our staff's privacy.

CHAIR KING: Okay, would you like a response to that. I see Mr. Guzman rising to respond.

COUNCILMEMBER PALTIN: Sure, that'll be awesome.

CHAIR KING: Okay. Thank you for coming down, Mr. Guzman. I think that you understand the continuing concerns from the previous committee's work.

ACTING PROSECUTING ATTORNEY DONALD S. GUZMAN: Thank you, Chair King.

And, also thank you for the question, Councilmember Paltin. Thereafter being notified on the floor that there could be a breach in security, which actually jeopardizes our licensure with the, several software companies that allow us to do background checks, criminal background checks. One of the key components of that is that our office is only limited to doing background checks when it's connected to a criminal case.

And so, thereafter being notified, I did send a letter to the software company, as well as, the Attorney General's Office. They did a software audit and I just received the, and I also listed all of your staff names, as well as all the Councilmembers on that, on that letter. I did receive a response and, and to confirm that they did the audit and the response was that there was no background checks conducted in our office. But I did it within a time period, starting date was November to March 20.

COUNCILMEMBER PALTIN: Thank you very much.

ACTING PROSECUTING ATTORNEY: Thank you.

CHAIR KING: Thank you for clearing that up, Mr. Guzman.

VICE CHAIR RAWLINS-FERNANDEZ: Chair, I just wanted to thank Mr. Guzman as well for your diligence on that, I really appreciate it.

CHAIR KING: Swift action.

ACTING PROSECUTING ATTORNEY: Thank you.

VICE CHAIR RAWLINS-FERNANDEZ: Swift action.

CHAIR KING: Okay, so we have a question?

COUNCILMEMBER KAMA: No.

CHAIR KING: Okay, I think we're all ready to vote, so I'm going to call for the question. All those in favor of approving committee report, recommendations in Committee Report 19-, actually, do we have a motion on the floor. Okay, Committee Report 19-42, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes nine to zero. No "noes". Congratulations, Mr. Guzman.

Would you like to say a few words?

PROSECUTING ATTORNEY: Yes, I--

CHAIR KING: You gained an extra vote, since the Committee.

PROSECUTING ATTORNEY: Oh, thank you. I deeply want to sincerely thank the Council for all their due diligence. I know it's been a hard process throughout, vetting out all of the prior directors. And I really hand it to you, I'm glad I'm not on the Council because of the fact that I've seen many, many hours of vetting through and it's, it's, I commend you and I also thank you very much for this opportunity.

May I ask one of the Councilmembers if they could, if I could request a personal privilege, if they could move for a personal privilege. I would like to have a, at least a picture taken with the body that confirmed me. Maybe after the Council adjourns.



CHAIR KING: Okay. We can do it, maybe, we're going to take a break. So, we can do it during the break.

PROSECUTING ATTORNEY: Oh yes, please. Thank you.

CHAIR KING: Okay. In fact, I want to, so hang on for just a few minutes.

PROSECUTING ATTORNEY: Okay, thank you.

CHAIR KING: Thank you, very much. So, I'm going to go ahead and do our morning recess and then we can assemble for the picture during recess. We will come, we will reconvene at 10:50 a.m.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:41 A.M., AND WAS RECONVENED AT 10:51 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBERS KAMA AND SUGIMURA, AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED)

CHAIR KING: Maui County Council, full council meeting of April 5, 2019 will resume, and I think we need a, did we get a resolution number on that last resolution.

DEPUTY COUNTY CLERK: Yes. Madam Chair. For the record, RESOLUTION 19-71, and that is relating to the resolution "APPROVING THE MAYOR'S APPOINTMENT OF DONALD S. GUZMAN FOR PROSECUTING ATTORNEY".

CHAIR KING: Okay, thank you. Okay, let's continue with the agenda.

#### COMMITTEE REPORT

NO. 19-43 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 19-72, entitled "APPOINTMENT OF A MEMBER TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI", be ADOPTED;

*Approving the appointment of Isla Young (General Public) to the Kula Agricultural Park Committee for a term expiring March 31, 2024.*

2. That Resolution 19-73, entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY", be ADOPTED; and

*Approving the appointment of Jo-Ann Ridao (Reappoint) to the Maui Redevelopment Agency for a term expiring March 31, 2024.*

3. That Resolution 19-74, entitled "APPOINTMENT OF MEMBERS TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI", be ADOPTED.

*Approving the appointment of Peter Niess (Architect) to the Urban Design Review Board for term expiring March 31, 2024 and Darren Okimoto (Civil Engineer) to the Urban Design Review Board for a term expiring March 31, 2023.*

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

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT COMMITTEE REPORT NO. 19-43.

COUNCILMEMBER SINENCI:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on March 12 and approved the following individuals to their respective boards and commissions.

Isla Young, to the Kula Ag Park Committee by a 6-0 vote; Jo-Ann Ridao, as a reappointment to the Maui Redevelopment Agency by a 6-1 vote; and to the Urban Design Review Board, Peter Niess and Darren Okimoto, both were approved to 7-0 votes. And I want to thank all of these individuals for serving our community in this capacity. Thank you, Madam Chair.

(Councilmember Sugimura and Vice-Chair Rawlins-Fernandez returned to the meeting at 10:52 a.m.)

CHAIR KING: Okay. Thank you, Councilmember Molina. Councilmembers, any other comments?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I just wanted to speak in favor of all of them, and in particular Jo-Ann Ridaao, who is, has been reappointed to the Maui Redevelopment Agency. And the reason why I wanted to speak on her, is by listening to testimony from other committee meetings, there's concerns about housing and helping homeless and, you know, different things.

Her background as the Executive Director for Lokahi Pacific, that's exactly what she did. She built homes for those in need. And she put those apartments, if you notice, where Aids Foundation is and her office, when you first enter Wailuku Town, behind Wailuku Fire Station. And she truly represents a need and her skill set, besides being a former Director for Housing and Human Concerns, but she knows how to do it and I'm glad to see that she's on the MRA and can contribute to this organization with skills that she knows how to do in terms of building houses for people in need, so. Thank you.

