

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 8, 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, MARCH 8, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Good morning, everyone. And, good morning, Councilmembers. Today is the Maui County Council regular Council meeting of March 8, 2019. It is 9:00 a.m. and the meeting is now called to order.

Mr. Clerk, roll call. Oh, let me first ask everyone to silence any noisemaking devices that they have. And, we'll go to roll call. Mr. Clerk.

ROLL CALL

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

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama arrived during roll call at 9:01 a.m.)

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

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

Today we have opening remarks by Mr. Mike Molina.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael J. Molina.

CHAIR KING: While we're standing, can I ask everyone to join me in the Pledge of Allegiance?

PLEDGE OF ALLEGIANCE

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

CHAIR KING: Thank you. You may be seated.

Okay, Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 19-38

RECOGNIZING MARCH 2019 AS RED CROSS
MONTH IN THE COUNTY OF MAUI

CHAIR KING: Ms. Paltin. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLING, ENTITLED
"RECOGNIZING MARCH 2019 AS RED CROSS MONTH IN
THE COUNTY OF MAUI".

VICE-CHAIR RAWLINS-FERNANDEZ:

I SECOND.

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

Ms. Paltin

COUNCILMEMBER PALTIN: Thank you, Chair. May I ask that the Clerk read the, read the resolution in its entirety?

CHAIR KING: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Thank you, Mr. Clerk.

And, I think we skipped over, just because we had no one signed up, is there anybody wanting to testify on the ceremonial resolution?

Okay, seeing none, we'll go back to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. It's an honor to recognize March 2019 as Red Cross Month here in Maui County. We would like to send a heartfelt mahalo to the American Red Cross and its volunteers here in Maui County and beyond our shores. In Hawaii, the Red Cross boasts a long history rich in volunteerism and spanning *[sic]* over 100 years. Throughout their service to our community, the Red Cross and its volunteers have acted as an important resource lending a helping hand in the face of disaster and during some of the most critical moments in our modern history. Again, mahalo to the American Red Cross for your service to this community.

CHAIR KING: Thank you, Councilmember Paltin.

Councilmembers, any other comments? If not, we're in deliberation now.

So, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I'd like to support the resolution. Thank you very much, Ms. Paltin for bringing this up as I totally agree with the value of the work that they do in our community, and really in the world. So, I support this and wholeheartedly give my support. Thank you.

CHAIR KING: Thank you, Ms. Sugimura.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I too would like to extend my appreciation to Member Paltin for bringing to light this resolution in recognizing the Red Cross. And you know, they're always there whenever a disaster occurs. And what really brought back a memory for me was the passage about their support for our military and our military families. As a way much younger man when I was in the military, we had several incidents that happened where I was stationed at, and the Red Cross was always there, and especially to keep the families in touch with one another, so that was so very important. So, all of our mahalo to the American Red Cross, both here in Hawaii and across the world. Thank you.

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

Any other, Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair King. I want to thank Tamara for bringing this up. And this touches my heart. I'm, like Councilmember Molina, our very first Christmas spent in Manheim, Germany, I was eight years old, and we just moved there in, in October of that year. We weren't prepared as a Hawaiian family. This was our first trip across the ocean and we had nothing that very first year in terms of Thanksgiving or Christmas. But, Red Cross was there with me, and my dad, and our nine siblings that I had and, and they just were there for us. And I just want to remember that and, and thank the Red Cross for always being there for all of us. Thank you.

CHAIR KING: Thank you, Ms. Kama.

Any other comments? If not, I would like to add my mahalo. And I think it's pretty well known that we have an outstanding Red Cross volunteer force here on Maui. We've been leaders in a lot of environmental efforts and we're also leaders in the emergency management aid that we give. And so, big mahalos from the County. And I'm so glad that we have at least three of you I think, we were hoping for six but, oh, we got four now? Okay. Five? Oh okay, we have five now; five members to receive this honor.

And we'll go ahead, and now if there are no other comments take the vote. All those in favor of the resolution 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: Resolution passes unanimously.

Ms. Paltin.

COUNCILMEMBER PALTIN: Chair, may I ask the Director of the Maui County Office for the American Red Cross Hawaii State Chapter, Michele Blair, as well as Shannan Pyland, Gloria Chee, Jim Jackson, and Merry Tamashiro come to the floor to receive their lei?

CHAIR KING: Okay. Please come down. Thank you.

MS. MICHELE BLAIR: Hi, good morning. Thank you for acknowledging, my name changed somewhere in there, Michele Blair. I did get married last year, I was Liberty. So, confusing a few people this morning.

But thank you so much all of you for taking the time to recognize the work that, that we do as Red Cross. As all of you, I think all of you know, I'm the only staff person for Maui County. Everything, everybody else that works with me, they're all volunteers. And I, I think I'm very lucky to get to work with people that work from their heart day in and day out. So, again, just thank you for all of that.

Last summer was a rough one with hurricane season. One thing I want to say is that, from Red Cross standpoint, we've been moderate-risk label, moderate risk for years. I just saw paperwork come through that Hawaii and the Pacific Island region is now considered high-risk. I asked the question, no, it doesn't mean I get more staff on island. But, it does mean we might get additional assets.

So, looking forward to housing shipments, incoming shipments that I'm being promised of additional cots, blankets, ice chests, tents, tarps, you know, some of the very basic supplies. But, as we all know, and now we've had some experience with it, when something happens it takes more than just the Red Cross volunteers, right? It takes the entire community to come together, work together and just, and do the best that

we can to make sure our people are taken care of. So again, thank you for recognizing Red Cross.

CHAIR KING: Thank you so much, Mrs. Blair. And thank you for that information that we are now high-risk. We'll definitely take that under advisement.

MS. BLAIR: Yea, let's just hope we don't have another summer that looks like last summer. We keep hearing those words "El Niño" and hoping that that's not the case.

CHAIR KING: Right. Right. Well, we'll be in touch. Thank you.

MS. BLAIR: Thank you.

CHAIR KING: Thank you, everybody.

MS. BLAIR. And, these smell wonderful. Thank you.

CHAIR KING: Can you just give them a quick round of applause to our Red Cross?

Okay, Mr. Clerk, can we just check and see if there are any more testimony for the next ceremonial resolution? Did we get any, any--

COUNTY CLERK: Madam Chair, no one has signed up to provide testimony on ceremonial resolutions.

CHAIR KING: Okay, then we, with no objections, we'll close ceremonial resolution testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, closed.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-38.

RESOLUTION
NO. 19-39

RECOGNIZING MARCH 2019 AS WOMEN'S
HISTORY MONTH IN MAUI COUNTY

CHAIR KING: Thank you, Mr. Clerk.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair.

I MOVE FOR THE ADOPTION OF THE RESOLUTION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

COUNCILMEMBER LEE: Madam Chair, can we have the Clerk read the resolution in its entirety?

CHAIR KING: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Thank you, Mr. Clerk.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. As noted in the resolution, today there are an unprecedented six females on the Maui County Council. I hope that number grows to even more. However, maybe we should keep one male on the Council for affirmative action purposes. We thank all of the women Councilmembers who blazed a bright trail for all of us.

May we be a shining and guiding light for the women who serve after us. May our footsteps be well-defined and provide a clear and meaningful direction and vision. May we leave them with many successes and a strong foundation from which they can build upon to benefit many future generations in Maui County. I urge my fellow colleagues to support and adopt this resolution. Thank you.

CHAIR KING: Thank you, Ms. Lee.

Members, any other comments anyone would like to make?

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. And I want to thank my colleague from Wailuku, Ms. Lee, for introducing this resolution. And you know, I think it's upon every man and woman should play a role for promoting a balance for better in the workplace, at home, in education, and in the political arena.

And speaking of which, as Ms. Lee touched upon with the Council, there's two-thirds of the Members are women. And also, nearly 30 percent of our elected officials in the State Legislature are women as well. And in Congress, 35 women won their election for the first time in the 116th Congress. So, that is quite significant.

So, on this day, we need to reflect and recognize that we must continue to work harder for more gender balance; celebrate women's achievements, and raise awareness against bias, and take action for equality. Thank you.

CHAIR KING: Thank you, Mr. Molina.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to recognize some of the ladies in the gallery today who've been fighting long and hard for equity in the pay of clerical skilled workers. You know, as you know, many of our clerks are women or, and or single-mothers. And I think that, you know, with the qualifications and all the work that they do on a daily basis to keep the County running, this resolution really recognizes folks like them. And I'd really like to thank you guys for coming and give you guys my support.

CHAIR KING: Thank you, Ms. Paltin.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you. I, I'd like to thank Councilmember Lee for bringing this up. And today is also international, it's also International Women's Month. And I know that, interesting enough how, as history has gone, we've also had to peek our head out and figure out how we can be recognized. And people like Ms. Lee and this resolution certainly brings light to the fact of all the many things that women do and, of course, mothers and, you know, all the, the roles that we play in our lives.

So, appreciate this. I, I, I enjoy working on this Council with, with the majority of us being women. And I have to say that I think most of us when we sit in these chairs that we actually have a way of seeing things with a third eye, and that's the women's intuition. So, thank you very much.

CHAIR KING: Thank you, Ms. Sugimura.

Any other comments?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I would just like to say that it's been wonder, interesting and wonderful to see the progression, because Maui County has always appreciated, in my perspective, the women's participation in our government. In the 1950's, early 1950's, we already had elected the late Caroline Rodrigues of Molokai to be on our predecessor, the Maui County Board of Supervisors. So, women have been playing a part in elected politics in our County for a very long time. And I think, you know, it's great to see the progression. And I would agree with my, the comments of my colleague from Wailuku, that yea, we look forward to you doing it even better. Thank you.

CHAIR KING: Thank you, Mr. Hokama.

Councilmember, Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'd just like to thank Ms., Councilmember Lee, for this resolution today. And I agree with everyone's comments. And on top of having two-third majority of women, we also have all women in leadership in our Council; our Chair, Vice-Chair, and Pro Temp. So, I think, I don't know if that's a first too.

CHAIR KING: That's a first as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Amazing. And so, you know, in dog-tailing off of the comments provided by Councilmember Paltin, I think, you know, we should end the gender discrimination in pay and really lead by example by providing equity to our women workers in the County. So, mahalo.

CHAIR KING: Mahalo Member Rawlins-Fernandez.

Any other?

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too would like to recognize all the, the women. And not just this month, but for, for the rest of the year. I appreciate all those

women that are, they're in leadership roles. And I, I look forward to, to working with, with all the other Councilmembers. So, again, mahalo.

CHAIR KING: Thank you, Mr. Sinenci.

Any other comments? I think everybody has spoken, so I'll just add my, my support for this resolution. And, and actually, today is International Women's Day, so it's very fortuitous that we're making this resolution on this day. And hearing that the theme this year is "Visionary Women: Champions of Peace" is even more coincident, I don't know if it's a coincidence, but today the Maui Peace Action is, is honoring five peace heroes in their evening ceremony today. So, I'll be presenting congratulatory certificates from the Council for that as well.

I also wanted to comment that one of our friends out here who often testifies, when I mentioned to him today on the way in that today is International Women's Day, he joked that women are taking all the men's jobs. And all I could think of to say back was, it's about time.

So, it's with great joy that I support this resolution. And also because one of my, my staff members heads up, is the Chair of the Committee on the Status of Women, and so I was in DC for the NACo conference last week and I picked up this t-shirt for her that says, "There is no force equal to that of a determined woman". And I think that says it all, why we're honoring them today.

So, with that, all those in favor of the resolution say "aye".

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

CHAIR KING: All those opposed.

NOES: NONE.

CHAIR KING: Okay. Motion passes unanimously.

And Ms. Lee, would you like to call up the folks to receive the resolution?

COUNCILMEMBER LEE: Yes. Thank you, Chair. We'd like to call up the Chair of the Maui County Committee on the Status of Women, Kate Griffiths, and along, and we have

several members of the Committee and maybe we can introduce them, Kate, if you don't mind. Thank you.

CHAIR KING: Can you come up to the podium? Can you come up to the podium and--

COUNCILMEMBER KAMA: I have been given this task with great pride and great joy. I'm not sure if many of you know, but you know, Hawaii is a maternalistic society. We have leaders who are all women and we acknowledge that. And that's why when you look at Hawaiian families it's usually the mom who's actually the real boss.

But today, it is fitting that this resolution is today. I'll tell you, I was just on the radio and they said that on behalf of International Women's Day, we should all wear purple, so I decided to wear purple today.

So, women have been compared to water. We adapt to our environments. We are the givers of life and more often than not we can be taken for granted. So, on behalf of the County of Maui's Committee on the Status of Women, we humbly offer this resolution that recognizes March as Women's History Month. This year, the theme is "Visionary Women: Champions of Peace and Nonviolence".

If we look back at our island's history, we can see some of the great examples:

1) Our sacred Queen Keopuolani. She is the woman, that on her death bed, had given our State motto to her son; "Ua Mau ke Ea o ka `Aina i ka Pono". And that's what started who we are today and what we are today as people.

Queen Liliuokalani, she abdicated her thrown to protect her people, but also with the hopes that one day that thrown would be restored. And today, people are still working on that.

3) Queen Kapiolani. She's best remembered for founding the Queen's Kapiolani Center, which is now today called "Kapiolani Women and Children's Hospital".

4) Queen Emma. She was the founder of "Queen's Hospital". And when she founded that hospital, medical assistance was free to all the people in the kingdom.

5) Morrnah Nakamalu *[sic]* Simeona is the Hawaiian healer best known for reinterpreting Ho`oponopono, the ancient Hawaiian reconciliation process that we understand today to be mediation.

6) From Haunani Kay Trask to her sister, and we remember her sister, right; Ka Lahui Hawaii, that was who she was. Representative Patsy Mink, Joyce Kainoa, Dora Kim

Moon, to Queen Kaahumanu; women of Hawaii have been stepping up, championing their causes and making a difference in their communities and the world. And we are here today as has been said. Thank you.

CHAIR KING: Mahalo, Councilmember Kama.

Kate, did you want to say a few words, as the Chair of the Committee on the Status of Women?

MS. KATE GRIFFITHS: I just want to say we're honored to receive the resolution. And I think it's fantastic that we honor a month to Women's History Month. And as we're coming into our power, I look forward to many more years to come of some great work that we're going to be doing; especially here on the island and also worldwide. Mahalo.

CHAIR KING: Thank you, appreciate it.

Okay. Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-39.

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

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

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

Currently, we have one testifier at our Molokai District Office, and nine, eleven testifiers in the Council chamber.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ZHANTELL LINDO: Aloha, Chair. This is Zhan at the Molokai District Office. We have one testifier; Mahina Poepoe on item 19-24, number 14.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. MAHINA POEPOE (testifying on Committee Report 19-24):

Hi. This is Mahina Poepoe, testifying on item 19-24, number 14, regarding new and reappointments to the Molokai Planning Commission. I want to start by speaking in support of appointing Lori Buchanan to the Molokai Planning Commission. She currently serves as the Chair, which is something no one else wanted to do. She initiated a TIG to review the rules of the Commission and that is still in the process.

Under the previous Administration, different Mayor, different Council, Lori came into the Commission less than two years ago. And at that time, the Commission was staffed with development interests, realtors, short-term rental consultant, businesses, a business that is often contracted by the developer for work. It was a rubberstamp commission at that time. When that scheme was exposed and called out by the community, those commissioners dropped like flies. The Commission was crippled, it could barely get quorum, there was lots of cancelled meetings.

Commissioner Buchanan worked to restore it; the integrity and public trust in the Commission. And that was a trust that at that time had been lost. She is incredibly knowledgeable of the process. It blows my mind sometimes like how she can just pull information from her memory. She implements and always considers our community plan in her decision making. I think that if any of you could experience Ms. Buchanan in action, you would understand her value and why we can't lose her. Everybody wants her on their committees and commissions.

I also want to support Aunty Bridget Mowat being appointed. She is very involved in our community. She actually attends commission meetings on a regular basis and is sometimes the only other person there beside myself. This has been a long time coming for her, you know. I know she's been on the list, had her application in for years and years, and has been passed up continuously, most likely just for political reasons. But, I'm, I'm excited because I think Aunty Bridget will bring a perspective that will, I'm excited to see because it'll be like a transition from the role of testifier to commissioner. And, yea, so I support Aunty Bridget.

I also want to support the reappointment of Laakea Poepoe. I should preface this by saying that he's also my husband. He serves as the cultural expert. He too came into the Commission when it was cancelling meetings because of quorum issues and the corruption being exposed. But, he hasn't missed a single meeting. He, you know, uses his vacation hours to take off of work to go to these meetings. And he, he self-educates, he reads, researches. He makes sure that he's familiar with the information

he needs to be and equips himself with the tools necessary to be a competent commissioner. He is also an advocate for the community plan. And I just want to say that I would have no problem testifying against him if I felt like he wasn't doing a good job, like that's how much this means to me.

I don't always expect to agree with the decisions these commissioners made, make. You know, I've disagreed with decisions my husband has made before. It's about being able to trust the decision that you don't agree with and at least be able to trust that they were well informed and that there are no financial incentives behind them. So, I support these appointments of these individuals and I hope that you will too. Thank you.