(Councilmember Lee was excused from the meeting at 10:53 a.m.)

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, MOLINA,  
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR  
RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBER LEE.

CHAIR KING: Measure passes with eight "ayes", one Member excused, Alice Lee.

Madam Clerk move on to the next.

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 19-72, 19-73, and 19-74.

CHAIR KING: Thank you.

COMMITTEE REPORT

NO. 19-44 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Bill 25 (2019), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO (1) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE HAWAII STATE HISTORIC PRESERVATION OFFICER, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE STATE OF HAWAII DEPARTMENT OF DEFENSE AND OFFICE OF VETERANS SERVICES REGARDING A GRANT TO SUPPORT IMPROVEMENTS TO THE MAUI VETERANS CEMETERY, MAKAWAO, MAUI, HAWAII; (2) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII OFFICE OF VETERANS SERVICES REGARDING THE MAINTENANCE OF THE MAUI VETERANS CEMETERY; AND (3) APPROVE THE MAUI VETERANS CEMETERY GROUNDS MANAGEMENT AND MAINTENANCE PLAN – STANDARD OPERATING PROCEDURES ("PLAN") TO MAINTAIN THE CEMETERY AT "SHRINE STATUS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 96 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION TO SET FORTH GUIDELINES TO MAINTAIN THE MAUI VETERANS CEMETERY AT "SHRINE STATUS" be FILED.

CHAIR KING: Thank you, Ms. Clark.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-44.

VICE CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Council Chair *[sic]* Rawlins-Fernandez.

Mr. Molina.

(Councilmember Lee returned to the meeting at 10:55 a.m.)

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on March 12, and after meeting in executive session on this matter, your GET committee voted 6-0 to recommend passage of the proposed bill. Thank you.

CHAIR KING: Okay, any comments or questions? Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in favor with slight reservations. I'll disclose my father is buried in the Veterans Cemetery, so I have a personal interest.

But my small reservation is again, not about moving to "Shrine Status", I think that's great. But as you've heard especially in my district, I would say, we should be concerned about all veterans cemeteries, because all of our residents served and many of them died for our county, our state, our country. And so, I would just ask that, in my reservations, that we as a county continue to support all veterans cemeteries. Thank you, Chair.

CHAIR KING: Okay, thank you Mr. Hokama. Any other comments?

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also would like to voice my support and like my colleague from Lanai, I'd like to voice concerns. You know, I have great respect for our veterans who are our modern-day warriors, and I think that all veterans cemeteries should be respected equally. And being that this is Hawaii Nei, and, the, I'm not sure the exact definition of a veteran, but, you know, right now, next door at the courtroom, there's also action going on to respect the final resting place of the warriors

of the Battle of Kakanilua. And just wanted to say that I think that all of our warriors final resting places should be respected equally. Thank you.

CHAIR KING: Thank you, Member Paltin.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Well said. I just wanted to make a comment based upon my experience with working with this project, you know, many, many years ago before I worked here, took office. Shrine Status, what it provided was the County of Maui to receive funding to purchase additional land that was needed because we were running out of space basically at the Makawao Veterans Cemetery. And with that it also asked that the receiving entity, which would be the County of Maui, really the State of Hawaii is who purchased the land and became the vehicle for all of this to happen, then has certain obligations for the maintenance of the cemetery. This big issue that, I'm glad that got resolved, was the sharing of space between the Makawao Cemetery people, the community cemetery, and the Veterans Cemetery. And I'm glad to see we're at this place of solution.

I think during committee meeting, we had a concern or maybe appreciation for the Department of Public Works who was maintaining the cemetery too, that they have been doing a good job. And I think we had to add on another person, but there's lots more involved in, we, we honor our veterans, but in this case it was, besides that, it was an opportunity to acquire more land so that we could have the space to, to bury our future veterans that fought in our various wars. So, I just wanted to make a statement.

CHAIR KING: Okay, thank you, Member Sugimura. Any other comments?

If not, I'll call for the, oh, Vice Chair Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just very quickly wanted to echo the comments by my colleagues, Member Hokama and Member Paltin, for requesting that all veterans cemetery be given this type of care and respect, because they all fought for us. And, and that we should also honor and respect all of our fallen warriors who fought and died on behalf of the collective, the kakou. So, even, you know, our 'iwi kupuna, who are, who are warriors for, you know, our lahui. Mahalo, Chair King.

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

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion carries, 9-0. No opposition.

Ms. Clark.

DEPUTY COUNTY CLERK: For the record, BILL 25 (2019).

COMMITTEE REPORT

NO. 19-45 - MULTIMODAL TRANSPORTATION COMMITTEE:

Recommending FILING of a Miscellaneous Communication, referring Contract C6660, between the County of Maui and Hawaiian Dredging Construction Company, Inc., for the North Shore Greenway Phase IV project for the Department of Public Works.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I WOULD LIKE TO RECOMMEND, I MOVE TO ADOPT THE  
RECOMMENDATIONS OF COMMITTEE REPORT 19-45.

COUNCILMEMBER LEE:

SECOND.

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

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, March 11 we had our Multimodal Transportation Committee and received a presentation from Department of Public Works on the North

Shore Greenway Phase IV project. When complete, the North Shore Greenway will be a seven-mile pedestrian bike path between Kahului and Paia. Phase IV is the final phase in which the portion of the greenway from Ulupoa Place to Baldwin Beach Park will be constructed.

The department anticipates final construction to finish in late June. And after discussing the project, the committee recommend filing of this. Thank you, I really appreciate my committee's support.

CHAIR KING: Okay. Any questions or comments?

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I'm happy to support this measure. Of course, the area goes through my district, and a lot of folks are really happy at the progress. So it's getting there and I'm sure it will certainly be a, provide a transportation alternative for many, a very healthy transportation alternative, bike instead of drive, and walk, and, you know, so better health to all. Thank you.

CHAIR KING: Thank you, Mr. Molina.

COUNCILMEMBER SUGIMURA: One more thing.

CHAIR KING: Councilmember Paltin. Oh, I thought you had a comment. Okay. You're sitting there with your finger on the buttons so--

COUNCILMEMBER PALTIN: Ready to vote.

CHAIR KING: Okay, ready to vote. You have another comment, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: One last comment. So, um, yes, tied to Member Molina, when this project ends, I asked Public Works to let us know so we can celebrate, because it's been going on for many years. But it's a, it's a, a site that we've been waiting to see and a lot of money has been spent on this project so far to make it happen. So appreciate Public Works persistence and I'm glad to see this get done for healthier communities.

CHAIR KING: Thank you, Ms. Sugimura.

Councilmember Lee.



COUNCILMEMBER LEE: And I'd like to add Member Sugimura, when the project is finished, I nominate you to walk the seven miles--

COUNCILMEMBER SUGIMURA: --with you, gladly.

COUNCILMEMBER LEE: No. On behalf of the Councilmembers, yeah, we'll be cheering you on. Thank you.

CHAIR KING: Maybe we can get sponsors and use that to raise money for our next beltway or greenway.

Okay, with that, all those in favor of the motion on the floor to file the report say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries, 9-0.

Ms. Clark.

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

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 21 (2019)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF MANAGEMENT,  
MAUI REDEVELOPMENT PROGRAM;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR KING: Vice Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request that you ask Clerk, Deputy Clerk, to also call up Bill No. 22.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR KING: Okay. Ms. Clark.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 22 (2019)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF TRANSPORTATION,  
PUBLIC TRANSIT PROGRAM - HIGHWAY FUND;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR KING: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 21 AND BILL 22, ON SECOND AND  
FINAL READING.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Ms. Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Both these bills received unanimous support from the Council.

CHAIR KING: Okay. Any questions or comments? If not--

VICE CHAIR RAWLINS-FERNANDEZ: Um and really quickly. I just wanted to mahalo the Executive Director of Lokahi Pacific for being here from the beginning of today's meeting to be available for questions, so mahalo.

CHAIR KING: Any questions for Ms. Thieman? Seeing none? I'll call for the question, all those in favor of passing Bills 21 and Bill 22 say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Alright, measure passes, the two measures pass nine to zero. No "noes".

Congratulations and thank you for hanging out with us, Ms. Thieman. Okay.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with unfinished business.

## UNFINISHED BUSINESS

## COMMITTEE REPORTS

### COMMITTEE REPORT

NO. 19-37 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that Resolution 19-75, entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," be ADOPTED.

CHAIR KING: Thank you. Councilmember Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE REPORT 19-37.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Moved by Councilmember Paltin, seconded by Councilmember Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The resolution will transmit to the Molokai Planning Commission, a proposed bill to grant a Change in Zoning from Interim Zone to B-CT Country Town Business District, for approximately 32,068 square feet in Kaunakakai, Molokai, Hawaii. The Change in Zoning would make the zoning consistent with the current business commercial designation for the property in the Molokai Island Community Plan.

Your Planning and Sustainable Land Use Committee received testimony from the owner in support of the resolution. I respectfully request the Council's support of my motion. Thank you, Chair.

CHAIR KING: Okay, thank you Ms. Paltin. Any other comments or questions?

Council Chair *[sic]* Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to point out that the owner of this property did testify this morning, Kaleialoha Moss, that we fondly call, call, refer to her as Pumpkin. And, you know, she supports this action and really appreciates the Council's support in passing this or adopting this resolution.

CHAIR KING: Thank you, Vice Chair Rawlins-Fernandez. This is another movement to get the community plan in line with what the zoning is, so I fully support this. I also think that this, because this is an item in the community plan, there's one more action item that the Planning Department can check off its list when we do this. This has been a long-time issue going on for several years, so we actually had, I believe we had a testifier in the chambers at one point too. So, I'm in full support of this measure, Committee Report 19-37.

Any other comments or questions? Okay, if not, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero. No noes.

Congratulations, I think this one's been hanging around for a while. And we're back to our deferred item. Committee Report 19-41.

**DISCUSSION AND ACTION RELATING TO  
COMMITTEE REPORT NO. 19-41**

**COMMITTEE REPORT  
NO. 19-41 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL  
PRESERVATION COMMITTEE:**

Recommending the following:

1. That Bill 26 (2019), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-85, from the Acting Director of Environmental Management, be FILED.

CHAIR KING: Let me ask the County Clerk, we had a motion on the floor, that motion still stand, for this item?

DEPUTY COUNTY CLERK: Yes, Chair. That is correct.

CHAIR KING: Okay. So, the question on the floor when we deferred this was about the, whether the, because now we're being required to indemnify the State, which was not a condition of our previous contracts. And the question by Councilmember Hokama is, does the expense of indemnifying the State exceed the value of the contract? Is that correct, Mr. Hokama?

COUNCILMEMBER HOKAMA: Pretty close, Chair, but I'll be happy to hear Corp. Counsel's response to that.

CHAIR KING: Okay. Okay. So, we have Ms. Richelle Thomson in here who's the support for Corp. Counsel for the EACP Committee. And if you could, maybe help clarify the issue, Ms. Thomson and then I'll give the floor to Councilmember Hokama if he has any follow up questions.

DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair, and thank you, Councilmember Hokama for the question.

So, the short answer is no we believe that the obligations to indemnify the State, although they are not usual and not historically, we've been able to have the State go ahead and, and waive that since we're governmental entity. But the way that this contract is set up, we receive the funds and then we in turn contract the other vendors to actually perform the services. And those contracts include the County's general terms and conditions, which include of course, insurance and indemnification, so our department believes that, that those provisions requiring the vendor to indemnify us, and then in turn, we indemnify the State and I think the risk is pretty low.