CHAIR KING: Thank you, Ms. Poepoe.

Any questions for the testifier? Seeing none, thank you for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier in the chamber is Shay Chan Hodges, testifying on County Communications 19-100, 19-107 and 108. To be followed by Ian Chan Hodges.

MS. SHAY CHAN HODGES (testifying on County Communication Nos. 19-100, 19-107, and 19-108):

Good morning, Chair. Good morning, Council. Happy International Women's Day and Month. And I would like to add just to Vice-Chair Keani Rawlins about the gender pay discrimination, how about some paid family leave and onsite childcare for County workers? So, I am testifying on the three items. I don't think I need nine minutes, but I hope I can, I think I'll need a little more than three for the three.

So, very briefly, I'd like to speak on CC 19-100, the Opportunity Zones Conference, which I attended last month. And just for your information, part of why we did attend was because we wanted to speak to the San Francisco Federal Reserve about the Bank of America commitment which I'm, the other two items on here. And we were able to do that, but we also found that the conference itself was very relevant to a different project that we're working on and which like the Bank of America efforts relates to holding corporations accountable, but in a more proactive way.

So, I'm guessing that the other Councilmembers who are going to speak about the Opportunity Zone Conference will mention the fact that part of what the objective of the conference was, was to talk about the connection between health and social issues

and economic security, right? And I think we all know that if, and that's part of why the Bank of America issue is so important and affordable housing is so important.

You know, investing in communities really can help with a range of challenges that individuals and families face. But, an issue that was raised at the conference is how money is invested and how do we put standards in place to ensure that the investments that we need to have in our communities actually have a positive impact as determined by the people in the community? So, anyway, in general, I think when we look around . . . we're seeing that that's an issue that's coming up more and more and that's something that the project that we're developing is related to, and so I just wanted to mention that. And we'll come back at another time and talk about that.

CHAIR KING: Ms., Ms. Chan Hodges.

MS. CHAN HODGES: Yea.

CHAIR KING: Can I just, if, if you're done with that, can I just see if any of the Councilmembers have a question on that issue?

MS. CHAN HODGES: Oh, sure, sure.

CHAIR KING: Does anybody have a question? And just for your information that this is a referral, so it will go to the Healthy Families and Communities Committee and be further deliberated on there.

MS. CHAN HODGES: Okay.

CHAIR KING: So, hopefully we can receive your testimony there was well. Thank you.

MS. CHAN HODGES: Okay, cool.

CHAIR KING: Next item.

MS. CHAN HODGES: So, yes, I'd like to talk about CC 19-107, which was introduced by Councilmember Molina and then 19-108 from Councilmember Kama, both of which relate to Bank of America and the \$150 million loan commitment for Native Hawaiians on Hawaiian Home Lands.

So, basically, what I wanted to do was give you folks an update. As you know and most of you, well some of you were here, so even though some of the new Councilmembers, well actually I'm sorry, I'll start again.

Back in November, the previous Council did approve a resolution supporting the Governor's efforts to hold Bank of America accountable on the \$150 million Federal Reserve commitment. And even though some of the, or the new Members who are here now did not vote on that reso, almost every single person here, well everybody expressed support and almost every single person wrote their own personal letter to Cathy Bessant who is responsible for making the commitment in 1998; requesting that she come and meet with Kehau Filimoe`atu of Na Po`e Kokua to resolve the \$150 million commitment as requested by Governor David Ige.

And as we stated in the past, other leaders and members of the community have also sent letters; including State Legislators, now Mayor Victorino, OHA Rep Hulu Lindsey, teachers, pastors, others in our community. We met with Mayor Victorino on Monday, who recommitted his support. And he stated his interest in putting teeth into future County actions, so I wanted to relay that.

This week, Senator Kai Kahele introduced two reso, resolutions, very similar to what the County passed in November. One of the resolutions is just a Senate-only one, and then the other one is a concurrent, so it's going to go over to the House. And just for your information, many members of the House from Maui have also sent letters to Cathy Bessant. And as far as the Kai Kahele resolution, all three of our Maui Senators are also on that. And two of them also sent letters last fall, and the third, Kalani English, definitely, absolutely supports us and he was part of the whole effort since 1994.

And last Friday, Na Po`e Kokua board president Kehau Filimoe`atu, board member Brandon Makaawaawa, and Ian Chan Hodges met with the Governor and two staff members to discuss next steps. And as with the Councilmembers, there has been limited response from Bank of America. They do keep claiming that they fulfilled the commitment, but they have absolutely no evidence whatsoever of fulfilling the FHA 247 loans, which are mortgages on Hawaiian Home Lands.

We also discussed a FOIA when we were here last, and the Mayor, or I'm sorry, the Governor submitted that FOIA back in the summer. And finally, in January, after several delays, the Federal Reserve did provide documents. They did not include all the internal documents that we requested, and so we are now currently working on an appeal. We continue to be in touch with Brian Schatz's general counsel and to look at ways of encouraging the Federal Reserve to enforce its own rules.

And there are other strategies that we are pursuing. I did want to mention, also, Jeff Gilbreath who was here couple weeks ago and talked about Hawaiian Community Assets. And what you may not realize is that Hawaiian Community Assets was established as a direct result of the efforts against Bank of America who in 1998 when

they tried to merge with Nations Bank and they recommitted to the \$150 million, they also agreed to a \$4.5 million late fee. And that late fee was supposed to go towards establishing a Native Hawaiian bank.

And unfortunately, that did not happen, but the good news is what did come out of that was Hawaiian Community Assets. And as you probably heard from Jeff, they've done a huge amount of good. And so, we feel very proud that that was one of the outcomes of it. And, Jeff is going to the National Community Reinvestment Coalition. There's a meeting happening, and he is going to be speaking with the Federal Reserve, and I think Bank of America may be there, but he's going to be also talking about the recommitment. So, on a national level, also, we're working with other community activists.

And then finally, the last strategy that I'm just going to mention, and Ian will talk about further, is we're currently evaluating the strategy, and I think you have a four-page document about it, but it refers to holding Bank of America accountable on a different issue which is not about Hawaiian Home Lands but it is about Maui residents and its ongoing criminal foreclosure fraud in Hawaiian courts. And I will let him talk about that and thank you very much.

CHAIR KING: Thank you.

Councilmembers, any questions? We might have some after Ian comes up. But, thank you for your testimony.

MS. CHAN HODGES: Okay. Thank you.

CHAIR KING: Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Ian Chan Hodges, testifying on County Communications 19-107 and 19-108. To be followed by Daniel Kanahele.

MR. IAN CHAN HODGES (testifying on County Communication Nos. 19-107 and 19-108):

Good morning. Good morning, Madam Chair and Members of the Council. Happy International Women's Day. Just as a quick comment on that, my, my first job after high school was I worked with Patsy Mink when she was running for Governor, I worked on her campaign. I actually wasn't that good at those kind of things then and she didn't win. I thought it was my fault.

But, I did want to say that Patsy Mink, as you probably already know, grew up on Maui and had a huge impact on women's issues and also other issues nationally and was responsible for passing Title IX, which resulted in more equity for women in, in not only sports but also education. So, I wanted to, just to acknowledge Patsy Mink and thank her for hiring me despite my lack of knowledge back then.

I'm actually testifying on County Communications 19-107 and County Communication 19-108, both relating to Bank of America. And, I wanted to follow up on what, what Shay Chan Hodges, my wife, said earlier, and talk about first of all sort of go back over what's happened recently and then talk about a sort of respectful request that, that these two items that the 19-107 get referred to the GET Committee, and 19-108 be refers to Economic Development and Budget Committee.

And the reason for this is we want, a lot of things are happening with the Bank of America thing and we did, as Shay Chan Hodges mentioned, we did actually meet with the Governor on Friday and with the Mayor on Monday and had a number of other meetings also this week. And ideally those items would be in those Committees so we have, the Council has the maximum flexibility to sort of respond to ongoing events, including the possibility of actually working with the State and potentially cost-sharing with the State on, on some of these strategies and having a, a partnership with the State and holding Bank of America accountable.

I wanted to address this, this physical strategy that Shay referred to earlier. And I think you may have this four-page document in front of you which is, which titled "SUPPORTING EFFORTS TO WITHHOLD BANK OF AMERICA ACCOUNTABLE TO THE RULE OF LAW FOR ITS ONGOING CRIMINAL AND FORECLOSURE FRAUD IN THE HAWAIIAN COURTS". And I do want to thank the County Clerk's Office. This, this was actually sent to them this morning but things are happening so quickly, we just didn't have it, so I want to thank them for their efficiency in kind of dealing with this, this matter.

But very briefly, I'm going to review this, that shortly before the, the previous Council passed the, the resolution requesting the Bank of America actually honor the Governor's invitation to return to Hawaii and fulfill the commitment, there was a CNBC article and actually a news broadcast that was published on an attorney in Florida called, his name is Mr. Bruce Jacobs. And I saw that, saw that story and actually contacted Mr. Jacobs, and basically talked to him about the actions that he was taking against Bank of America in Florida.

And what that, what that CNBC story talked about was Bank of America actually purging two billion bank records related to mortgages. And I just wanted to sort of refer

to a couple items here that in, this, this also references the mortgage settlement that happened in 2012 that the State of Hawaii was involved in and the State of Hawaii, out of that settlement, received \$7.9 million. And actually, Hawaiian Community Assets, again, received part of that settlement.

And basically, what, what's been happening is that Mr. Bruce Jacob, Mr. Bruce Jacobs, in, in defending clients who have been foreclosed on had discovery where he determined that evidence of Bank of America actually forging documents and continued to do the practices they did before the mortgage settlement. And basically, Mr. Jacobs has filed pleadings in various trial and appellate courts with evidence that Bank of America continued to present false documents, forgeries, perjure testimony, defy court orders, and even ordered destruction of nearly two billion documents into fines of a court order subpoena for those records.

Mr. Jacobs' pleadings has repeatedly asserted that Bank of America engaged in this criminal misconduct in foreclosures from Miami to Maui and every judicial foreclosure State in between. And those pleadings included pleadings before the U.S. Supreme Court. And he does actually mention specifically in his pleadings, the State of Hawaii and Maui County, because these kind of things are happening here as well.

We actually had the opportunity earlier this week to have a conversation between Mr. Jacobs and Corporation Counsel Pat Wong, just looking into the, the issue of is this, you know, what's the applicability of the acts that Mr. Jacobs has been taking to the State of Hawaii and Maui County? And thanks to, to Corporation Counsel Wong, we found out about the ruling by the Intermediate Court of Appeals of the State of Hawaii that was issued this past Monday, March 4, with a Intermediate Court of Appeals determined in a case, Zimmerman Hansen v. Bank of America, that the Bank of America engaged in unfair and deceptive trade practices by fabrication that, fabrication of assignment that made to the intent to deceive or create confusion or misunderstanding, for the plaintiff and the public, and the courts, as to the authority to transfer the, our plaintiffs property knowing he was incompetent and unreliable evidence in assertion of a foreclosure.

And basically what we're looking at here, this goes back to what, what Mayor Victorino and also in our conversations with the Governor of looking for different ways to have teeth to hold Bank of America accountable. This isn't, isn't just related to Hawaiian Home Lands, but also to mortgages all over the State of Hawaii and nationally. So, I wanted to make a reference to that. And with that, my testimony is complete. Thank you very much.

CHAIR KING: Thank you, Ian.

Any questions for Mr. Chan Hodges?

Councilmember Kama.

COUNCILMEMBER KAMA: So, what role do you see the Council playing in trying to hold Bank of America accountable?

MR. CHAN HODGES: So, that, that I think there's a couple different potential roles. One of them is a role that you have, well, the people of Maui County have three different departments in the County that actually have attorneys, as far as I'm aware of: Department of Corporation Counsel; obviously, the Prosecuting Attorney; and Council Services. So, those are all, those are all of the attorneys available and I think if this, if this agenda item 19-107 gets referred to the GET Committee, that's something that Chair Molina could actually take up at his discretion in looking at what, what the County can do from a legal point of view; whether its Prosecuting Attorney, Corporation Counsel, or Council Services.

The other thing is that there are, there are options and right now, as Shay Chan Hodges mentioned earlier, part of the discussion we had with the Governor on Friday was they just received these documents back from the Federal Reserve as part of the Governor's FOIA. And there's about, there's over 600 pages of documents, and so they're reviewing those and looking at what from the point of view, if the Governor's Office and potentially the Attorney General's Office, is what are the options moving forward.

So, another thing, another way that the County could be involved is actually working with the State of Hawaii, you know . . . and they could choose to do that and looking at what actual actions would cost to move forward and build a, you know, allocated resource for that and cost-sharing with the State. And that's one of the reasons why we're actually suggesting that County Communication 19-108 actually be referred to the Economic Development and Budget Committee. And there's a whole bunch of, there's, and I could go on and on in terms of what the potential strategies are, but I think the fact that these, these are referred to those Committees, it actually could be taken up in those Committees what the different strategies are.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Thank you, Ms. Kama.

Any other questions? Okay, I have a, a couple questions about, cause it seems like this is more of a legal matter and it's a statewide matter. Cause it's not just a, a lawsuit that's, that's held in the County of Maui or, is this, the 150 million, is that statewide that's owed to the Hawaii beneficiaries?

MR. CHAN HODGES: Yes.

CHAIR KING: Okay, so, addressing something like that statewide might be better put into the Hawaii State Association of Counties realm because we represent all four counties. But, what, what exactly do you see as far as Maui County's financial responsibility on this? Because, you know, to me I just wanted to share with you that I, I see this going into the GET Committee because it's a legal matter. And if something comes out of that that entails a cost issue out of our budget, then we could, we could send it to the budget from there. But, the, the first discussion should be made around the legal issues and just wanted to get your thoughts on that.

MR. CHAN HODGES: So, I think that's, I mean obviously that's up to your discretion on what you want to decide to do. What the, the reason I was suggesting actually, since there are two items that we have on the agenda, the one going to the Budget Committee is just so, because the, as the Governor's Office reviews sort of what their options are, we kind of, and there is this process to kind of go through, that that may save time if action has to be taken more quickly. But I think it's up to your discretion, obviously, what you want to do with that.

CHAIR KING: Okay. Yea, and actually those, both those Committees, GET and Budget, have all Councilmembers on them, so--

MR. CHAN HODGES: Okay.

CHAIR KING: --you know, the discussion could be held in one Committee and cover both those items I think. But, before we start talking about spending money on it, it might be better to go first to decide if there is action to be taken on the part of Maui County. So, I just wanted to share that with you.

MR. CHAN HODGES: Okay.

CHAIR KING: Councilmembers, any other questions? Okay, thank you for be--

MR. CHAN HODGES: Thank you very much.

CHAIR KING: --thank you for being here and thank you for your involvement in this. We really appreciate that.

MR. CHAN HODGES: Thank you.

CHAIR KING: In moving forward and helping the Hawaiian community.

Mr. Clerk, next testifier.

COUNTY CLERK: The next testifier is Daniel Kanahele, testifying on Committee Report 19-24. To be followed by Karin Phaneuf.

MR. DANIEL KANAHELE (testifying on Committee Report 19-24):

Aloha kakou, Chair King and County Councilmembers. My name is Daniel Kanahele. I live in the Moku of Honuaua and the Ahupua'a by Ahu. I am testifying today as an individual on County Communication 19-12-12.

I'd like to begin first of all by thanking Mayor Victorino for appointing me to serve on the Maui County Cultural, Cultural Resources Commission. I hope this body will approve that appointment today. I know I'm at the very end of the agenda and I won't be able to stay after my testimony. I have to go to a meeting, but I'll be able to answer any questions you might want to ask me after I testify.

The work of the Cultural Resource Commission is historic preservation. And historic preservation is important to, to community for many reasons. It points to the identity, the continuity, and sense of place and self of a community and its people. So, what history are we talking about? What history, we're talking about your history, our history. And you know, we get to choose what is preserved and what we lose. Thomas S. Monson said that we should "learn from the past, live in the present, and plan for the future". Brother Israel Kamakawiwo'ole said that "the past is a bridge to the future". And there's also another quote that, "a people that have no knowledge of his past is like a tree without roots". So interesting enough, the history that we study is not necessarily actually what happened but more what was preserved.

So, we create history by what we build and by what we use. Those are material resources or cultural resources. God creates natural resources. So, when you just, just as, just dispose cultural resources over natural resources, you have a cultural landscape. And a cultural landscape is like a book; it tells a story of that place and the people that live there.

So, what happens when the, the present becomes in conflict with the past? What happens, for example, when you want to build a strip mall in a cultural landscape? Well, you have a cultural or a historic preservation; you decide what to preserve and what you're going to lose. Now what you're going to lose is like tearing pages out of a book; that book that tells the mo'olelo. When you tear pages out, you lose the context and history of the place.

And so, that's what you're asking me to do by participating in the, being a member of the Cultural Resource Commission. So, I'm going to use my, my `ike, what I learned through my experience to do the best possible job that I can to protect that which needs to be protected. So, mahalo for this opportunity and thank you.