CHAIR KING: Okay, thank you, Ms. Thomson.

Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR KING: Follow-up?

COUNCILMEMBER HOKAMA: Thank you for being here, Ms. Thomson. You know, I can say when we passed the previous budget, was on the understanding of existing terms which was, no indemnification requirements. So, that's one.

Two, in your, in Mr. Miyamoto's response to Chairman Sinenci of the committee, he states that this is basically a pass through. Like we get funds from the Feds, it goes

through the State of Hawaii and then comes to us. But I don't recall the Feds putting this kind of indemnification requirements on the State passing through to us.

So, couple things, as I read it, there's two components, e-component and the glass. And the e-component, so that's about 275 more or less in round numbers. You know, after going through, it's an interesting approach for this new State AG. Everything is convenient for the State. The State can terminate at will, at any time, whether they use the word default, or convenience. But there's no termination for us, we just live by the contract because I don't see anything that protects the County from terminating for cause on our part.

We got to pay litigation for the State, we got to pay defense of the State, we have to, the State can suspend at any time. This is a bad contract, for our side.

CHAIR KING: Ms. Thomson.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you. And I, I understand that concern. These are, these are the template contracts that the State Procurement Office puts out, so they're, basically what the State is doing is treating the County as if it were a private vendor.

COUNCILMEMBER HOKAMA: We are not a private vendor.

DEPUTY CORPORATION COUNSEL THOMSON: I understand. And the general terms and conditions that you just referred to, those are either identical or nearly identical to what the counties also standard forms require of our vendors. So, while they may seem very arduous, in our position as a contractee, you know, we also require private entities enter under those kinds of agreements with us.

COUNCILMEMBER HOKAMA: Correct, private entities, okay, that tend to make money off us, okay, for service to be rendered. Obviously, we not providing the service. You know, for this amount of money, I don't see why the department wouldn't then just ask us for a budget amendment, cause for myself, my position, I really don't need the State money with all these kinds of requirements. You know, the AG can go and shove this up his office for all I care.

Well, my disappointment is that the committee report wasn't clear enough for us to get a good understanding because if I handed this to someone outside, nobody knows, can figure out what, what's going on with this legislation this morning.

Thank you, Chair. I'm satisfied, I again will vote "no" on this. I think it's a bad deal for the County. I'm not speaking against the intent of our program, I still think we need to

participate. I think we've done great responsive work to benefit our communities regarding e-cycling and glass recoveries, you know, in this County. So, I have no issue with the program we trying to move, continue to move forward, but I don't need this type of State attitude from the Attorney General. Thank you.

CHAIR KING: Okay, Mr. Hokama.

Mister, Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Question for Corporation Counsel, maybe Ms. Thomson. If this body decides to vote this matter down today, then what are our options and will this have any impacts on our recycling, I guess, businesses around as it relates to this. I'm just curious?

CHAIR KING: Ms. Thomson.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you, Chair, and thank you, Member Molina for the question. My understanding is that the e-waste contract between the County and the private vendor is in place and that the Department of Environmental Management is using other funding to, you know, fund it currently.

And the glass recycling, I believe those are done by grants, but those are not currently in place and they're awaiting this body's decision on the funding. I believe that they would either need to, the department would either need to find other sources of funding, potentially cut back on some of the programs, or you know, as Councilmember Hokama suggested, come to this body for a budget amendment.

CHAIR KING: Thank you, Ms. Thomson.

This is a, in the current budget correct?

Councilmember Sinenci.

COUNCILMEMBER SINENCI: I'd like to refer to Ms. Thomson about the, the end of contract date?

CHAIR KING: Oh, question?

COUNCILMEMBER SINENCI: Yeah.

CHAIR KING: Okay, Ms. Thomson.



DEPUTY CORPORATION COUNSEL THOMSON: Um, are you referring to the, the contract end date with the State? These draft contracts have been in play for several months, so, you know, between me trying to negotiate with the Deputy AG to remove, specifically, the indemnification terms of that, you know, went back and forth for several months. Basically, what that contract end date though is, you know, it aligns with their fiscal term and so my understanding is that if we execute this contract, that they would release the funds probably shortly thereafter.

CHAIR KING: And do these contracts end at the end of this fiscal year, so that they have to be renewed?

DEPUTY CORPORATION COUNSEL THOMSON: There are renewal provisions within the contracts, so they, it looks like they would, they could at the State's option renew for subsequent terms.

CHAIR KING: Okay, but are these ending at the end of this fiscal year?

DEPUTY CORPORATION COUNSEL THOMSON: Yes, currently it is.

CHAIR KING: Okay. Any other, Councilmember Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I assume this isn't the only contract that we have with the State. And since you stated that these are the general provisions of contracts we enter into with the State, does this mean that all of our contracts with the State have these stipulations?

CHAIR KING: Ms. Thomson.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you. No, you're correct, the, not all of the contracts that we have with the State, such as, the State Revolving Fund Loan, those agreements, you know, which you would think they would try to hold the County's feet to the fire, you know, even more firmly than on some of these. You know, I think these are fairly manini in terms of dollars.

But, you know, just like we divide our work downstairs amongst the different deputies, the Deputy AG assigned to the Department of Health, which oversees this set of funding, has been there for a very long time and just feels incredibly strongly but he's not going to budge on this indemnification.

So, I don't anticipate seeing this kind of firm stance across the board from every single Deputy AG or in all of our contents.

VICE CHAIR RAWLINS-FERNANDEZ: Okay, so I guess we kind of answered my second question which was, how would the Council go about negotiating with the State so that we're not being treated as a private for profit vendor?