CHAIR KING: Thank you, Mr. Kanahele.

Any questions for the testifier? Do you want me to text you if you don't get approved?

MR. KANAHELE: Sure, why not.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Chair.

MR. KANAHELE: I'll be at the Charity Walk kickoff. That's where I'm heading to right now.

CHAIR KING: Oh great. Thank you.

COUNCILMEMBER PALTIN: Chair, I had a quick question if that's okay.

CHAIR KING: Oh, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Mr. Kanahele for your willingness to serve. I just was wondering if you could share with us your, your views on demolition of historic buildings and, you know, the building of, you know, in, demolition of a historic building in a historic district to build a, something that doesn't align.

MR. KANAHELE: Like a parking lot?

COUNCILMEMBER PALTIN: Anything that doesn't align with the historic district.

MR. KANAHELE: Yea, well, I think you have to, to weigh whatever you destroy in context to what in, in context to what it means to that particular place and what it means to the

people that live there. So, we have to be very careful at what we destroy because, you know, some of these resources, cultural resources, material resources, are non-renewable. You know, once you, once you destroy it, it's gone, gone forever. So, if you have a historic structure that has significance to the community that it's in and the people that live there and its historical context in terms of the identity of that people and their sense of place.

Now, you have to weigh that heavily if you're going to knock that down and replace it with, with something, with something else, right? So, that's the hard decisions that you have to make. And so, you would hope that people, when you're at Cultural Resource Commission, will come in and testify to the importance of that building and why it shouldn't be destroyed. And you would hope you have a site visit to go down and check it out. And you would hope that you do some, some of your homework and research to find out, you know, what this place is about, and just not willy-nilly decide, well, yea, okay, yea, I agree go ahead and knock it down.

So, you know, those are important decisions that you have to make. So, you have to weigh the pros and cons and look at things in its historic context so, you know, there's no, ask me a specific question about this specific building, you're just ask me in generally how I would maybe approach that and that's kind of how I would do it. I do my homework.

CHAIR KING: Thank you, Mr. Kanahele.

COUNCILMEMBER PALTIN: Thank you. I, I appreciate that approach. Thank you.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo.

MR. KANAHELE: Wow, I get two questions.

CHAIR KING: You get two.

MR. KANAHELE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Mr. Kanahele. Mahalo for coming to testify this morning.

MR. KANAHELE: You're welcome.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I just have a question about the Planning Department is, is currently working to update the 1984 Cultural Resource Management Plan. Are you involved in that update?

MR. KANAHELE: Personally, right now? No, I'm, I'm not involved in that update. I think that is, I'm trying to remember the, the individual from the Planning Department that's working on that. I think I've spoken to her, and I think that she's--

VICE-CHAIR RAWLINS-FERNANDEZ: Annalise.

MR. KANAHELE: Yea, Annalise. I know that she's reached out to the community. She talked to me at one meeting, asked who I could suggest in the community I live in, asked to people she could talk to that could help in that planning process. So, I did suggest some names to her. And then, she's always welcome to talk to me too. I left that door open also. So, Annalise, right? That's who it was, yea. So, yea, I'd love to be involved in something like that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. I think you would be a, a great addition to the CRC. So mahalo.

MR. KANAHELE: Well, I hope so, and thank you. Thank you if you approve me. And if you don't, well, you know, next time, right.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Thank you.

MR. KANAHELE: Alright, mahalo.

CHAIR KING: Mahalo.

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Karin Phaneuf, testifying on County Communication 19-115. To be followed by Stan Franco.

MS. KARIN PHANEUF (testifying on County Communication No. 19-115):

Good morning. Happy International Women's Day. Thank you, Chair. Thank you, Councilmembers, for allowing us to speak again. We've been here several times since 2013 and many of the Unit 3 and Unit 4 employees are exhausted with this process.

And many have lost faith that anything will happen. So, it's really encouraging to hear you speak this morning.

I don't know if any of you read the news this morning about a little girl, nine years old, named Riley Morrison, who wrote a letter to Steph Curry and said, "how come you don't make shoes for girls?" And Steph Curry said, "I didn't think about it." And now, he makes shoes for girls. That kind of thing I think is kind of what's going on here at the County. We don't think about the fact that we have put women in a box. We think that they don't need to make as much money as a man. It's kind of old school thinking. We really, really feel that this is a gender equity problem and we feel like this clerk, and lifeguard, and inspector raise is long overdue; at least six years overdue.

I want to thank Mr. Molina for mentioning the military personnel. My son is overseas right now and coming home soon with the Air Force.

The resolution for International Women's Day, I'd like to know what we do with our resolutions. We do this, we do these ceremonies. We've done this many times over the years. I'd like to see some action. The mayor, the previous mayor is the one who initiated this, this supplemental agreement to raise the salaries. But, over the years, six years, we've not seen any other leadership involved in this; it's all been clerk driven, female driven. We have been kind of beating our head against, against a rock, really. We hope that this resolution will spur and we hope that this Council, being women powered, will spur some action for these raises.

Maui County has an opportunity to be the leader in the State because this pay gap, this 70-cents on the dollar pay gap is not just Maui County, of course, it's the State of Hawaii. This resolution could lead, lead the whole State. So, thank you. We, we're in support of this.

CHAIR KING: Thank you, Ms. Phaneuf.

Any questions from--

COUNCILMEMBER KAMA: I have a question.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, in order for us to be effective legislators, we would really like to work hand in hand with making sure that you all do get what's due you, but where's your Union on this?

MS. PHANEUF: Well, the Union, actually Randy Perreira was also in D.C. this week. He told us he submitted written testimony. I'm hoping he, he submitted written testimony. He is a signator on the supplemental agreement that I think you all have a copy of. He, so he signed it. The mayor, Mayor Arakawa signed it back in May 2018. They are absolutely in support of this.

The reason it's difficult for the Union to lead this charge is because Maui has very few votes in the scheme of things. When HGEA goes to negotiations and they, they propose this type of, of raise, the State and the other counties also have to vote. And Maui never, ever can outvote them. The State is nervous because this, you know, giving women more money, not just women, it's the Unit 3's and the Unit 4's, mostly women, giving them this raise is going to mean spending more money. It's a bigger budget. And the State is nervous about it because they don't have a lot of money, thank you rail project. So, we are, we are, one of the things we'd like to talk to the Union about is maybe splitting up the categories, like have a separate--

CHAIR KING: Ms. Phaneuf.

MS. PHANEUF: Yes.

CHAIR KING: If you can confine it to the question. I think you answered the question.

MS. PHANEUF: So--

COUNCILMEMBER KAMA: Thank you.

MS. PHANEUF: --well, the, it's, it's a good question, and the State has all the power, all the power. So, by signing a supplemental agreement just for Maui County, it gives us a chance to right this pay gap in our own County.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Thank you.

Any other questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Phaneuf. Mahalo for coming to testify this morning. Were you part of the group that, that was working with the Mayor from 2013--

MS. PHANEUF: Yes. Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: in getting this . . .

MS. PHANEUF: I've, I've been the Chair for a lot of that time, so yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. Mahalo, Chair.

CHAIR KING: Thank you, Vice-Chair.

Any other questions? Just going through it to see if there's that testimony from Randy, Randy Perreira you said?

MS. PHANEUF: Yes.

CHAIR KING: I don't see it.

MS. PHANEUF: He emailed and told me that he was not going to be able to appear in person. He apologized and said he would submit written testimony from D.C. I hope he did.

CHAIR KING: Okay. Anyway, I appreciate you being here. And we do have it scheduled now, so we are one step ahead.

MS. PHANEUF: Thank you. Thank you. This is big progress.

CHAIR KING: Okay. Thank you.

MS. PHANEUF: Thanks.

CHAIR KING: Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Stan Franco, testifying on County Communication 19-115. To be followed by Laureen Perreira.

MR. STAN FRANCO (testifying on County Communication No. 19-115):

Good morning. I'm Stan Franco. Council Chair and Members of the County Council. I know it's unusual, when I come up here I'm talking about FACE Maui and housing. So, why am I talking about salaries for bargaining, Bargaining Unit 3? The simple answer is Karin Phaneuf told me I had to do that. See, Karin and I have been talking about this for a long time. And the connection between Karin and I is that I used to be

a personnel assistant for the Public Works Department, so I was dealing with this problem back in the 70's and 80's.

When I started working for the, for the County of Maui as, in Public Works as a personnel assistant, a principle that was shared with me consistently as I was learning the, the work is that if someone has higher qualification requirements they usually get a better pay level. So, we had laborers at that time, I'm, I'm dating myself, so I don't know what it is today, this is in 70's and 80's; a laborer had to have the equivalent to an eighth-grade education. A clerk at that time had to have a high school education and had to pass a typing test. Now, I don't know if you know what typewriters are, but that was during those days was typing; I guess today is computers.

So, I think it's time, it's time that we make it equitable. If we're paying our laborers at a certain level, let us also pay, pay our clerks at least at that level, if not, higher. If we go with the principle that you, you have qualification requirements that are higher than other positions, then we probably should be paying them more money. But, anyway, there was a lot of difficulty with this, as Karin pointed out. I went through all this problems in the 70's and 80's about getting people with higher qualifications better pay. Because we have the whole collective bargaining thing and it's across the State, and Maui County doesn't have as many votes as we need if we want to push this. But, I think it's a good start.

I commend Karin and the ladies that brought this up to your attention. I commend the Council for taking action on this. I support this wholeheartedly and I want you to say yes. Thank you.

CHAIR KING: Thank you, Mr. Franco.

Councilmembers, any questions? No questions, but I, I thank you for being here because it actually is related to your other issue, because if we can pay people more maybe they can afford housing, right?

Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Laureen Perreira, testifying on County Communication 19-115. To be followed by Connie Gouveia.

MS. LAUREEN PERREIRA (testifying on County Communication No. 19-115):

Good morning, Council Chair King and Councilmembers. My name is Laureen Perreira. I'm an administrative assistant with the Department of Public Works in

Highways Division. I have been employed with the County of Maui for 15 years and I'm truly grateful for my job as a government worker. However, as an administrative staff and clerks, our workload increases along with our duties, requiring us to keep up with current technology to become more efficient in our work.

I am a former member of Mayor Arakawa's Repricing Committee, and for the past six years, we have been striving to achieve pay equity for all the clerks employed by the County of Maui. It seems that the County places a higher value on physical work than office work. I do not degrade blue collar workers. I support their pay and appreciate all that they do. However, I believe administrative and clerical workers work just as hard as the laborers.

The clerks working for the County of Maui have a tremendous amount of duties and responsibilities. I coordinate and conduct the day to day business affairs of the Makawao District Office. Clerks are also required to possess problem-solving skills, decision-making, communication skills, planning, organizing, and setting priorities. We keep our departments functioning smoothly on a daily basis. We take pride in our work and are one of the first people that a member of the public talks to when they need County service, oftentimes taking the brunt of public frustration.

Clerks answer frequent phone calls from irate people, answering questions, and providing information to the public regarding our County rules, regulations, policies, and procedures. Excuse me, my nerves are taking over. We educate the public and always remain pleasant, patient and professional. Furthermore, performing other related duties as required that is continuously being piled on us, increasing our duties and responsibilities but not our salaries.

We deserve to be paid for the skills we possess and the responsibilities we hold. I believe clerks are undervalued and underpaid for the daily demands placed on them and the varying complexities of the work they perform. Living paycheck to paycheck in this day and age is a tremendous hardship to all and mostly for those who are the sole breadwinners of the family; many of us having to take on second jobs to make ends meet.

As Councilmembers, you have the authority to make this pay differential become a reality and a life-changing event for many of our clerks and their families. Thank you for taking the time to hear our testimonies today and also for your consideration.

CHAIR KING: Thank you very much.

Any questions, Councilmembers? Seeing none, appreciate you being here.

MS. PERREIRA: Thank you.

CHAIR KING: Mr. Clerk, next testifier.

COUNTY CLERK: Next testifier is Connie Gouveia, testifying on County Communication 19-115. To be followed by Patricia Hunt.

MS. CONNIE GOUVEIA (testifying on County Communication No. 19-115):

Good morning, Councilmembers. My name is Connie Gouveia and I'm speaking today in support of clerical raises. But, I'm not going to mention specific numbers or facts. I've been in communication with most of you, and instead I'm here to thank those of you who have stepped up to begin to right this wrong. I'd like to thank Councilmember Rawlins-Fernandez and her staff along with Council Chair King for looking into this item and essentially resurrecting it from the sidelines where it was left when previous Council completed their term.

Over the past six years, I felt every high and every low this process has to offer. I've learned how to navigate, sometimes stumbling along the way, but one thing has remained steadfast, I have not given up. This is my life, this is my career. I love my job, but I don't love the inequity. I like to feel appreciated and I do by my peers, but sadly, my salary doesn't convince me of this work that others say I possess. I know that I'm an asset to my department. I share my knowledge and I strive to offer my best day after day. This same fire inside of me is what has fueled my passion for this fight for better pay and a living wage. I'm fighting for those who feel defeated, who've lost the faith in our Unions, our Administration, and in the past our Council.

You all have the position here today to actually make this a reality. Whether or not this should be addressed through collective bargaining, the fact of the matter is why wait to achieve something in five years that can be done here today? Maui is not Oahu, Maui is not the State, Maui is not any other County. Why should we keep holding our own employees back? Nothing should take six years to achieve. When I started this, my son was two years old; he's now eight.

We need your help, I need your help. I'm tired of being led around in the dark with hopes that maybe she'll lose her way, maybe she'll give up. I'm too driven for that. And frankly, I've learned every trick in the book. But I must say, the one single thing that has stung the most is being blatantly ignored. I promise you all if you were living paycheck to paycheck like most clerks, I can guarantee this item wouldn't have taken six years to resolve.

I ask that our item be reheard on the 22nd agenda and hope that you all vote in favor of this. Let's not make the hardworking clerks, lifeguards, and inspectors of the County of Maui wait another day due to technicalities and formalities. This isn't about the money or about who can afford this, it's about doing what is right. Thank you.

CHAIR KING: Thank you for your testimony. And just to let everyone know, this is a county communication, so it will be referred to the Budget and Finance Committee. So, that will be the next step, is actually hearing the item in Committee.

Any questions for the testifier? Okay, thank you so much for being here.

MS. PERREIRA: Thank you.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Patricia Hunt, testifying on County Communications 19-97 and County Communication 19-116. To be followed by Jeffrey Paisner.

MS. PATRICIA HUNT (testifying on County Communication No. 19-97 and 19-116):

Thank you, Council Chair King and Councilmembers. First and foremost, I wanted to thank you guys for the meeting that happened on February 22 and February 15. A lot of the Council that spoke out, I felt did a great job. And I wanted to personally thank you regarding the State Prosecutor's Office. I just wanted to say thank you regarding that.

I actually read, misread the agenda wrong and I apologize, I have a sinus infection going on so I'm not feeling that great today. I'm here because I thought it was a housing issue, and I'm definitely going to come back to the housing, this has to do with elderly, which is something totally different.

So, I'm here more to speak about the criminal justice reform in the U.S., which was aimed to fix and perceive errors. I am one of those errors. I have lost a job over this. I have lost everything over this; my place of residence, which I'm displaced. Many of you know and you don't know me, but I have gone through hell and back in that last ten months in trying to clear my name, trying to get a job, and trying to get a decent place to live, and I have the money.

I have been, I understand what Mr. Kim went through here and I don't know Mr. Kim at all. I do know he was kind enough to give me a meeting. Unfortunately, he has been voted out. And I don't, I don't know any, anything about his past or present, but I am

going to request to have a meeting with Don Guzman now that I know who the new State prosecutor is cause this is very important. And also Patrick Wong who has not made himself available and I'm asking on the record for himself to make, made available. I've left messages both for Mr. Guzman's office and Patrick Wong's office. My Guzman just got in, so I understand he's extremely busy and I understand that. And I've met Mr. Guzman, he's a very nice man. So, I'm going to give him some time. Patrick Wong on the other hand, I have been very patient waiting to have a meeting with him.

And I just want to read this on the record since this is a criminal justice reform, having about aim to fix errors. OIP.hawaii.gov, which is the, this is a State statute, and again my issue isn't with any of the Council people here, I appreciate being heard and I appreciate Mr. Mike Molina who met with me a while back before with the old Council.

92 Section F-23, 24, and 25 is the rights to have correction of personal records . . . procedures corrected or amended. And this right of mine, having to do with correct police reports that I wasn't even here on island has been denied. OIP.gov has sent a letter, I believe to Patrick Wong, and it has been ignored. I am requesting immediately, I have tried to call his office, and I'm requesting immediately on the record to meet with Patrick Wong and Mr. Guzman separately. And that is it. Thank you so much and have a good day.

CHAIR KING: Thank you, Ms. Hunt. Thank you, Ms. Hunt.

Any questions?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Hunt, could you, could . . . We have one question for you.

COUNCILMEMBER SUGIMURA: What, what item number was she speaking on?

CHAIR KING: This is County Communication 19-116.

MS. HUNT: Sorry about that.

CHAIR KING: That's okay. Thank you for being here.

MS. HUNT: Thank you.

CHAIR KING: I don't think there's a question.

MS. HUNT: Okay. Alright, thank you.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Jeffrey Paisner, testifying on Committee Report 19-28. To be followed by testimony from district office, Molokai District Office.

MR. JEFFREY C. PAISNER (testifying on Committee Report 19-28):

Thank you. I've been here before. I've been to planning board meetings before. Closing of the Nahiku Bridge happened four and a half years ago. I am a private property owner on the coastal side of the bridge. The bridge was closed with concrete barriers by the County of Maui without the courtesy of even a prior notice to any of the property, taxpaying property owners who need to cross that bridge to access their own properties. So, Maui County never even bothered to contact any of those people.

I want to say that your, I, I'd like to just ask one question. I'd like to know how many of the nine Councilmembers have even been down to the Lower Nahiku Bridge to view it with your own eyes in the last four and a half years. One. So, I want to know how the County Council can pass an informed resolution when you haven't even seen the condition of the bridge, when you haven't even seen the condition of the roadway from the Hana Highway going down to the bridge? That's just not representative government.

Your resolution is very vague. It omits numerous issues and historical facts. Mayor Victorino was a Councilmember when he knew of the condition of the bridge. So, my hope that he's going to do something about it as Mayor when he did nothing about it to lead the charge as a Councilmember, I, I'm very suspicious of that. The fact of the matter is, and we've discussed old roads here, that you're not even sure that you have legal access down to the bridge from the Hana Highway to begin with. So, the question's not just who owns the bridge.

I've also heard, when I met with Councilman Carroll four and a half years ago, that the County was going to do a preliminary, do a title report. I've heard you've done a preliminary title report. I would like to have access to see what you've done because I have gotten easements myself in Lower Nahiku. I know the exact process required. But you have not shared with the public the results of your preliminary title report. And I don't know what you can ascertain just having, so I don't know what facts you've accumulated. Have you identified the owners that, where the, where the bridge may touch? Is it EMI? If it's a private owner, what's their name? So, I understand the problem with, may I please have a little bit--

CHAIR KING: You have 30 seconds.

MR. PAISNER: Okay. So, what we have here is we have a County Council that has expended tens if not hundreds of thousands of dollars on a, funding a community center down a road that they don't even know they have legal jurisdiction over. We continue to spend County funds on a lawsuit with Kuponu Builders, you know, for a building site that we don't even know you really have the legal right. An EIS was never done, so this resolution is premature and vague. And I beg you to work with the community, as the Hana, as the Hana, made a resolution that you work effectively with the community to avoid disputes. It's in their 1994 Charter. I can present it to you, all of you. I'm asking you to, into--

CHAIR KING: Thank you, Mr. Paisner.

MR. PAISNER: --include members. Please, I drove all the way in from Hana.

CHAIR KING: Right.

MR. PAISNER: Okay?

CHAIR KING: Well, we'll give, we were giving you a little bit of time to conclude.

MR. PAISNER: But, I, but I'm trying to help assist the Council here as a, as a private taxpaying citizen and stop the waste of, of our taxpayer resources here.

CHAIR KING: Yea, I think your, I think you made your message clear.

MR. PAISNER: I'm asking you to include at least the property owners that are denied access to their, to their property. At least include us and consult with us, so you can be more effective in your governing. We are here to help you. It's our taxpayer dollars that pay your salaries. So, please engage with us. That's what government is supposed to do.

CHAIR KING: Okay, thank you. I think we, there was a question for you, Mr. Paisner. If you could, Councilmember Sinenci, you have a question for the testifier.

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Mr. Paisner, for being here. So, today we have a, a committee report for adoption of 19-28, urging the Mayor to take the steps necessary to acquire and replace the Lower Nahiku Bridge. So, you don't support the adoption?

MR. PAISNER: Well, I do support it. But, I think it needs to be a little bit more specific about what actions actually have to be taken, because what's happened, and this is not the first resolution that we've had here about this bridge. This is not the first meeting about this bridge.

In fact, in 2008, the State Legislature made a recommend, the Hawaii State House Resolution 303, I quote, "Requesting the Department of the Attorney General to investigate and assist in the resolution of the issue of ownership of Nahiku Bridge and Lower Nahiku Road". That was 2008. No follow up, no follow through. So, resolutions mean nothing if there's not action.

But, resolutions need to include a distinct roadmap of what actually has to be done. And, so, what's going to happen here is you're going to make this resolution, nothing's going to happen. And I'll be back again three or four years later wondering why we're even wasting, paying all of you to even spend ten minutes making a resolution, cause there's no follow up and there's no action.

CHAIR KING: Did you get your--

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER PALTIN: Chair.

CHAIR KING: Any other questions?

MR. PAISNER: You need more information--

CHAIR KING: Member--

MR. PAISNER: --before you--

CHAIR KING: Member Paltin--

MR. PAISNER: --make a resolution.

CHAIR KING: --you have a question?

Excuse me, Mr. Paisner, we have another question from Member Paltin.

MR. PAISNER: Yea.

COUNCILMEMBER PALTIN: Thank you for making the drive out here today. We also received a testimony in writing from Mr. John Blumer-Buell.

MR. PAISNER: Yes.

COUNCILMEMBER PALTIN: And, I just was wondering, he, he also doesn't support it. He supports investigating and looking into the ownership issues. Are you guys on the same page of that?

MR. PAISNER: Yea, I think it's wrong to say that we don't support that in earnest taking, getting jurisdiction over the bridge and, and fixing or repairing the bridge, so we totally support that. We just believe that your resolution is not a proper roadmap and doesn't state all of the historical facts that have to be considered in order to move to, to move forward effectively.

You know, the County of Maui blocked the bridge with, with concrete, but they said in your resolution that you still allowed pedestrian traffic. In spite of you being warned publicly by myself and other people that the bridge was rotting away, you still allowed pedestrian traffic. I have documented this with film and photographs. So, for four and a half years, the County of Maui has ignored the danger to, 30 to 100 tourists a day walk over that bridge. And that bridge is rotting away. You can see the river running under, underneath it. That's why I asked if any, if any of you had taken the trouble to go look at it, you would realize what a dire emergency it is down there.

COUNCILMEMBER PALTIN: On, on the day that we heard this in Committee, there had been some pictures circulated about steps being taken by the community to redo the bridge.

MR. PAISNER: Yes, certain community members expended their own financial resources, got tired of waiting for the County to protect the public from liability. Because when we lose a lawsuit if someone falls through the bridge, all of us taxpayers suffer. And so, we, took it upon themselves to make it, to repair the bridge to the point where it is 100 percent safe for pedestrian access; where it was not safe before, and I will gladly provide pictures of the condition of that bridge of what it was. You literally could bounce on planks of the bridge. There were giant holes in the bridge, and tourists were walking around it like that. You could have been a terrible accident, accident down there. We couldn't rely on the County to do anything. We understand why. Because you don't want to claim ownership.

But the facts are that in the late 1970's the County of Maui replaced that bridge. They took it apart and they replaced the bridge. So, to think that you have no liability for a

bridge that you replaced, but then refused to maintain the safety of, well that's a legal question for lawyers. But, you did in fact replace that bridge.

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

COUNCILMEMBER PALTIN: Thank you.

CHAIR KING: I think we have another, one more question for you. It's on the, in that there, and Mr. Sinenci, you have another question for the--

COUNCILMEMBER SINENCI: Yea. So--

CHAIR KING: Okay, just, just, just to make it clear we are going to be deliberating this when we get to this issue, so.

COUNCILMEMBER SINENCI: Oh, okay. So, the, the testimony from Mr. Blumer-Buell included not just a bridge, but the Old Government Road down to the bridge and down to the, to the Landing. So, would you, do you support that the County look into the ownership, the entitlements of the road?

COUNCILMEMBER HOKAMA: Chair. Chair, point of order.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: I can appreciate it, but we're in Committee and this is the testimony portion. The question should be a clarification on what the gentleman shared in testimony, not about another person's written testimony's position, Chair.

CHAIR KING: Okay, I understand. I think the, the question--

COUNCILMEMBER SINENCI: I'll withdraw.

CHAIR KING: Okay.

COUNCILMEMBER SINENCI: I'll hold for discussion later.

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

Thank you for being here, Mr. Paisner.

MR. PAISNER: Yes. Yea, where's your, wait.

CHAIR KING: Mr. Clerk, next testifier.

MR. PAISNER: As a community member, I'm just trying to assist the Council in making educated, informed decisions, so hopefully we can move forward constructively rather than just talk about it and make resolutions. Laws without--

CHAIR KING: Mr. Paisner--

MR. PAISNER: --without enforcement are irrelevant.

CHAIR KING: --are, will you be here for a while in the meet, in the chambers if we have questions of your experience?

MR. PAISNER: Yea, I, I'm available.

CHAIR KING: Okay.

MR. PAISNER: I've written an email to, actually to you before this meeting.

CHAIR KING: Right. So, if there's no objections then, we can ask Mr. Paisner to be here if we have any questions about the history, his involvement in the history.

MR. PAISNER: I have over a 40-year history down there--

CHAIR KING: With no objections, okay.

MR. PAISNER: I know, I know when the--

CHAIR KING: Okay. Thank you.

MR. PAISNER: --what they plan--

CHAIR KING: We'll call upon you when we get to this item if we have questions about the history.

MR. PAISNER: Any of you in the Council can get in touch with me--

CHAIR KING: Mr.--

MR. PAISNER: --through my cellphone or my email.

CHAIR KING: Mr., Mr. Clerk, can you call the next testifier.

MR. PAISNER: Thank you.

COUNTY CLERK: Next testifier is from our Molokai District Office. Molokai District Office, could you please introduce your testifier?

MS. LINDO: Aloha, Chair. This is Zhan from the Molokai District Office. We have one testifier, Henry Lindo, Jr., on CR 19-24 and CC 19-122 and 123.

MR. HENRY LINDO, JR. (testifying on County Communication Nos. 19-122 and 19-123, and Committee Report 19-24):

Hello everybody and good morning. My name is Henry Lindo, Jr., and I want to testify on CR 19-24, item 14; as well as CC 19-122 and CC 19-123.

First of all, mahalo, Council Chair and all Councilmembers. Thank you for all the awesome work that you guys do and, and allowing us an opportunity to be a part of this process. So, first and foremost, I want to support the appointments of Laakea Poepoe, Julie Bicoy, and Bridget Mowat as commissioners for the Molokai Planning Commission. And I also want to encourage you, the Council, to also appoint Lori Buchanan as a commissioner.

In a world where we are all so busy with keeping our head above water, it's important to encourage those who are passionate, committed, and equipped to advocate for our community and uphold our community plan. And, and those guys have been involved in a, numerous ways in the community. So, they're really passionate and committed.

In regards to item CC 19-122 and 19-123, I would like to support Vice-Chair Rawlins-Fernandez in her efforts to encourage the Council to seek a non-bias and beneficial legal counsel to help advise and represent you on the Mayor's appointment of interim administrative heads who were previously disapproved by this Council. It seems strange and inefficient for the Council and the community they serve to go through hours and hours of testimony and deliberation, you know, make a decision to disapprove and then all parties being subject to emotional and professional strain just to have the Mayor reappoint the disapproved director to the same position.

You know, someone's been vetted by the very process we voted to have in the last election and is disapproved for permanent appointment, I mean how can their temporary reappointment be beneficial and, and what does that say about the integrity of our Charter and the process? So, I want to support this effort to clarify and make sense of what seems presentenced.

Further, I'd like to ask the Council to consider getting its own legal counsel to help direct and advise, and interpret the laws and policies of the Council for the benefit of the Council. You know, I'm sure the Corp. Counsel does a great job at, you know, knowing and doing their job, but of course laws are subject to interpretation. And if a certain interpretation was needed to decide some conflict between the Council and the Mayor, of course, who, who appoints the Corp. Counsel, you know, are you confident that the interpretation would help prioritize the Council's directives, the priorities and, and public representation?

So, you know, I'm, I'm a firm believer that, that God can work everything out for the good and, and turn it around. And, and there are obvious things that we can do to improve and support your decision-making and benefit the people and communities you, you represent. Mahalo.

CHAIR KING: Mahalo nui loa for your testimony.

Any questions, Councilmembers? Okay, seeing none, thank you for being here.

MR. LINDO: Thank you.

COUNTY CLERK: Next testifier in the chamber is Kai Nishiki, testifying on County Communications 19-115, 116, 121, and 123, as well as Committee Report 19-24. To be followed by Clare Apana.

MS. KAI NISHIKI (testifying on County Communication Nos. 19-115, 19-116, 19-121, 19-123, and Committee Report 19-24):

Good morning, Council Chair, Councilmembers. Mahalo. Thank you very much for your honorary resolutions this morning. I'd like to say in honor of Women's History Month, I'd like to put it on record that our community came out in full support of removing Madge Schaefer from the Mayor's Advisory Committee to choose directors. We have a petition of almost 1,000 people who feel that her derogatory and sexist comments have no place in our County. If the Mayor plans to use Madge Schaefer in any advisory capacity moving forward, we would like him to consider what our residents are saying. I'd like to point to the County of Maui's discrimination policy for the Mayor's frame of reference.

Also, in regards to the Red Cross, I really want to mahalo those folks through the fires and floods on the west side. They were really helpful to our community to get us back on our feet. So, thank you so much for honoring them.

19-113, I want to support all those folks, especially in honor of Women's History Month. I know this has been going on for a long time, since like 2013. And, I even heard that when it came to Mike White when he was Chair, that he basically just threw this in the trash. So, I'm so thankful that we have a new Council who hopefully will look more favorably on equality.

19-116, I absolutely support that. Mahalo, Keani, for doing that.

19-121, on the, on the three-item limit. I am in complete opposition to this proposal. The agendas are really long, like today. I would've, you guys would already thrown me out already if you guys had the three-limit, the three-item limit. So, I, I completely am opposed to this. It's basically like how we had voter suppression in other States. This is, this is suppressing the, the public's right to come here and, and give us, give you our mana`o. And, like, you know, we, we come down here, we take time out of our day, we take time off of work, we leave our kids, sometimes we got to bring our kids over here; and we spend hours and hours, and then we have to run down and make sure our cars don't get tickets. In fact, I even have a ticket in my purse from last time I was here for so long. So, I just want to urge you folks to please, please don't suppress us. I mean, it's, it's hard, like, three minutes, it's not that long to talk about something that's really passionate on the agenda. So, please don't do that. It, it really suppresses our, our right and our ability to come down here.

19-123. Oh, well, this Council is receiving legal counsel that contains a conflict of interest because Corp. Counsel is advising the Mayor, and the Mayor has the authority to fire Corp. Counsel which could sway their, the Corp. Counsel, they could opine in favor of their boss. And unfortunately, this Council missed our opportunity to fire him, and therefore, an immediate decision from a judge is absolutely warranted, which this communication satisfies. So, please take action on this today if possible.

Committee Report 12 *[sic]* for Daniel Kanahele, fully support Daniel Kanahele.

Committee Report 13 *[sic]* regarding Kellie Pali. I do not support this appointment, unfortunately. There was a incident regarding the Native Hawaiian Law Training, which is required by law. And I really feel that she displayed blatant disregard for the required training by wasting that opportunity and leaving early. With the small amount that she may have absorbed in that time, she doesn't really seem to appreciate the gravity of the rights of Native Hawaiians and continues to refer to the overthrow of the lawful Hawaiian government as a throw over. So, it's kind of shame.

17, Thomas Croly, I, I believe that he has a bias because of his advocacy for vacation rentals. The Real Property Tax Review Board has a lot of authority in interpreting law

and just allow, they just have a lot of authority and I just feel that he has some bias because of his advocacy. I mean he's been up here probably every Council meeting on vacation rentals. So, I would urge you to not approve that. And, I think that's it, so mahalo. I appreciate it.

CHAIR KING: Thank you, Ms. Nishiki.

Councilmember, can you stay for a question?

MS. NISHIKI: Yes.

CHAIR KING: Councilmember Paltin, do you have a question?

COUNCILMEMBER PALTIN: I just had a question on number 19-113.

CHAIR KING: I think she meant 115.

COUNCILMEMBER PALTIN: Yea, just clarifying.

MS. NISHIKI: Oh, oh, oh, I'm sorry. Yea, 19-115.

COUNCILMEMBER PALTIN: 19-115.

MS. NISHIKI: I'm sorry. Thank you.

COUNCILMEMBER PALTIN: Okay. Just, just clarifying for the minutes.

MS. NISHIKI: Yea, for the record. Thank you so much.

CHAIR KING: Thank you.

MS. NISHIKI: Okay, mahalo.

CHAIR KING: It's, it's on your, it's on your sheet.

MS. NISHIKI: Okay.

CHAIR KING: You just, you misstated it when you spoke, so thank you.