CHAIR KING: Ms. Thomson.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you. So, going back, I think two AG's ago, when Doug Chin was AG, we were actually successfully discussing it at that level between Corporation Counsel and the other Corporation Counsels from the other counties and the State AG's Office to try and get this handled on a more upper, on an upper global level so that we didn't have to keep doing this on a case by case basis. And Doug Chin was receptive. You know, because we also have contracts, in turn, County being, you know, the grantor or the contractor with the State. And, you know, we liked this to just be even, you know, same terms for us as them, and he was very receptive.

So, given that we have a new Attorney General, I think we should revisit that conversation.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo for your responses, Ms. Thomson. Mahalo, Chair.

CHAIR KING: Okay, thank you, Ms. Rawlins-Fernandez.

I have a question, Ms. Thomson. If we approve this today, does this give automatic continuing indemnification so that the Mayor can renew this at the beginning of the next fiscal year, or would this have to come back to the Council for renewal?

DEPUTY CORPORATION COUNSEL THOMSON: Thank you, Chair. So, if, if the State renews this particular contract, it would not need to come back. I think that the, this Council's approval of this contract and its terms would include any extensions of the contract.

CHAIR KING: Okay, so, if we wanted it to, if we wanted it to end and have to come back and, in, in, with maybe the intention of negotiating that indemnification. I'm a little worried that some of this money has already been spent. Because obviously these actions have been going on and it was sort of an after the fact realization by I guess the Administration that, by the way, the Council has to approve this because of the indemnification or did the indemnification request come after the beginning of this contract or the, some of these actions in these contracts.

DEPUTY CORPORATION COUNSEL THOMSON: Thank you, Chair. I believe that the, so like I was saying, there's an e-waste contract with a private vendor and that is, it is existing right now and the department found other funding to be able to get those services going, while they, you know, waited and tried to see if the negotiation would be successful on, in removing that term. The glass recycling, those agreements have not been entered into yet.

CHAIR KING: Okay, so, some of the money, some of the money for this e-waste which was 160,000 is that correct, has already been spent from another fund that the Administration has, I don't know if we know, and we're almost, because we're getting close to the end of the year, so I'm going to assume the majority of that has been spent or is that not how it works?

DEPUTY CORPORATION COUNSEL THOMSON: I don't have those details.

CHAIR KING: Okay. Because we do, you know, Council we do have a, we have a, in our EP&S program, we have the two things that are in that program are recycling and abandoned vehicles. And I believe there's upwards of \$7 million in that, in that, that have funded that program to, you know, in the current budget. So I'm assuming, do we know where that monies come from, for this e-waste, the current e-waste program that they've been doing?

DEPUTY CORPORATION COUNSEL THOMSON: I, no, I'm sorry, I don't have that information, but I think it should be pretty easy to track down, as far as which index code they were using to fund it, initially.

CHAIR KING: Okay, okay. So, if the, I guess the original question was, is the potential, is the indemnification that we have to give, potentially, has a potential to cost us more than what we getting in these grants. And if it does, then maybe we do need to look at other funding that we already have in that budget, or, you know, other types of grants. So can you, is that a question you can answer?

DEPUTY CORPORATION COUNSEL THOMSON: I think so. It basically boils down to the risk that the County is willing to take on. So, indemnification in defense means that if a claim were brought by any third party against the County, or against the County's vendor, if the State were also named in that complaint, then the County would have to take on the defense of the State. Meaning Corp. Counsel, our Corp. Counsel would take on the defense of the claim.

Like I said, we also require that of our vendors though, so our vendors we would consider them the first line of defense, but any claim against the County, we obviously have to step in and make sure that its being handled properly by the vendors. So even

though we require them to indemnify and defend us, it's not like we would just, you know, let that alone and not monitor it carefully.

As far as the risk for this situation, I don't believe that the risk would be great, because we do, I guess we do have vendors actually performing the services. It's a not County staff or County operations performing the services.

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

So, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Good discussion. So, do we need to change the committee report, or how do we get this into the committee report, I think we are at a point--

CHAIR KING: The committee report is the committee report--

COUNCILMEMBER SUGIMURA: So, its final?

CHAIR KING: That's the report we're looking at.

COUNCILMEMBER SUGIMURA: Right.

CHAIR KING: I mean, if we wanted to make an amendment to the motion on the floor, we could do that?

But, the options would be to amend the motion, if there's a desire to do that, possibly to, to instill the requirement that it's just for this year. If we, if we decide after the end of this year we should move forward in another direction, or we can defer it to get more information on what we've actually spent and where the monies actually coming from this year, but there is the funds available outside of this County, or the State grant.

And then, of course the other option is just to vote it down and then we, whatever, I'm assuming the whatever, and maybe Ms. Thomson can answer this, so if we, if we choose not to approve this, these contracts, then does the e-cycling end or do they just, wherever they got the money from, wherever the Administration got the money from, they'll just find that money and the money to do the glass recycling?

DEPUTY CORPORATION COUNSEL THOMSON: Thank you, Chair. I think that the department and the Environmental Protection and Sustainability Division would need to look at their, all of their existing obligations and see if they did have money that they

can either borrow, you know, borrow from another program, you know, or come back to you and request a budget amendment.

CHAIR KING: Okay. Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, I would say, what I feel would be fair is, I would ask for a deferral to a time specific, which would be the next Council meeting. I believe with the new acting director, this would be a very quick learning curve and give us the status because there are still contracts with the vendors that have not been executed, therefore there's no invoices that has been processed, no billings because we don't have executed contracts with specific vendors yet. They're only paying what we have contracts with, but I would say that, again that's one of my concerns. The County doesn't have the opportunity to terminate if we wish, according to our read, current proposal as well as on the extensions. Because it says the State may extend at will, okay, so where's our fairness to reverse it on the other side, say we feel to terminate at will, for cause.