MS. NISHIKI: Okay. I appreciate it. Thank you. I'm going to go run down make sure I don't have a ticket. Okay, bye.

CHAIR KING: Okay, good luck with that.

Okay, Mr. Clerk.

COUNTY CLERK: Next testifier is Clare Apana, testifying on Committee Report 19-24. To be followed by Zandra Amaral Crouse.

CHAIR KING: Oh, I don't see Ms. Apana.

Ms., Councilmember Molina.

COUNCILMEMBER MOLINA: Yes, Madam Chair.

CHAIR KING: Do you know something about that?

COUNCILMEMBER MOLINA: No, no, no. I just, prior to the next testifier, if we could take our morning break?

CHAIR KING: Okay, right, right.

COUNCILMEMBER MOLINA: As point of personal privilege.

CHAIR KING: Yea, I think we are almost done. But, I don't see Ms. Apana so, we can go to our, oh, two more. We go to our next testifier.

COUNTY CLERK: Calling Zandra Amaral Crouse, testifying on County Communications 19-115 and 127, as well as Committee Report 19-24.

MS. ZANDRA AMARAL CROUSE (testifying on County Communication Nos. 19-115, 19-127, and Committee Report 19-24):

Aloha. Aloha kakahiaka kou mau hoaloha. Good morning my friends. Zandra Amaral Crouse, kou inoa. Good morning, Chair and Councilmembers. It's a privilege to stand before you.

I'd like to testify on CC 19-115, and that is relating to possible salary increases for certain Bargaining Unit 3 position based on the Maui County Council clerks. I think that if you've ever been a clerk, you realize that you are really at the front of the success of your bosses. I know when I managed the Whaler on Kaanapali Beach, when I was recognized by our head office in Lafayette, California and they presented me with an reward. I made a request that he and the committee come down to the Whaler on

Kaanapali Beach and to make the award out to my reservation and account executives. Because without them, the property would not have excelled. It is not the managers that make an industry. It is not the managers that create the profit.

I had the privilege and honor of working for the Lusk family in California. And when I got interviewed, they design cities. And when I got interviewed after three, or four, or five, or six, I went up to the 24th floor where the owner and CEO, Mr. Lusk, interviewed me. And he asked me how would I fit into this family? Now, the man was charged with thousands and thousands of employees in the field. And I looked at him and I said, there's something wrong with your corporate ladder. And he says, why? I said because you're way down there. And he pointed out my position which was somewhat in the middle, and he said, without them at the top of the corporate ladder, there would be no need for my field superintendent if you . . . engineer. Without them at the bottom, and he went right down to him, without all of those of you that are above me in this corporate ladder, I would not have the privilege and the honor of being a part of this family.

So, I humbly ask you to keep that in mind. It is the women and the men who are clerks in this County that is the driving force towards the success of our Mayor, our department heads. And it is your administrators that work for you, Councilmembers, that make who you are and give you the time to do the job that you were called to do. So, I humbly ask, please support giving these individuals the right for more money so they can buy affordable houses, okay. Thank you.

Okay. Okay, I will now go on to, if I might, Madam Chair, CC 19-127. And this is a transmission to the Council for initiating a Community Plan Amendment and Change of Zoning applications led by Chris Hart & Partners, Inc. on behalf of St. Anthony Church and Schools in Wailuku. I, as a alumni of St. Anthony, my mother alumni of St. Anthony, and my grandmother; and so it's been around a long time. So, I humbly ask, if this goes into Committee, I humbly ask the Committee to take into consideration that this is basically just amending community plan. So, I humbly ask to support that whether it get moves into Committee or not.

And, the last one I'd like to testify on would be communication 19, I believe it's 115, 12.

CHAIR KING: I think you wrote 19-24 on your slip, which is the--

MS. AMARAL-CROUSE: Oh yes, 19-24, number 12, thank you, Council Chair. And that is for the adoption of the resolution approving the appointment of Daniel Kanahele to Hawaiian cultural ethic history. I have known this family for a long, long time. And not only are they akamai, akamai loa in the Hawaiian culture; they are the Hawaiian

culture. Their family, on the island of Oahu, Maui, Kauai, extends further than any of us can imagine. And I have worked with Daniel.

And I really do think, and I think most of you would know, when he looks at issues of Hawaiian culture and preserving, as he said, the past, and as he said how do we balance preserving our culture and going on with doing what needs to be done so that we move forward. And I believe that Mr. Kanahele not only has the temperament for that, not only the knowledge of how to do that, but he also has the ability to collaborate and work with all sides of preserving and protecting the culture of our host families, State of Hawaii, County of Maui. So, I humbly ask you to support Mr. Kanahele so that he may be able to preserve what you and I want preserved in our culture. Mahalo. Thank you.

CHAIR KING: Mahalo for your testimony.

MS. AMARAL-CROUSE: Thank you, guys.

Seeing no questions, Mr. Clerk.

COUNTY CLERK: Calling Clare Apana again.

Madam Chair, it appears maybe Mr. Jasee Lau would like to provide testimony.

CHAIR KING: Okay.

MR. JASEE LAU (testifying on County Communication No. 19-121):

Aloha everybody.

CHAIR KING: We'll ask you to fill out the form after if you can, Mr. Lau.

MR. LAU: Yea, that was, the Clerk never got back to me on that. I think he's, the previous Clerk told me that I didn't have to fill out a form according to the law.

CHAIR KING: It, it would help, it would help for the record but go ahead.

MR. LAU: Yea, I don't want, he's got enough to work do. I don't want him to do all this, so I'll do it for you Kelly.

CHAIR KING: Okay, thank you.

MR. LAU: Jasee Lau from Kula. The, congratulation to all you women for Women's History Month and thank you for hiring a man as a Clerk.

So, the, Councilmember Lee's number 19-121. A lot of people don't realize I'm kind of new to Maui and I didn't really read the, read the Charter too much. But, I think there's two different things a lot of people don't realize; there's public hearings and then public testimony. So, I, I think, actually--

CHAIR KING: Are you, do you have a, what item are you testifying on?

MR. LAU: Yea, the 19-121.

CHAIR KING: Okay.

MR. LAU: I didn't read that, but from what I heard they're going to, they're going to change that a little bit.

CHAIR KING: Okay. The, it's a--

MR. LAU: Cause . . . with the other meeting.

CHAIR KING: It's a propo--

MR. LAU: If you let me talk, this will go a lot quicker Ms. King.

CHAIR KING: Okay. Go ahead. But I just want to make sure you're testifying on something on the agenda. Go ahead.

MR. LAU: That was the thing. Maybe you should just make it like people have a set amount of minutes and, and you don't have to say which item on the agenda. What you're all saying was a lot of these things don't require a public hearing? You can just do it without, and they're supposed to follow the Committee meetings and not spend all the Council's time together at the County meeting.

So, and I would recommend, also, I don't, I probably won't get, I might get a second on this considering the women voters here, but the, the women, the men could, you could change it to men can talk for three minutes and the women can talk for five. Aloha.

CHAIR KING: Thank you, Mr. Lau.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there are no further individuals signed up to testify in the Council chamber or at the District Offices. And we have received written testimony for this meeting.

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

So, with that, we'll take our morning break. Thank you, Councilmembers, for hanging out.

Oh, Mr. Clerk.

COUNTY CLERK: Madam Chair, if we can just receive the written testimony into the record and close public testimony.

CHAIR KING: Right, oh, I'm sorry. With no objections, we'll receive written testimony into the record. Okay, any objections?

MEMBERS VOICED NO OBJECTION.

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

1. Ian Chan Hodges;
2. Karen Phaneuf;
3. Kanani Higbee;
4. Sarah Reichert;
5. John Blumer-Buell;
6. Melissa Miyashiro;
7. William Amoral;
8. Lee Yonamine;
9. Elsie Freitas;
10. Brian Kealoha, Hawai'i Energy;
11. Tedyne Sokugawa;
12. Lance Sokugawa;
13. Wilfred Albiar;
14. Gary Ambrose;
15. Jamie Ferge, Ceramic Tile;
16. Troy Ferge;
17. Jaylene Nuesca;
18. Thomas Nuesca;

19. Gerald Tomooka;
20. B. Andaya;
21. Glen Cabatingan;
22. Peter M. Castro;
23. Zita Castro;
24. Roxanne Catiel;
25. Keith K. Dickson;
26. Priscilla Echalas;
27. Michael Fernandez;
28. Doug Jensen;
29. Juliane Pokini;
30. Frank Rodrigues Jr.;
31. Eric Saito;
32. Roger Sapla;
33. Damien Tacla;
34. Mike Tihada;
35. Carrie Alexander;
36. Kalei Bal;
37. Jonathan Kusunoki;
38. James Mendes;
39. Michelle Mendes;
40. Mark Pokini;
41. James Tamayose;
42. Kurt Castardo;
43. Kevin Kochi;
44. Jen McNeff;
45. Roger Apuna;
46. Mat M.;
47. Afa Tauetia;
48. Denise Tauetia;
49. Pamela Tumpap, Maui Chamber of Commerce;
50. Nancy Mahi; and
51. Mike Moran.

COUNTY CLERK: And closing the public testimony.

CHAIR KING: And, are we, are we okay closing public testimony, with any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections. Okay, public testimony is closed.

And we will go into our, our morning break. If we could be back at five minutes after eleven, we'll start. Okay. No objections? We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:53 A.M., AND WAS RECONVENED AT 11:08 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KAMA AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR KING: Aloha. Returning to the recessed meeting of County Council March 8, 2019. And we closed testimony, so we're ready to start on the agenda.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of December 21, 2018, and special meeting/public hearing of December 27, 2018, were presented at this time.

CHAIR KING: Okay. I guess we're still waiting on Ms. Rawlins-Fernandez. But, do we have a motion to approve?

(Councilmember Kama returned to the meeting at 11:09 a.m.)

COUNCILMEMBER HOKAMA:

MOVE TO APPROVE.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Motion moved by Councilmember Hokama, seconded by Councilmember Sugimura.

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

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

CHAIR KING: All those opposed.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Okay, approved eight to zero with Vice-Chair Rawlins-Fernandez, excused.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

(Vice Chair Rawlins-Fernandez returned to the meeting at 11:10 a.m.)

COUNTY COMMUNICATIONS

NO. 19-96 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 8, 2019)

Transmitting 39 contracts/grants for January 2019.

CHAIR KING: Okay. Thank you. Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 19-96.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: This, this communication is for informational purposes only and does not require Council action. Nothing further.

CHAIR KING: Okay, thank you. 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: Motion passes unanimously.

Mr. Clerk.

NO. 19-97 - WILLIAM R. SPENCE, INTERIM DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 27, 2019)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program (NSIP) in the amount of \$114,006.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 19-97.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

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

Any dis--

VICE-CHAIR RAWLINS-FERNANDEZ: This--

CHAIR KING: Oh, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, thank you. This communication is also for informational purposes only and does not require Council action. Nothing further, Chair.

CHAIR KING: Okay, thank you. Any discussion, questions? 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: Motion passes unanimously.

Mr. Clerk.

NO. 19-98 - MICHAEL P. VICTORINO, MAYOR,
(dated February 22, 2019)

Informing of a vacancy on the Commission on Children and Youth due to the resignation of Justin Bibee on February 22, 2019.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 19-98.

COUNCILMEMBER LEE:

SECOND.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I'd like to just say mahalo to Mr. Justin Bibee for his time served on the Commission on Children and Youth and for serving our community. Thank you.

CHAIR KING: Okay. Any questions or 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: Motion passes unanimously.

Mr. Clerk.

NO. 19-99 - MICHAEL P. VICTORINO, MAYOR,
(dated February 11, 2019)

Informing of the appointments of Jeri Dean, Hans Michel, Dylan Payne, and Aina Kohler to the West Maui Community Plan Advisory Committee.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 19-99.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Any, oh, Mr. Molina, you want to--

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Pursuant to Section 2.80B.080 of the Maui County Code, each Community Plan Advisory Committee shall be composed of 13 members; 9 appointed by the Council and 4 by the Mayor.

The Council recently adopted the resolution naming the Council's nine appointees to the West Maui Community Plan Advisory Committee back on December 21, 2018. This correspondence from the Mayor serves as his notice to us about his four appointees, which is Ms. Jeri Dean, Mr. Hans Michel, Mr. Dylan Payne, and Ms. Aina Kohler to the West Maui Community Plan Advisory Committee. So, now the CPAC is now ready to be fully constituted. Thank you.

CHAIR KING: Okay. That's 13 members on the CPAC now. Any questions or comments? If not, all those in favor of the resolution *[sic]*, filing the resolution *[sic]*, 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 unanimously.

Mr. Clerk.

NO. 19-100 - TASHA KAMA, COUNCILMEMBER,
(dated February 26, 2019)

Relating to Councilmembers' report on the Opportunity Zones and Healthy Communities: Maui meeting on February 20, 2019 at the Maui Arts and Cultural Center.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA:

YES, I MOVE TO FILE THE COUNTY COMMUNICATION
19-100.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: I'm sorry, I didn't see who seconded that. Oh, okay, moved by Councilmember Kama, seconded by Councilmember Sugimura.

Councilmember Kama.

COUNCILMEMBER KAMA: Thank you. Councilmembers Hokama, Sugimura, and myself, attended the Opportunity Zones and Healthy Communities on Maui meeting on February 20, 2019 at the Maui Arts and Cultural Center.

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

So, the first part of the meeting focused on Opportunity Zones. And the Opportunity Zones were the result of the last Federal tax code amendment. And the goal was to provide incentives for areas that are under-invested but have promise. So, investors get significant relief from capital gains tax if investments are held at least five years within the total cancellation of capital gains tax if investment is held over ten years.

There are four Opportunity Zones in the County; three on Maui Island: Downtown Wailuku, Kahului (the light industrial area along the Alamaha including the A&B Business Park, the Airport), and the Hali'imaile-Makawao area. And there's one on Molokai as, on the east end of the island including Kaunakakai Town. So, these areas

were developed by the Mayor's Office of Economic Development in consultation with the Governor's Office.

Investments must be made in real estate, either new development or substantial redevelopment. This new tax incentive program would encourage increased, diversified economic development and the building of more affordable housing in these areas of the County.

The other theme of this conference was "Healthy Communities." This theme is considered broad, considering it was on economic health, physical health, and societal health.

Economic health comes from building a community that can develop, retain, and attract talent. Attracting talent depends on a community that supports and cares for its residents. Support includes providing for everyone, including the children and the elderly.

The CEO of Hale Makua Health Services, Wes Lo, remarked, "Why can't we invest tremendous resources in a drug to lower blood pressure, but not in a community that will lower blood pressure?"

Moving to a complete streets approach to roadway development is part of creating a healthy community by promoting of walking and bicycling as transportation modes.

State matters that were presented were the matters discussed during this meeting would prove useful to the County moving forward. For example, the potential economic development spurred by the proposed Wailuku Civic Complex could be furthered by the fact that the proposed facility is within the Downtown Wailuku Opportunity Zone.

Furthermore, focusing our infrastructure with the idea of complete streets will help create safe and healthy multimodal transportation options for our residents.

It is critical for Maui County to carefully consider its policy actions and capital investments to partner with the private sector to take advantage of these Opportunity Zones and to move our community to a healthier future through these actions and investments.

A quorum of the Council was not present at the meeting. And the Opportunity Zones and Healthy Communities: Maui meeting was not specifically and exclusively organized for or directed toward members of the Council, but was an event for which anyone could register and attend. No commitment relating to a vote on any Council

business was made or sought at the meeting. And that concludes my report, Chair King.

CHAIR KING: Thank you, Councilmember Kama. I think that's one of the most detailed reports we've ever had. And I would ask you to transmit the written copy of that, so we can give copies to all the Councilmembers.

COUNCILMEMBER KAMA: Oh, yes.

CHAIR KING: Which I like the details in that report that aren't in Granicus.

Any questions or comments on the report? Otherwise, oh, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I was going to say the same thing. I think normally we don't get such a comprehensive recap.

CHAIR KING: No, it was good.

COUNCILMEMBER SUGIMURA: But it was excellent. And I have to tell you that sitting there with my Committee, Multimodal Transportation, the, the conference was well put together, and it really spoke our language. I think we're all talking about being healthier and developing with a more, building our communities with a broader perspective, you know, just not buildings but it's how we interact and be building smart.

But, the exciting thing about this conference is what it did is brought together a whole room full at the MACC of people who are all interested in the community, yes. But, also it brought funding sources which I, I think it was presented in Mr. Hokama's Committee the following week. But, it, it's amazing.

People are out there, and I think we, looking, they're looking at Maui as a perfect place that something like this can happen in terms of healthy communities. And funders, such as Kaiser or HMSA, which you don't think of them, you know, helping us do our building as far as our community. But, those are the kind of names that were mentioned besides the, you know, National Reserve Bank and the big ones.

So, appreciate it. Appreciate Wes Lo. I think he and Mayor Victorino were the ones that put this conference together. So, thank you.

CHAIR KING: Okay. Thank you. No, don't apologize. It was actually really, I thought it had some good information. And then we have a, we do have a referral on our agenda that will go to Mr. Hokama's Committee. So, there'll be further discussion on that.