I, you know, I this is more than just this 100,000 or \$200,000 issue, Chair for me. This is about the State's attitude for counties regarding all other contracts also. Because if this deputy prevails, then all the other contracts is going to be adjusted accordingly and even those with the great liability issues then become a bigger financial impact. We have the capacity, I've worked hard to make sure this County can fund and give us choices. And I don't have a problem that we fund this completely and get the State out of our hair. So I would ask the body's consideration to defer to a time specific, which would be the next council meeting. Thank you.

CHAIR KING: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes. Thank you, Chair. In light of the discussion that's on floor, you know, as the Committee Chair, we did inherit this from, from the past Administration. And, and so, the Committee was given the contract, it was shared that the contract ends at the fiscal year, but today Ms. Thomson shared about the extensions.

So, the Committee, as the Committee Chair, I, you know, I leave it up to the Council, full Council to determine if you guys want to defer this until further, for further investigation or however you guys feel.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I support the Committee Chair's suggestion to defer. Thank you.

CHAIR KING: Okay. Well, let me make my recommendation. I'm a big supporter of recycling. I don't want to see us lose any more recycling, because it's been dwindling over the last eight years. And, so we need to continue with recycling, but I do, I do see a potential problem with, you know, this new propensity to have us indemnify the State.

And I do think that there's money in our current budget. There's a lot of money in DEM, and there's a lot of money in EP&S, so I would, I'm going to recommend that we defer this to the next Council meeting and make sure that we have DEM here to speak to this issue, and to talk about what they are using their budget for.

Because \$7 million for recycling and abandoned vehicle removal is a lot of money for recycling. So, we do need to know what they're doing and how much of the 160 they've already spent, that's left to be funded, and then the other amount left is \$115,000, which to me, you know, in our huge budget is not, is not going to break the bank.

So, if there are no objections. Councilmember Lee.

COUNCILMEMBER LEE: Madam Chair, you know, ordinarily this matter should be recommitted to committee. But if we're not going to do that, so that we don't have a long committee like discussion at the next Council meeting, perhaps you can generate the questions that were raised today and have the department respond ahead of time as well as attend the next meeting.

CHAIR KING: Right, okay, that was my intentions. So, we are going to send those questions off, but we will ask our new Acting Director to attend. And if there are additional questions, he can pass these on to the previous director.

Okay. That was our last item on the agenda and seeing no other items.

COUNCILMEMBER HOKAMA: Chair.

CHAIR KING: Yes, Councilmember Hokama.

COUNCILMEMBER HOKAMA: I would be more comfortable if we either do a formal motion or ask the body if there's any objections to the deferral, please.

CHAIR KING: Okay. Okay. Do we, let's go ahead and do a motion. Do you want to make the motion?

COUNCILMEMBER HOKAMA:

I MOVE TO HAVE, GET THE RIGHT ITEM, COMMITTEE REPORT 19-41 TO BE DEFERRED TO A TIME SPECIFIC, WHICH WOULD BE THE NEXT COUNCIL MEETING OF THIS BODY.

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, okay, I don't know who seconded it.

COUNCILMEMBER SUGIMURA: All of us.

VICE-CHAIR RAWLINS-FERNANDEZ: Member--

CHAIR KING: I know.

COUNCILMEMBER KAMA: Pick one.

CHAIR KING: Okay, Council, moved by Councilmember Hokama, seconded by Councilmember Molina?

VICE CHAIR RAWLINS-FERNANDEZ: Sinenci.

CHAIR KING: Oh, Councilmember Sinenci.

COUNCILMEMBER SUGIMURA: His committee.

CHAIR KING: --to defer this item till the next Council meeting.

COUNCILMEMBER MOLINA: Madam Chair, date specific when the next Council meeting will be?

CHAIR KING: Um--

VICE CHAIR RAWLINS-FERNANDEZ: April 23.

CHAIR KING: Can you give us that date?

DEPUTY COUNTY CLERK: That is correct, April 23, at 9:00 a.m.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR KING: Okay. We'll all be here, right? All those in favor of deferring the item, say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, AND  
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes nine to zero. We will defer this item till the next full Council meeting and we will send those questions off to DEM, as well as, ask for their attendance at the next meeting. Thank you for being here, Ms. Thomson, it really helped with the discussion. And, no further business?

VICE CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Yes.

VICE CHAIR RAWLINS-FERNANDEZ: Before we adjourn, I just needed to state on the record something really quick regarding County Communication 19-159.

And, that was the County Communication that was referred to my EDB Committee, the resolution attached to that County Communication was not approved as to form and legality, and then the Clerk's Office earlier distributed a copy of the resolution that was approved as to form and legality by the Department of Corporation Counsel. So, I just wanted to state that on the record.

CHAIR KING: Okay, so the new version of it can be submitted with the referral to the Committee.

VICE CHAIR RAWLINS-FERNANDEZ: To the Committee. Thank you, Chair.



CHAIR KING: Okay, thank you for bringing that to our attention. Alright then, any, any other further comments? If not, we will see, everybody who's going to Hana, we will see you in Hana.

Thank you for your work today, Councilmembers, I think we got a lot done and this meeting is now adjourned.

### ADJOURNMENT

The regular meeting of April 5, 2019 was adjourned by the Chair at 11:33 a.m.



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JOSIAH K. NISHITA, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

RECEIVED

April 1, 2019

2019 APR -2 PM 1:06

Council Chair  
Office of the County Clerk  
200 South High Street  
Wailuku, HI 96793

OFFICE OF THE  
COUNTY CLERK

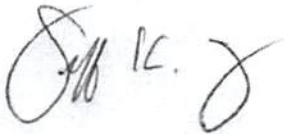
Dear Council Chair and Council Members:

Subject: County Council Regular Meeting of April 5, 2019, Committee Report No. 19-42

I would like to express my support for the confirmation of Mr. Donald Guzman for Prosecuting Attorney. Over the years, I have been a keen observer of Mr. Guzman and I believe he possesses all the qualifications that our community desires and expects of an individual serving in such an important position, critical to the safety and welfare of our community. Mr. Guzman is experienced, obviously very intelligent, and most of all of upmost character. Our community deserves having Mr. Guzman as our Prosecuting Attorney, and he is certainly deserving of the position.

I thank you for allowing me to express my support for Mr. Guzman's confirmation.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.K. Eng', with a stylized flourish at the end.

Jeffrey K. Eng  
Former Director, DWS

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**From:** Chelsea Harder <chelsea@hawaii greengrowth.org>  
**Sent:** Thursday, April 04, 2019 8:27 AM  
**To:** County Clerk; EDB Committee  
**Cc:** tina.silva@mauicounty.gov; Linda Puppolo  
**Subject:** Written testimony for April 5th Council Meeting - Maui County OED grant application 2020 from HGG/OEDB  
**Attachments:** 2020 Maui County Written Testimony - HGG-OEDB.pdf

Aloha,

It is with pleasure that I submit this written testimony for the Maui County Council and Economic and Development Budget Committee meeting Friday, April 5th at 9:00am in support of Maui County Office of Economic Development grant proposals for the FY2020 cycle. Hawai'i Green Growth (HGG) strongly supports the Office of Economic Development programs and grants in the proposed Fiscal Year 2020 Budget and looks forward to our continued partnership.

Very best,  
Chelsea

Attachment:  
- 2020 Maui County written testimony for Hawai'i Green Growth-O'ahu Economic Development Board

--

Chelsea Harder  
Sustainability Dashboard Coordinator  
Hawai'i Green Growth  
cell: 808.343.6158  
email: [chelsea@hawaii greengrowth.org](mailto:chelsea@hawaii greengrowth.org)



<http://www.hawaii greengrowth.org/>  
<https://dashboard.hawaii.gov/aloha-challenge>

RECEIVED  
2019 APR -4 AM 8:42  
OFFICE OF THE  
COUNTY CLERK



*Hawai'i Green Growth is a public private partnership committed to advancing economic, social and environmental goals, and United Nations Local2030 Islands Hub that scales local solutions for global sustainability challenges.*

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**'Aulani Wilhelm**  
Conservation International

**Ulalia Woodside**  
The Nature Conservancy

Testimony in Support of the  
O'ahu Economic Development Board/Hawai'i Green Growth application  
For Maui County FY2020 funding for Economic Development project:  
The Aloha+ Challenge: Advancing Local & Global Sustainability Goals

Council of the County of Maui

5 April, 2019, 1:45pm

Kalana O Maui Building, 8th floor, 200 S. High St., Wailuku, Hawaii 96793

Aloha Budget Chair Keani N.W. Rawlins-Fernandez and Vice-Chair Kelly T. King:

**Hawai'i Green Growth (HGG) strongly supports the Office of Economic Development programs and grants in the proposed Fiscal Year 2020 Budget. We would like to take this opportunity to thank the Council for continued support of OED programs that provide a positive impact for the County of Maui.**

HGG is a county grantee for projects to support the County of Maui's priorities across environmental, economic, and social sectors through the *Aloha+ Challenge: He Nohona 'Ae'oiā* – Hawai'i's locally and culturally appropriate plan to achieve the United Nations Sustainable Development Goals (SDGs). Last year, HGG was recognized by the UN as one of the world's first Local2030 sustainability hubs due to statewide collaboration through the *Aloha+ Challenge* and local metrics tracked on the Aloha+ Dashboard.

With Maui County's leadership and support, HGG facilitated a multi-year process with diverse statewide partners to build the Aloha+ Dashboard and measure progress on sustainability and climate commitments. The open-data platform tracks state and county progress, highlights Maui County programs, and supports the county's decision makers and citizens on Hawai'i's sustainability goals.

Through this grant project, HGG continues to work with government, private sector, and civil society partners to develop the Aloha+ Dashboard with new participatory opportunities for community and student engagement; increased county-level metrics, indicators, and resources; and interactive features to both inform data-driven policy and inspire action by citizens. As a result, Hawai'i has earned global recognition for the Aloha+ Dashboard, and this project is being applied as a model from the UN and Commonwealth to Palau and Tasmania.

We appreciate the County Office of Economic Development's continued support for this project, and for the many other community and economic development efforts that contribute greatly to Maui. We strongly support the continued investment in the Office of Economic Development programs and grants, and appreciate the opportunity to provide testimony.

Mahalo,

Breanna Rose  
Director of Operations & Partnerships  
Hawai'i Green Growth Local2030 Islands Hub

RECEIVED

**From:** Emlyn Higa <Emlyn.Higa@co.maui.hi.us>  
**Sent:** Friday, April 05, 2019 7:11 AM  
**To:** County Clerk  
**Subject:** April 5th Council Meeting- Confirmation of Don S. Guzman as Prosecuting Attorney

2019 APR -5 AM 7:51

OFFICE OF THE  
COUNTY CLERK

I am writing in support of the confirmation of Don S. Guzman as Prosecuting Attorney for the County of Maui. In the contacts that I have had with Mr. Guzman, since he became Acting Prosecuting Attorney, I am impressed by his vision of filling open positions by "casting a wide net," of improving our physical working environment, and of using his political skills and experience to advocate for this Department, not only before government bodies, but in the wider community. I have also been encouraged by what I have heard of Mr. Guzman's intentions for this Department from First Deputy Prosecuting Attorney, Robert Rivera, and Circuit Court Supervisor, Andrew Martin, to support the work that line deputies do every day in the community and in the courtroom.

I have recently resigned from this Department to pursue an unanticipated opportunity to serve as a Deputy Prosecuting Attorney for the City and County of Honolulu, where my career started. Therefore, I am also writing to make sure that my resignation is not misconstrued. It is purely coincidental to Mr. Guzman becoming Prosecuting Attorney, not because of it. Indeed, one of the many reasons that would urge me to stay is that, for the reasons stated above, I should very much like to be part of Mr. Guzman's administration. And I am very humbled by Mr. Guzman's generous request that I remain; and I am very grateful for his understanding that, in the end, I want to attend to the needs of my family in Honolulu.