So, if there's no other discussion, all those in favor of the, of the motion 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 unanimously.

Mr. Clerk.

NO. 19-101 - KELLY T. KING, COUNCIL CHAIR,
(dated February 27, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF
CHRISTY K. CHUNG AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL
SERVICES".

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-101, AND TO
FILE COUNTY COMMUNICATION 19-101.

COUNCILMEMBER LEE:

SECOND.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Christy K. Chung is a graduate of Stanford
University, having received a Bachelor's of Science Degree in Civil and Environmental

Engineering, as well as a graduate of University of California Berkley, where she attained a Master's Degree in Environmental Planning.

Ms. Chung is a licensed professional civil engineer in Hawaii and California. Ms. Chung was employed with the Santa, Santa Clara Valley Water District in San Jose as an associate civil engineer. Through that employment, she garnered her skills for project management and coordination and research, analysis and writing. Ms. Chung lived and worked on the mainland for approximately 18 years before relocating back home to Maui.

I recommend the appointment of Christy K. Chung as a legislative analyst in the Office of Council Services, and respectfully request your support of this proposed resolution.

COUNCILMEMBER PALTIN: Second.

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

Members, we have Ms. Chung in the audience, so if anyone has direct questions of her. Or, Mr. Hokama, would you like us to bring Ms. Chung down.

COUNCILMEMBER HOKAMA: No, Chair. I was just going to ask my colleague that made the motion, if you would also consider bringing up the next resolution and maybe take up both in one action?

CHAIR KING: Okay, if there's no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, Mr. Clerk.

NO. 19-102 - KELLY T. KING, COUNCIL CHAIR,
(dated February 27, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ALISON NICOLE STEWART AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

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

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-102, AND TO
FILE COUNTY COMMUNICATION 19-102.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay. I'm going to give the second to Mr. Hokama, since he mentioned it.

COUNCILMEMBER HOKAMA: Chair.

CHAIR KING: So, moved by Ms. Rawlins-Fernandez, seconded by Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Chair, if, just for that, for procedure sake, we have no issues, I would ask that you consider this as an amendment to the main motion, since we already had a motion on the floor, earlier on the first resolution.

CHAIR KING: Okay, so we have an amendment to the first motion to add on the appointment of Alison Nicole Stewart. And we'll, we'll go ahead and take a vote on the amendment first. 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: Okay, so the amend, the motion on the floor now is for Christy K. Chung and Alison Nicole Stewart to be appointed.

And, I'll let Ms. Rawlins-Fernandez speak to the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you. Thank you. So, Alison Nicole Stewart obtained her Bachelors of Science degree from Boston University in Broadcasting and Film. She went to, she went on to obtain her law degree from St. John's Law School,

focusing on International Human Rights. Furthering her education, she attained a Master's Degree in Communications from Stanford University.

Ms. Stewart was a special projects coordinator for a international human rights law group, where she performed research and wrote keynote addresses, reports, policy memos, and correspondence, and organized events and high-level forums; including an 80-member delegation to the U.N. World Conference in South Africa. Ms. Stewart was also employed as an operations and productions manager for CreaTV San Jose, where she helped to produce client video projects from concept and design to production and delivery.

After moving to Maui in 2014, Ms. Stewart gained employment at Pacific Whale Foundation as an events and outreach manager, and later as a communications manager where she managed public relations, marketing, and communications projects, event planning, and promotion. Her work involved writing and editing press releases, editorials, coordinate, coordinating and promoting community events and campaigns.

I recommend the appointment of Alison Nicole Stewart as a legislative analyst in the Office of Council Services, and urge your support of this resolution.

CHAIR KING: Okay, thank you very much.

So, Members, we have the two candidates here if anyone has any questions they would like to ask for either one. Any, any comments?

VICE-CHAIR RAWLINS-FERNANDEZ: Can I just add that--

CHAIR KING: Oh, sure.

VICE-CHAIR RAWLINS-FERNANDEZ: --I met with both of them one on one in my office and both of them will be such an asset to our OCS staff. And I'm so excited that they applied, and they will, will hopefully be joining us.

CHAIR KING: Okay. Well, I agree with you. I met with them as well, and I agree with you on the level of expertise is, is pretty astounding. So, I would welcome these two members to our Council Services Office.

And with, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I'll just explain my, my vote at this time. I haven't had the opportunity, again, you and I were quite busy the last week in a very cold

environment called the District, so therefore I have nothing to base and have any reason to vote against the nominees. But, I also have, at this point not having the privilege of, having a chance to have a discussion with them and have I the opportunity to be able to justify a yes vote, therefore, I will allow my vote to be as *kanalua* and it will be directed as the rules direct the vote to be cast. Thank you, Chair.

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

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I had the honor of meeting with Alison Nicole Stewart, as well as Christy Chung. And, I will say that they really bring a, a heavy load of educational knowledge and I look forward to working with them.

It's exciting, when I met with Alison, you know, just her background, I think she can add a lot of depth in areas that OCS will, will welcome, besides being as smart as, as she is from Stanford, St. John's Law School, and Boston University, where she has a law degree as well as her Master's. And I loved that she worked at Pacific Whale Foundation, and I'm sure she got a breath of all of our, you know, the industry, our economy, as well as our love for our ocean. And I look forward to that.

For Christy Chung, I want to say that I know her grandmother, not that, I wish we could, you know, hire her whole family. But, her grandmother is actually the, the elder. Irene is for the Kwok Hing Society on, in Keokea; such a wonderful family. And, she, she also is, you know, highly educated and I'm, I'm really glad to have her as part of our team. She worked for Santa Clara Valley Water District. And I'm sure her knowledge with that, she can help us as we have our own water issues and our own water challenges. But, besides that, I, I welcome both of them. Thank you.

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

Councilmember Lee, did you, oh.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I would also like to share that I met with both of the individuals and their background speak for themselves. And I came away very impressed. And the mere fact and that they're willing to display the courage and intestinal fortitude to work with the nine of us, I mean that speaks volumes. So, I'm in full support. Thank you, Madam Chair.

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

Councilmember Lee, did you have a comment? Just looking at your, your green light.

COUNCILMEMBER LEE: No, I, I just want to say that I, I did meet with them too and I was very, very impressed. And I think we're very fortunate to have them. Thank you.

CHAIR KING: Thank you.

Okay, Councilmember Kama.

COUNCILMEMBER KAMA: I just wanted to say I did meet with them also and I was impressed with their youth. So, I know that, you know, they will have longevity here in our County and they will be able to carry on all of our aspirations, so thank you.

CHAIR KING: Alright. Thank you.

Okay, if there are no other discussion, then the motion the floor is to appoint Christy K. Chung and Alison Nicole Stewart as Legislative Analysts in the Office of Council Services. 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: Okay. . . . passes unanimously.

And, Mr. Clerk.

Thank you, welcome aboard, ladies. Thank you for being here.

Okay, Mr. Clerk.

COUNTY CLERK: Relative to County Communication 19-101, it's RESOLUTION 19-40.
Relative to County Communication 19-102, RESOLUTION 19-41.

CHAIR KING: Mr. Clerk, we, we actually put those into one resolution by amending the first. So, are they still separate numbers?

COUNTY CLERK: Madam Chair, what the Council did is bring that into one motion for the two resolutions.

CHAIR KING: Okay. I wasn't sure how you were counting that. Okay, thank you.

NO. 19-103 - JEFFREY T. PEARSON, ACTING DIRECTOR OF WATER SUPPLY,
(dated February 8, 2019)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for December 2018 for all registered well reporters in the County of Maui.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 19-103.

CHAIR KING: Would you like to, Ms., Ms. Lee, would you like to bring up 104, 105, and 106, together?

COUNCILMEMBER LEE: Yes.

CHAIR KING: Okay. Are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Mr. Clerk.

NO. 19-104 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 15, 2019)

Informing of the acceptance of Sewerline Easement S-1, 103 Hema Place, identified as TMK: (2) 2-6-006:041 POR.

NO. 19-105 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 19, 2019)

Informing of the acceptance of Waterline Easement W-1, affecting Lot F, Valley Isle Produce Subdivision No. 3, identified as TMK: (2) 3-7-011:019 POR.

NO. 19-106 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 22, 2019)

Informing of the acceptance of Sewerline Easement S-1, Maui Country Club, identified as TMK: (2) 3-8-001:071 POR.

CHAIR KING: Okay, Councilmember Lee.

COUNCILMEMBER LEE: You know I already made a motion on the first one. But, I don't think anybody seconded.

CHAIR KING: No, we were ask, actually, now you can make your motion on all four.

COUNCILMEMBER LEE:

YEA, SO, MOVE TO FILE ALL OF THESE.

COUNCILMEMBER PALTIN: Second.

COUNCILMEMBER LEE: 19, okay, I'm going to get scolding if I don't do this.

19-103, 19-104, 5, AND 19-106.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Lee, and seconded by Councilmember Sugimura to file County Communications 19-103 through 19-106.

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: Motion carries unanimously.

Mr. Clerk.

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

NO. 19-109 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 8, 2019)

Transmitting two reports on the settlement of claims as of December 31, 2018.

The recommended action is that County Communication No. 19-109 be referred to the Economic Development and Budget Committee.

NO. 19-110 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 11, 2019)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2018 to June 30, 2019 as of December 31, 2018 and the Capital Improvement Project as of December 31, 2018.

The recommended action is that County Communication No. 19-110 be referred to the Economic Development and Budget Committee.

NO. 19-111 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,
(dated February 12, 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 December 31, 2018.

The recommended action is that County Communication No. 19-111 be referred to the Economic Development and Budget Committee.

NO. 19-112 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated February 26, 2019)

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

The recommended action is that County Communication No. 19-112 be referred to the Economic Development and Budget Committee.

NO. 19-113 - JAMES LIKES, CHAIR, SALARY COMMISSION,
(dated February 15, 2019)

Relating to the salary increases for Department Directors and Deputies and the County Auditor.

The recommended action is that County Communication No. 19-113 be referred to the Economic Development and Budget Committee.

NO. 19-114 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated February 26, 2019)

Transmitting the Hawaiian Cultural Restoration Revolving Fund Annual Revenues and Expenditures Report.

The recommended action is that County Communication No. 19-114 be referred to the Economic Development and Budget Committee.

NO. 19-115 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated February 28, 2019)

Relating to possible salary increases for certain Bargaining Unit 3 positions based on the Maui County Clerical Repricing Committee's recommendations.

The recommended action is that County Communication No. 19-115 be referred to the Economic Development and Budget Committee.

NO. 19-116 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated March 1, 2019)

Relating to strengthening the local economy through criminal justice reform.

The recommended action is that County Communication No. 19-116 be referred to the Economic Development and Budget Committee.

NO. 19-117 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated March 1, 2019)

Transmitting the Affordable Housing Fund Program Fiscal Year 2019 Annual Plan and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (HALE MAHAOLU EWALU PHASE II)";
2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (KA HALE A KE OLA, WESTSIDE STAIRCASE)"; and
3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE

HOUSING FUND (KA HALE A KE OLA, RENEWAL PROJECT PHASE III BUILDING 7)".

The recommended action is that County Communication No. 19-117 be referred to the Economic Development and Budget Committee.

NO. 19-118 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated March 1, 2019)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, FIRE PREVENTION PROGRAM, AND OCEAN SAFETY PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 19-118 be referred to the Economic Development and Finance Committee.

THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 19-118 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED BILL NO. 9 (2019). COUNTY COMMUNICATION NO. 19-118 WAS THEN FILED. See pages 75 through 84 for discussion and action.

NO. 19-119 - SHANE M. SINENCI, COUNCILMEMBER,
(dated March 1, 2019)

Relating to the protection and preservation of East Maui streams, including environmental impacts of diversion, cultural traditions, native species, and recreational uses.

The recommended action is that County Communication No. 19-119 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-107 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated February 21, 2019)

Relating to the United States Federal Reserve System's order requiring the Bank of America to provide mortgages on Hawaiian Home Lands.

The recommended action is that County Communication No. 19-107 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-108 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated February 28, 2019)

Relating to Bank of America's \$150,000,000 loan commitment for Native Hawaiians on Hawaiian Home Lands.

The recommended action is that County Communication No. 19-108 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-120 - MICHAEL P. VICTORINO, MAYOR,
(dated February 11, 2019)

Transmitting a proposed resolution entitled "REMOVAL OF RONALD KIMBALL FROM THE COST OF GOVERNMENT COMMISSION".

The recommended action is that County Communication No. 19-120 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-121 - ALICE L. LEE, COUNCILMEMBER,
(dated February 21, 2019)

Transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO ORAL TESTIMONY".

The recommended action is that County Communication No. 19-121 be referred to the Governance, Ethics, and Transparency Committee.

NO. 19-122 - KELLY T. KING, COUNCIL CHAIR,
(dated February 28, 2019)

Relating to the Mayor's ability to appoint disapproved department heads as interim department heads.

The recommended action is that County Communication No. 19-122 be referred to the Governance, Ethics, and Transparency Committee.

(See pages 74 and 75 for discussion.)

NO. 19-123 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated February 28, 2019)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE COUNCIL ON THE MAYOR'S APPOINTMENT AS 'INTERIM' ADMINISTRATIVE HEADS THE SAME INDIVIDUALS DISAPPROVED BY THE COUNCIL".

The recommended action is that County Communication No. 19-123 be referred to the Governance, Ethics, and Transparency Committee.

(See pages 84 through 91 for discussion.)

NO. 19-124 - RIKI HOKAMA, COUNCILMEMBER,
(dated February 21, 2019)

Relating to Opportunity Zones and Healthy Communities.

The recommended action is that County Communication No. 19-124 be referred to the Healthy Families and Communities Committee.

NO. 19-125 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated March 1, 2019)

Relating to funding mechanisms for multimodal transportation in Maui County.

The recommended action is that County Communication No. 19-125 be referred to the Multimodal Transportation Committee.

NO. 19-126 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated March 1, 2019)

Relating to transportation and parking in Wailuku.

The recommended action is that County Communication No. 19-126 be referred to the Multimodal Transportation Committee.

NO. 19-127 - MICHELE MCLEAN, ACTING PLANNING DIRECTOR,
(dated February 14, 2019)

Relating to Council-initiated Community Plan Amendment and Change of Zoning applications filed by Chris Hart and Partners, Inc. on behalf of St. Anthony Church and Schools, Wailuku, Maui, Hawaii; TMK: (2) 3-4-019:003 and (2) 3-4-018:106.

The recommended action is that County Communication No. 19-127 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-128 - DAVID C. GOODE, ACTING DIRECTOR OF PUBLIC WORKS,
(dated February 21, 2019)

Transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 19-128 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay, thank you for that.

Members, are there any objections to the referrals as read by the Clerk? No objections? Okay. No exceptions. I don't know if we had.

Mr. Clerk.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 19-122**

COUNTY CLERK: And, Madam Chair, you distributed a handout today at the beginning of today's meeting for information to the Members. Was it your intention to refer that along with County Communication 19-122.

CHAIR KING: Yes. Please refer that. I think, was that the, was that the handout on the Corp. Counsel opinion?

COUNTY CLERK: Yes, Madam Chair.

CHAIR KING: I think that goes with 107; County Communication 107. 107 or 108, they both go to GET. Is that correct?

COUNTY CLERK: Madam Chair, the Corporation Counsel opinion that the Council received was on legal advice relating to--

CHAIR KING: Oh, okay.

COUNTY CLERK: --the Mayor's ability to appoint disapproved department heads.

CHAIR KING: Okay, you're right, it's 19-122. Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, would this be--

CHAIR KING: Who, oh, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: --be appropriate to ask the Clerk to call up 19-115?

CHAIR KING: Well, he already, he already read that in his list of referrals. Do you have an objection to referring that?

VICE-CHAIR RAWLINS-FERNANDEZ: I, I wanted to.

CHAIR KING: That would get referred to your Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I, I'm happy to accept this into my Committee. I just, I've been in discussion with members on the bargaining unit that it pertains to and have a clear understanding of the history of this matter, which has been ongoing since 2013.

Unfortunately, Rule 6(A)(7), Rules of the Council, was not followed last year by the previous Chair which states that the Council Chair shall receive all Council communications and present them to the Council or the Committee before which subject matter is pending. Due to the rule, Rules of the Council not being followed, this particular item was left off the Council agenda for Committee referral, and Councilmembers were never privy to the budget amendments existence. Therefore, is my intention to receive another hardcopy of the budget amendment from the Budget Director since our Council copy has been, has disappeared. It is also my hope that the body will be open to taking swift action on this long-awaited salary adjustment for our deserving clerks at that point in time. Mahalo, Chair.

I also wanted to bring up Council Communication 19-118. I, I--

CHAIR KING: Did you have an objection to the referral?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

CHAIR KING: Okay.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 19-118

VICE-CHAIR RAWLINS-FERNANDEZ: The referral for 115, no I don't. But for the referral for 118, I do. I would actually like to take action on that on the floor.

I, I'D LIKE TO WAIVE THE, THE REQUIREMENT OF
COMMITTEE REFERRAL REPORT PURSUANT RULE 7(G) OF
THE RULES OF THE COUNCIL.

CHAIR KING: Okay. So you're making a motion to waive the committee rules. Is there a second?

COUNCILMEMBER LEE:

SECOND, FOR DISCUSSION.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: Chair. Chair.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Point of order. I don't think this is a proper motion. We've already made the referral, right? So, wouldn't we need to have a motion to reconsider first?

CHAIR KING: We didn't, we actually didn't have a motion, just had no objections. So, we can--

COUNCILMEMBER HOKAMA: Which is basically the consensus of the body, which is how we, normally have done it and that we're taking that as a decision of the body.

CHAIR KING: Well, since there was no vote, I'm going allow Ms. Rawlins-Fernandez to make a motion. And this, so there's a motion by Vice-Chair Rawlins-Fernandez, second by Councilmember Lee. And this is to waive the committee, the committee rules, or the Council Rules.

I'm sorry, Ms. Lee.

COUNCILMEMBER LEE: Yes, Madam Chair, you could also say if there are no objections, we can go back to this item. If you want to do it that way too.

CHAIR KING: Okay, well, if there are no objections, we'll go back to this item. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR KING: So, now we have a motion on the floor, and a second to waive Council Rules.

Any discussion, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Thank you, Chair. For the Budget Director, this item is time-sensitive because the budget shortfall is expected to impact the salaries of County employees prior to the end of Fiscal Year 2019. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed bill today.

CHAIR KING: Okay. Any, Mr. Hokama, you have a comment? Question?

COUNCILMEMBER HOKAMA: Well, I don't support it. Yea, I believe we do have sufficient time to bring the Department forward and understand why they're making the big shifts in Category A, and what has been the impact that was not taken into account during the budget approval process.

We, we, yea, we have a bill to legislate. I don't see any justification, though. And we don't get that until we enter Committee and the Department makes its presentation. .

VICE-CHAIR RAWLINS-FERNANDEZ: And, the Budget Director and--

CHAIR KING: Ms. Rawlins-Fernandez--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Ms. Chair.

CHAIR KING: --do you have a reply?

VICE-CHAIR RAWLINS-FERNANDEZ: And the Budget Director and representative from the Fire Department are both here to answer questions. The reason for the shortfall, if I may, is because of the recent natural disasters of Hurricane Lane and the fires in which the department and fire, Department of Fire and Public Safety responded. So, there, there was more overtime, I guess.

CHAIR KING: Okay. So, we have the, the resources here available. Right now, we're on the question of waiving--

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR KING: --Council Rules.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR KING: So, let's focus on that. And then if we, if we do waive the rules, we can bring our, our resources down. Any other comment on--

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I just wanted to ask what is the deadline on this?

CHAIR KING: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: The shortfall?

COUNCILMEMBER LEE: No, not the money.

CHAIR KING: The, what is the deadline for passing this? So, because you mentioned that there was a, an urgent need to pass this.

VICE-CHAIR RAWLINS-FERNANDEZ: June, the, the shortfall would occur in June. I'm sorry, am I not answering your question?

COUNCILMEMBER LEE: I'm really not clear that you couldn't handle this in a regular Committee meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: Right. So, our, our next week will be our last Committee week and then we go into budget session. And then we wouldn't be able to hear it during that time cause we'll be in budget.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Okay, is that a sufficient answer?

Okay, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, if we have Budget Director here, could we just ask her for the deadlines, or answer Ms. Lee's question, or confirm that?

CHAIR KING: Okay. Any objections to bringing Ms. Yoshimura down?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections. Okay.

Ms. Yoshimura. Thank you for being here. Okay, can you state your name for the, and title for the record and then we can, if, do you understand the question?

BUDGET DIRECTOR MICHELE YOSHIMURA: Thank you, Chair. Michele Yoshimura, Budget Director. To address the question, the Department would, if not provided the budget amendment, would see a shortfall and not be able to make the June 30 payroll. So, it's up to the body whether you'll be able to schedule this prior to budget session or right after immediately following budget session.

COUNCILMEMBER SUGIMURA: So, can I ask—

CHAIR KING: Okay. Yea, Councilmember Sugimura, let's not get into the details of it until we get to the next discussion, if we get through the Council, the waiving of the Council Rules.

COUNCILMEMBER SUGIMURA: Oh sorry.

CHAIR KING: But, okay, just, just whatever you have that's pertinent to make, to allow you to make a decision on waiving the Council Rules.

Councilmember Lee. Oh, no.

COUNCILMEMBER LEE: I'm just going to vote.

CHAIR KING: Okay. Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, as we've done in the past, we've taken up specific departmental budgetary needs, even during the budget session to ensure that we can meet payroll or other requirements as provided by law. So, I, I don't see any issues with us referring to Committee and having the Chief make his explanation to us in Committee. Because I think one other things of the process that we take into account for critical accountability is the committee report, and it states the discussion as well as the intent in case of future discussions on the intent of the Committee prior to Council's final decision. So, I say really we have sufficient time to take care of the departmental needs without having any negative impact on payroll because this is for end of the year, you know, we know how it, the check is processed Chair. We have time.

CHAIR KING: Okay, thank you.

Ms. Yoshimura, would you like to address the, the issue of impact on payroll, you know, as it pertains to the timing? Do you have any comments on that?

BUDGET DIRECTOR: Thank you, Chair. So, the amendment or the additional funds would be needed to meet the June 30 payroll. Because this is a proposed bill, it would take two readings. So, if by the second meeting in June, if that, if the budget amendment could be acted upon, that would be sufficient timing to make the June 30 payroll.

CHAIR KING: Okay. Thank you.

Okay, any, Councilmember Lee.

COUNCILMEMBER LEE: So, Madam Chair, we need six votes?

CHAIR KING: Six votes to waive Council Rules.

COUNCILMEMBER LEE: Just checking.

CHAIR KING: Okay. Alright, if there's no other comment, all those in favor of the, waiving the Council Rules say "aye".

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER KAMA: Aye.

COUNCILMEMBER MOLINA: Aye.

CHAIR KING: All those opposed?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: Okay, I guess--

Real quickly, Mr. Clerk, can we do roll call?

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

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

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

NOES: COUNCILMEMBERS HOKAMA AND SUGIMURA.

COUNTY CLERK: Madam Chair, there's seven "ayes", two "noes"; motion passes.

CHAIR KING: Okay, so now we go to Ms. Rawlins-Fernandez with the motion.

VICE-CHAIR RAWLINS-FERNANDEZ:

YES, I MOVE TO PASS THE PROPOSED BILL TRANSMITTED
BY COUNTY COMMUNICATION 19-118 ON FIRST READING,
INCORPORATING NONSUBSTANTIVE REVISIONS AND ANY
ADJUSTMENTS REQUIRED BY PRIOR AMENDMENTS TO
THE FY 2019 BUDGET IF, AND IF NECESSARY, AND TO FILE
COUNTY COMMUNICATION 19-118.

CHAIR KING: Okay. Do we have a second?

COUNCILMEMBER LEE:

SECOND.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. The Budget Director communicated with the Economic Development and Budget staff about this communication and proposed bill. The Budget Director communicated that there would be a projected shortfall in Category A (Salaries and Premium Pay) for Fire/Rescue and Ocean Safety Programs because of the recent natural disasters of Hurricane Lane and the fires in which the Department of Fire and Public Safety has responded.

If the Council has questions in the matter, we have Ms. Yoshimura with us to answer and also, as I mentioned, a representative from the Department. Thank you, Chair.

CHAIR KING: Any, Councilmembers, any questions?

Councilmember Kama.

COUNCILMEMBER KAMA: You can tell me if this isn't a worthy question for this time, but in doing your budget for the next year, 2020, do you account for potential natural disasters that could occur, that could impact your budget based upon climate change?

CHAIR KING: Is this pertinent to the issue before us? So, you want--

COUNCILMEMBER KAMA: I'm hoping, I'm not sure.

CHAIR KING: Okay.

COUNCILMEMBER KAMA: But, I'm thinking that you don't want to, you don't want to hear this again next time, right? We'll go through budget and say, you're short again? So, how do we plan so that we don't end up doing this again?

CHAIR KING: Okay, so Councilmember Kama, would you like us to call up someone from the Fire Department to answer that question?

COUNCILMEMBER KAMA: That would be helpful. Thank you. So, it's a allowable question?
Okay.

CHAIR KING: Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: Go ahead and could you state your name and your title for the record?

DEPUTY FIRE CHIEF BRAD VENTURA: Good morning. My name is Brad Ventura. I'm the Deputy Fire Chief for Maui Fire Department, responsible for Department of Fire and Public Safety, as well as the Ocean Safety as well.

COUNCILMEMBER KAMA: So, do you want me to repeat the question?

DEPUTY FIRE CHIEF: No, I can answer.

COUNCILMEMBER KAMA: Okay.

DEPUTY FIRE CHIEF: Based on climate change, I don't think we, we can make an assumption that that is how we base our, our budget and our response to natural disasters. There are certain things that we would like to put in the budget, but don't want to assume that are going to happen. So, we would, for large-scale events and things like that, we, we wouldn't want to ask for money that would necessarily we wouldn't use. And that's kind of been the, the way we determine what we need is based on historical data, based on events. So, looking at what we're asking for in this budget amendment is based on the first six months, and the events that have occurred minus those natural disasters, as we don't anticipate having to do, deal with them again.

COUNCILMEMBER KAMA: So, knowing that we have hurricane season coming up, right? So, do you at least consider the historical data from years before when you anticipate your forward budget?

DEPUTY FIRE CHIEF: Yes. When we do estimate our premium pay, we base it on the previous year and the occurrences that we had in the previous year. And that's the, kind of the foundation for how we come up with the number that we ask for.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR KING: Thank you, Councilmember.

Any other questions for either the Budget Director or Fire Department? If not, we'll go ahead and call for the question. So, all those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes eight to one; eight "yesses", one "no", Mr. Hokama.

Okay, proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. Oh, I'm sorry. Go ahead.

CHAIR KING: First reading of County Communication 118.

Okay, Mr. Clerk.

Actually, I think we, we'll go back to getting the referrals referred if we can.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair King--

CHAIR KING: Unless there are any objections.

VICE-CHAIR RAWLINS-FERNANDEZ: --I have, I have one more objection.

CHAIR KING: Okay.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 19-123**

VICE-CHAIR RAWLINS-FERNANDEZ: County Communication 19-123. I, I would like to--

CHAIR KING: Okay, Ms., Ms. Rawlins-Fernandez would you like to make a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

I WOULD LIKE TO MOVE TO, OR I MOVE TO WAIVE THE REQUIREMENTS OF THE COMMITTEE REFERRAL AND REPORT PURSUANT TO 7(G) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay, moved by Ms. Rawlins-Fernandez, seconded by Ms. Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair.

CHAIR KING: Ms., Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. The Charter provides the Mayor with 60 days from the Council's denial of an appointment to make a new appointment. We are already two weeks into that timeframe during which interim directors who have already been disapproved by the Council continue to function at the, as department directors.

Referral of the resolution to Committee would delay consideration of retaining special counsel to review the question posed by the appointment of interim directors and may have the effect of rendering an opinion moot.

Chair, approval of my motion by a two-third vote of the entire membership of the Council will enable the Council to consider the proposed resolution today.

CHAIR KING: Okay, any, any comments?

Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm just wondering about time, Chair. Because, and that's why I'm not going to support it, because if we move forward are we talking about our own Council Services attorneys or are we looking at a outside third-party independent entity? Because if we are, regardless whether we do this this morning or not, we're going to have to go through procurement, Chair.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: Okay, so we're looking at weeks or a month. We cannot do this as quickly as some say, and some people feel there's a great urgency of the matter. I would say, you know, might be part of the discussion in Committee would be helpful, because I think one of the things that we should be considering is a Charter amendment and make it very clear what the Mayor and Mayor is not able to do during an appointment process, as well as an interim appointment process, okay.

The State is very clear in their language by their rules and the statutes they pass on what is allowed and not allowed. We haven't taken care of that. So, my thing is, at the worst, we looking at a complete Charter amendment before the voters. Thank you.

CHAIR KING: Okay, thank you, Mr. Hokama. And before, just to give Councilmembers perspective, we did get an opinion from Corp. Counsel on March 6, which you should have in front of you, stating that the Mayor is in his right to appoint these interim directors. We actually have an opinion from our own, our own Council Service legal counsel that says that is not true, that the overall, if you look at the overall Charter, that it says that the, the directors cannot continue in office once the disapproval is made. So, we have two differing opinions already.

And, you know, my, my personal preference is to send this to GET to look at a Charter amendment. So, I, I agree with Mr. Hokama that this, if we try to, if we try to litigate this in court it's going to be way beyond the point where we actually have new appointees made anyway. And so, my preference is to look at how we can clarify the Charter through the Charter amendment process.

Any other comments?

Councilmember Lee.

COUNCILMEMBER LEE: Madam Chair, I'm just wanted to say that I agree with both you and Mr. Hokama. I think this needs a very comprehensive review and, and long term and final solution. I, I don't think we can rush because of procurement laws and so forth. I, I really don't believe that we can just pull it out of Committee and vote on it today. Thank you.

CHAIR KING: Okay, thank you.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. As the subject Committee Chair, I would be honored to have this into my Committee, cause there's a lot of

complex variables with this that, you know, I can appreciate that was stated previously by Member Hokama and Member Lee. And, and also at the same time, I, I appreciate the intent of my Committee Vice-Chair Ms. Rawlins-Fernandez. This is certainly something we need to look at. But, now in light of how complex this could be and the differing of opinions between our own Council Services attorney versus Corporation Counsel, I think the appropriate place to work this matter out would be Committee. Thank you.

CHAIR KING: Okay, thank you.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, I just have a question on procurement then. If we were to get an outside legal counsel which is what we are allowed to do based on the Charter. Is there a list of attorneys that we have to select from, or was there some kind of RFP process or questions that were done before today so that there, you know, there isn't a delay? Or is this something that just happens piece meal every time?

CHAIR KING: There would be an RFP process.

COUNCILMEMBER SUGIMURA: So, there's no pre-selected attorneys or attorney?

CHAIR KING: I don't have a pre-selected list of attorneys.

COUNCILMEMBER SUGIMURA: So, it's not a, it's not a, something that the Clerk's Office does to prepare us for this?

CHAIR KING: It would, it would require the Chair, as your Chief Procurement Officer, to hire this outside counsel.

COUNCILMEMBER SUGIMURA: Okay. I appreciate, I appreciate this discussion, because as you can tell by the two decisions that we got from Corp. Counsel and from our own attorney that there's conflict and there needs to, I agree with you, a Charter amendment just to kind of close the gap and make it clear. I appreciate that. Thank you, Members.

CHAIR KING: Okay. Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, thank you, Chair. I agree with my colleagues that a long, a long-term fix is needed via Charter amendment and that won't come until the next election. We have three disapproved directors that, who's positions will need to be filled. In that time, if they are filled by the Mayor, and they come before us, and we disapprove them again, this situation could happen a second time.

So, while I understand a procurement process takes time, we can, it, it's possible that this potential Charter violation could happen again in the very near future before we're able to get to the election to amend the Charter to fix this problem. And so, for that reason, we don't know who the Mayor is going to select and whether there's someone that we would disapprove, and they could be selected again to continue on as interim directors.

That's why I think the, I feel that our Council should push forward in getting an, a judge's decision, because as you've seen we've, we've gotten conflicting opinions from our Corporation Counsel. And, by moving forward now, in anticipation of the next confirmation process, we'll be better prepared in knowing what our, what is allowed by the Mayor. And so, for those reasons, I urge the Councilmembers to consider waiving today.

CHAIR KING: Okay. Thank you.

And, I guess just as a, a follow-up question, Ms. Rawlins-Fernandez, is the intent to go to court against the County Administration with the special counsel?

VICE-CHAIR RAWLINS-FERNANDEZ: By hiring legal counsel, we could rely on their expertise. One legal option is quo warranto in getting the judge's opinion on this matter.

CHAIR KING: Okay. I'm not sure. Mr. Ueoka, is that possible to do with, through our own counsel in Council Services, as far as getting a judge's opinion without hiring special counsel?

DEPUTY CORPORATION COUNSEL JEFFREY UEOKA: Thank you, Chair. I believe you guys can have, you do have the authority in the Charter to have them be your, I believe it's legal representative in the Charter, the Office of Council Services. And it would be filing a suit, I guess, under those terms of quo warranto. Thank you, Chair.

CHAIR KING: Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, may I add?

CHAIR KING: Yea, yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we, we did speak with our attorneys at OCS and they do not have the resource to put together a case for us in seeking a quo warranto. So, we, we did try that avenue.

CHAIR KING: Okay. Okay, any other further questions or comments?

Ms. Paltin. We're talking about the waiver first, so.

COUNCILMEMBER PALTIN: I was wondering if someone could provide a definition of quo warranto.