It has been my great honor to serve as a Deputy Prosecuting Attorney in the Department of the Prosecuting Attorney for the County of Maui since June 2, 2008. In 2008, then Prosecuting Attorney, Benjamin Acob, hired me; and, for that, I will always be grateful. The next Prosecuting Attorney, JD Kim, was quick to adopt technology to improve our presentations in hearings and in trials, which revolutionized the way trials are now conducted in Maui County. (Honolulu is no where close to the advancements in trial presentation that this Department has made under JD Kim.) And now Mr. Guzman brings his unique skills to the head of this Department. I believe that this Department has been improving through each successive administration. I believe, based on what I have seen and heard, that Mr. Guzman will continue that evolution, and improve this Department even further. My point is that we stand on the work of the people who have gone before. The question is: will cause things to go backward, or will we succeed in producing an even better Department.

Mr. Guzman has impressed me as a leader who will build on the work already done, and make this Department even stronger, and even more effective in this Department's mission (paraphrasing Burger v. United States) to ensure that innocence shall not suffer, and that guilt shall not escape.

Please confirm Mr. Guzman as Prosecuting Attorney for the County of Maui.

Very truly yours,  
EMLYN H. HIGA  
Deputy Prosecuting Attorney



April 5, 2018

RECEIVED

2019 APR -5 AM 8: 21

TESTIMONY OF ROB PARSONS

**CC-19-159 “Authorizing the Council Chair to Conduct a Fiscal and Performance Audit of Anaergia Services-LLC related contracts”**

OFFICE OF THE  
COUNTY CLERK

Aloha Chair King and Council Members;

My name is Rob Parsons, and I am a long-time resident living in Makawao. **I speak today in strong support** of the County Communication introduced by Member Rawlins-Fernandez requesting audits of Anaergia contracts. I strongly believe that the best interests of our County, its people and environment would be served by canceling both of these ill-conceived proposals, and by re-thinking our solid waste resource and wastewater treatment options and strategies.

Since the County of Maui signed a contract with Anaergia Services to handle all the waste and resource streams currently going to the Central Maui Landfill, exactly one thousand, nine hundred and thirteen days have passed. In that time, the contract has been renewed two or three times, yet there has been zero performance. No environmental documents have been prepared. Nothing has been constructed. No takers have been found in 5+ years for off-take users of a biogas from anaerobic digestion, or for Refuse Derived Fuel pellets, billed as a “coal-substitute” to be combusted. No landfill gas has been converted to energy.

The net result is not just that progress on solid waste goals in our ISWMP have been stalled, we have actually slipped backwards. We were about to expand the 3-Can Plan for curbside recycling when it was stymied by a previous DEM director. We are the only County that has not addressed Zero Waste goals. The company chosen, Anaergia, should have been rejected because they did not meet the original criteria of the RFP: to have at least two facilities in operation using the same technology for at least three years. In fact, they had never run an anaerobic digestion operation that entailed sorting municipal solid waste in a dirty MRF. (Materials Recovery Facility.)

Three years ago, [HOLD UP MAUI NEWS ARTICLE] an audit showed that this contract had a huge discrepancy in projected savings, and would be a large cost to the County. Yet, the contract continued to be renewed, with

zero performance. The good news is that, pursuant to the Charter, you have the power to cancel this today and help Maui County walk away from this ill-conceived project.

And, the 10-year update of the ISWMP should begin this year, providing an opportunity for community-wide discussion on our choices for the future.

I will offer 10 good reasons not to support the so-called MANA project, and to support the resolution for a financial and performance audit.

- 1) The project is currently halted by a legal challenge that the Final EIS is inadequate, in part because the tsunami zone risks were underestimated.
- 2) It is absurd to consider building a \$20M, 60'-tall digester, power plant, and 57'-tall emissions stack in the tsunami zone and sea level rise inundation zone.
- 3) Investments should be made in de-centralizing Wailuku-Kahului Waste Water Treatment, not in adding more infrastructure in a sensitive area adjacent to the shoreline and a protected wildlife refuge.
- 4) The project was pitched to stabilize, not reduce energy costs. The beginning price of 28 cents per kWh would escalate to over 40 cents by the end of the 20-year contract. That makes no sense when renewable solar PV with battery storage is now coming in around 11 cents per kWh.
- 5) The RFP should have been disallowed, because it sought processing of sewage sludge, which was already under contract to Anaergia in the landfill contract. If anyone else had responded to the narrowly-written RFP, this double jeopardy would have come to light.
- 6) Removing the sewage sludge from EKO's co-composting of green waste will leave them with an unmarketable end product of wood chips or mulch, devoid of nutrients.
- 7) On the other hand, dried, pelletized sludge is being billed as a substitute for \$100,000 in the Parks budget annually for fertilizer. But this product will face stern disapproval from our community, especially since adding irrigation water would make it stink tp high Heaven.
- 8) Raising 500 acres of sorghum to digest as a biofuel raises several issues, which might entail its own Top 10 list. One obvious one is that State DOH has verified that there is no permitted process for disposal

- of digestate on ag lands, so it would entail additional treatment and costs.
- 9) Thermophilic digesters of this kind, operating under high pressure and temperature, are prone to leakage, spills and explosions. If this technology is to be tried, it should not be contiguous to the ocean, a wildlife refuge, and major urban areas.
  - 10) Odors and emissions in this area are of great concern and have not been adequately addressed in environmental studies.

Thank you for your consideration of the many reasons to support these audits, or simply to cancel these contracts before we further obligate our County taxpayer funds to a couple poorly-planned proposals.

# # # # #

Rob Parsons  
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Makawao, HI 96768  
808-269-6842  
robparsons@earthlink.net