CHAIR KING: Okay. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Can I defer to Corp. Counsel to? I don't want to get it wrong.

CHAIR KING: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. It's a legal term for basically we'd be going to court to ask the judge essentially for a declaratory action like showing cause for what happened, and the judge would make a decision.

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

COUNCILMEMBER PALTIN: Can I have a follow-up?

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: Is there a cost involved in that?

CHAIR KING: Mr. Ueoka.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. I believe it would be the hiring of special counsel to file the lawsuit and go through with it. Thank you.

CHAIR KING: Thank you. Okay, any other questions? If not, we'll call for the question right now is whether to waive Council Rules so that we can further discuss this after that. And it takes six, excuse me, it takes six votes.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Okay, all those--

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, the, the alternative would be just refer to Committee and have it discussed in Committee--

CHAIR KING: Right.

COUNCILMEMBER SUGIMURA: --versus today? Okay.

CHAIR KING: Okay, all those in favor say "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

CHAIR KING: All those opposed.

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: Roll call vote, Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: NO.

COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: Chair Kelly T. King.

CHAIR KING: NO.

AYES: COUNCILMEMBERS PALTIN, SINENCI, AND
VICE-CHAIR RAWLINS-FERNANDEZ.

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

COUNTY CLERK: Madam Chair, that's three "ayes", six "noes"; motion fails.

CHAIR KING: Okay. Thank you, Clerk. Mr. Clerk, we'll go ahead and refer that to GET
Committee.

Okay, now is there a consensus to, for the rest of the referrals? No objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, thank you. Thank you, Council.

Mr. Clerk.

COUNTY CLERK: For the record, relative to County Communication 19-118, that's
BILL 9 (2019).

Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 19-18 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 10 (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 POLICE (PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT ACT)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-18.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The purpose of the proposed bill is to amend Appendix A, Part I, Grants and Restricted Use Revenues, Schedule of Grants and Restricted Use Revenues by Departments and Programs, FY 2019 Budget for the Department of Police by increasing the grant appropriation for the Paul Coverdell Forensic Science Improvement Act by \$32,472 for a total grant award of \$37,472. The grant is for a crime lab accreditation program.

Your Committee voted 9-0 to recommend passage of my proposed bill on first reading. I appreciate the Members support on my motion.

CHAIR KING: Okay, any questions or comments? 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: Motion passes nine, zero.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 10 (2019).

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

Recommending that Bill 11 (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 POLICE (EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR KING: Council Chair Rawlins-Fernandez *[sic]*.

VICE-CHAIR RAWLINS-FERNANDEZ: Committee Chair.

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

CHAIR KING: Okay, and do, would, do you want to include any other ones with that since you have, you have two more following? You don't, you can do those separately if you want, but.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

I MOVE TO ADOPT THE RECOMMEND, OH SORRY, I MOVE
TO, YEA, TO INCLUDE 19-20, 19-21, AND 19-22.

CHAIR KING: Okay. Any objections to including all these together?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections.

Okay, Mr. Clerk.

COMMITTEE REPORT
NO. 19-20 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending that Bill 12 (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 PROGRAM, DEPARTMENT OF FIRE AND PUBLIC SAFETY (HAWAII TOURISM AUTHORITY)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT
NO. 19-21 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 13 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, PLAN REVIEW, PROCESSING, AND INSPECTION REVOLVING FUND (FIRE)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-16, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 19-22 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 14 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WEST MAUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER, FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 15 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PUBLIC WORKS – FRONT STREET IMPROVEMENTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 16 (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, WEST MAUI COMMUNITY PLAN AREA, FRONT STREET BREAKWALL REPAIR FRONTING LAHAINA CENTER, FRONT STREET DECK AND RAIL REPAIR NEAR LAHAINALUNA ROAD," be PASSED ON FIRST READING; and
4. That County Communication 19-20, from the Budget Director, be FILED.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair.

For County Communication 19-19, the purpose of the proposed bill is to amend Appendix A, Part I, Grants and Restricted Use Revenues – Schedule of Grants and

Restricted Use Revenues by Departments and Programs, Fiscal Year 2019 Budget for the depart--

CHAIR KING: Oh, I'm sorry. I'm sorry to interrupt you, but we need a motion for these, these bills and then a second. So, if you'd like to first move to pass these.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I thought I did. Oh okay.

CHAIR KING: Okay, you made a motion, but we didn't get a second.

COUNCILMEMBER LEE:

SECOND.

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

VICE-CHAIR RAWLINS-FERNANDEZ: For all four, yea?

CHAIR KING: Sorry, go ahead. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so for the, should I start again? Or can I--

CHAIR KING: You can, but you don't need to actually read the titles since he already read it. You can just give the, the justification.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright, great. Your Committee voted 9-0 to recommend passage of the proposed bill on first reading for County Communication 19-19, County, or, I'm sorry, Committee Report 19-19, Committee Report 19-20.

For Committee Report 19-21, your Committee voted 8 to 1 to recommend passage of the proposed bill.

And for Committee Report 19-22, your Committee unanimously recommended passage 9-0 of the proposed bill.

CHAIR KING: Okay. Thank you.

Any questions or comments? If not, we'll take up the, all the aforementioned bills. 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.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Thank you.

CHAIR KING: Mr. Clerk, you have bill numbers?

COUNTY CLERK: For the record, relative to Committee Report 19-19, BILL 11 (2019).
Relative to Committee Report 19-20, BILL 12 (2019). Relative to Committee
Report 19-21, BILL 13 (2019). And relative to Committee Report 19-22, BILLS 14, 15,
and 16 (2019), respectively.

(Councilmember Paltin was excused from the meeting at 12:10 p.m.)

COMMITTEE REPORT
NO. 19-23 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL
PRESERVATION COMMITTEE:

Recommending the following:

1. That Bill 17 (2019), entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16B, MAUI COUNTY CODE, PERTAINING TO THE ENERGY CODE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That General Communication 17-10, from David Cohan, U.S. Department of Energy, be FILED.

CHAIR KING: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 19-23.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sinenci, seconded by
Councilmember Sugimura.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you. The EACP Committee met on January 29, 2019, to consider the proposed bill. The new Chapter 16.16B, Maui County Code, would adopt the 2015 International Energy Conservation Code, as amended by the provisions set forth in the new chapter to tailor the energy codes to the County's needs.

The County has a deadline of March 31, 2019, to adopt its own version of the Energy Code, or the State version will become the County's interim code.

The Energy Code regulates minimum energy conservation requirements for new buildings and is divided into a section of commercial use and a section for residential use.

The EACP Committee requests that the Department of Public Works have an informational meeting prior to the Council's consideration of the proposed bill on first reading.

(Councilmember Paltin returned to the meeting at 12:11 p.m.)

COUNCILMEMBER SINENCI: The Department held an informational meeting on February 20, 2019. The Interim Director of Public Works transmitted correspondence to our Committee dated March 4, 2019, providing a summary of that meeting. For the Members ease of reference, I have requested the County Clerk distribute copies of the correspondence at today's meeting.

The EACP Committee voted 7 to 0 to recommend passage of the proposed bill on first reading, incorporating non-substantive revisions, and filing for the communications. I ask for the Members support of the Committee's recommendations.

CHAIR KING: Thank you, Mr. Sinenci.

Members, any questions or comments? Okay, if not, we'll call for the question. Does anybody need any extra time to read the minutes, the committee report? Okay. 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: Okay. Measure passes unanimously; nine, zero.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Thank you, Mr. Sinenci.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 17 (2019).

COMMITTEE REPORT

NO. 19-24 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 19-42, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Michael Gurat to the Affirmative Action Advisory Council for a term beginning April 1, 2019 and expiring March 31, 2024.

2. That Resolution 19-57, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Geraldine Lewis to the Board of Ethics for a term beginning April 1, 2019 and expiring March 31, 2024.

3. That Resolution 19-43, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Emmanuel Baltazar to the Board of Variances and Appeals for a term beginning April 1, 2019 and expiring March 31, 2024.

4. That Resolution 19-59, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Hanna Mounce and Buddy James Nobriga to the Board of Water Supply for terms beginning April 1, 2019 and expiring March 31, 2024; and disapproving the appointment of Yarrow Flower.

5. That Resolution 19-44, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Blake Takayama to the Civil Service Commission for a term beginning April 1, 2019 and expiring March 31, 2024.

6. That Resolution 19-49, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED;

Approving the appointments of Joseph D'Alessandro and Evalina "Nani" Watanabe to the Maui County Commission on Persons with Disabilities for terms beginning April 1, 2019 and expiring March 31, 2024.

7. That Resolution 19-58, entitled "APPOINTMENT OF MEMBERS TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Bonnie De Rose (Reappoint), Paula Heiskell (Reappoint), Barbara Mattson (Reappoint), Brenda "Michelle" Del Rosario, and Sarah Simmons to the Cost of Government Commission for terms beginning April 1, 2019 and expiring March 31, 2024.

8. That Resolution 19-45, entitled "APPOINTMENT OF A MEMBER TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Debra Cabebe to the Council on Aging for a term beginning April 1, 2019 and expiring March 31, 2024.

9. That Resolution 19-46, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Dwight Burns and Lisa Vares to the Fire and Public Safety Commission for terms beginning April 1, 2019 and expiring March 31, 2024.

10. That Resolution 19-47, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Allan Almeida to the Liquor Control Adjudication Board for a term beginning April 1, 2019 and expiring March 31, 2024.

11. That Resolution 19-48, entitled "APPOINTMENT OF A MEMBER TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Jerrybeth De Mello to the Liquor Control Commission for a term beginning April 1, 2019 and expiring March 31, 2024.

12. That Resolution 19-50, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED;

Approving the appointment of Daniel Kanahale (Hawaiian culture/ethnic history) to the Maui County Cultural Resources Commission for a term beginning April 1, 2019 and expiring March 31, 2024; disapproving the appointment of Thomas Cannon (Architect).

13. That Resolution 19-51, entitled "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Kellie Pali (Reappoint) the Maui Planning Commission for a term beginning April 1, 2019 and expiring March 31, 2024.

14. That Resolution 19-52, entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of La akea Poepoe (Reappoint – Native Hawaiian Traditional and Customary Practices Expert), Julie-Ann Bicoy, and Bridget Mowat to the Molokai Planning Commission for terms beginning April 1, 2019 and expiring March 31, 2024.

15. That Resolution 19-53, entitled "APPOINTMENT OF A MEMBER TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Matthew Mano to the Police Commission for a term beginning April 1, 2019 and expiring March 31, 2024.

16. That Resolution 19-54, entitled "APPOINTMENT OF MEMBERS TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointments of Brooks Aoki (Engineer – from alternate member to regular member) and Harry Hecht (Engineer – from alternate member to regular member) to the Public Works Commission for terms expiring March 31, 2021; and Luana Kawa`a (Hawaiian language) to the Public Works Commission for term beginning April 1, 2019 and expiring March 31, 2024.

17. That Resolution 19-55, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

Approving the appointment of Thomas Croly to the Real Property Tax Review Board for a term beginning April 1, 2019 and expiring March 31, 2024.

18. That Resolution 19-56, entitled "APPOINTMENT OF MEMBERS TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED; and

Approving the appointments of Scott Parker and Stanford Lantias to the Salary Commission for terms beginning April 1, 2019 and expiring March 31, 2024.

19. That proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE COMMITTEE ON THE STATUS OF WOMEN FOR THE COUNTY OF MAUI," be FILED.

CHAIR KING: Okay. Thank you, Mr. Clerk. Do you want to explain why the, the first Committees didn't line up with what we have in Granicus, number-wise? You know, the, the--

COUNTY CLERK: I'm sorry, Madam Chair, could you repeat the question?

CHAIR KING: Okay, the document that we have in Granicus, the numerical appoint, the appointments didn't, didn't, that you just read didn't match up with the numbers in the Granicus report. So, I think the names are all there, but it was, there's a different order.

COUNTY CLERK: Okay, Madam Chair, if there's anything related to that on Granicus, it would just be an inadvertent error, but our official posting on maucounty.gov is correct.

CHAIR KING: Okay. Cause I'm looking at the, my notes and they, they didn't quite, they didn't line up with my notes either.

COUNCILMEMBER PALTIN: May I?

CHAIR KING: Your number, what was your number 12 on your?

COUNCILMEMBER SUGIMURA: Daniel Kanahale.

COUNTY CLERK: It was related to Daniel Kanahale.

CHAIR KING: Okay, that was, that was correct. But, I don't think it was read that way. Okay. Does anybody else have any, any?

COUNCILMEMBER PALTIN: I think the Committee Report and the agenda doesn't match.

CHAIR KING: Were, didn't match. Right.

Mr. Molina.

COUNCILMEMBER MOLINA: No, Madam Chair, I'm fine. Ready to, when you call on me for the.

CHAIR KING: Okay. Okay. My notes are a little bit different I guess than what was just read.

COUNCILMEMBER PALTIN: Chair.

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: May I ask a point of information as to the process? If we don't want to vote the same way on all the names in the number, would it, when would be the appropriate time to separate?

CHAIR KING: Mr. Clerk, I know that when we were in Committee, we did pull some of the names out and, and discussed them separately. So, what would be the process of doing that if Members have concerns about individual, because it's all one motion right now, so?

COUNTY CLERK: Madam Chair, that's completely up to the body and the ruling from the presiding officer. But, Robert's Rules of Order talks about dividing motions which involve more than one independent bill or resolution. And, they, they identify separate consideration and vote at the request of Members.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair, just maybe as a suggestion upon recognition of myself to do, as the Committee Chair, to put a motion into play after my spiel then at that point you can ask for a request for separation of any of the nominees here.

CHAIR KING: Okay. Okay, so we'll go back to Councilmember Molina to defend his motion and then we can make amendments if you wish.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-24.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved and, moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. First of all, a big, big thank you to our Clerk for a yeoman's work, his stamina, reading all of these nominations without a break too.

Pursuant to Charter Section 13-2.16., the Mayor shall submit to the Council the name of a nominee to fill a vacancy not more than 70 days, no less than 60 days before the vacancy is to occur. The Council has 60 days to act on this or no later than March 30, 2019 to approve or disapprove these nominees.

And your Governance, Ethics, and Transparency Committee met on February 12, 2019 and approved 31 of the 32 Mayoral nominees. Thank you.

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

I think the best way to go about doing this is if, if Councilmembers have any particular names and committees that we're trying, or commissions that we're trying to appoint them to that, who would like to consider separately if you can make them known and we'll make an amendment. So, if you can give me any names and commissions that you would like to pull out of this list. That'll be the best way.

Ms. Paltin.

COUNCILMEMBER PALTIN:

I WOULD LIKE TO PULL OUT 19-24, 2; 19-24, 4, YARROW FLOWER; 19-24, 6, BONNIE DE ROSE AND SARAH SIMMONS.

CHAIR KING: What was the third one?

COUNCILMEMBER PALTIN: 19-24, 6; Bonnie De Rose and Sarah Simmons.

CHAIR KING: Okay, that, that's on the Commission on Persons with Disabilities?

COUNCILMEMBER PALTIN: The last one is Cost of Government Commission. The middle was Board of Water Supply. And the first was Board of Ethics.

CHAIR KING: I'm going to take a quick recess, because my numbers don't align with that. So, I'm going to try to clarify this. Brief recess, please don't leave your seats.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:21 P.M., AND WAS RECONVENED AT 12:23 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR KING: Okay, we're reconvening to that brief recess. So, if we use the hardcopy of the agenda for today, under Committee Reports 19-24, then the numbers should align

with, well, actually, they don't align, the agenda does not align with Granicus so that's, that's the problem. With the, it doesn't align with the actual Committee Report. I don't, do I have the right one, because mine, number 6 is different?

LEGISLATIVE ATTORNEY CARLA NAKATA: Madam Chair, it appears that what happened is the, the listing provided to the Clerk's for placement on the agenda is, the resolution for the Maui County Commission on Persons with Disabilities was the sixth recommendation in the Committee Report and is in a slightly different sequence on the Council agenda today. And I think that's the reason for the confusion. The resolutions themselves were the same, they're just in a different order.

CHAIR KING: Okay, so I believe the motion on the floor is to pull out the approvals of the Board of Ethics, the approvals of the appointments to the Board of Water Supply, and the third one was the approvals of, is that the Cost of Government Commission; those three? Okay, so on the agenda, on the agenda for today it's 2, 4 and 6.

COUNCILMEMBER PALTIN: Yes.

CHAIR KING: Did you, do you want to make a motion to--

COUNCILMEMBER PALTIN:

YES, I'D LIKE TO MAKE A MOTION TO CONSIDER THOSE SEPARATELY.

CHAIR KING: --consider those separately?

Do we have a second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, we have a motion, moved and seconded; moved by Councilmember Paltin, seconded by Council Vice-Chair Rawlins-Fernandez to consider the nominees for the Board of Ethics, the, let me make sure I get this right, the Board of Water Supply, and the Cost of Government Commission separately.

And, would you like to speak to that, Ms. Paltin.

COUNCILMEMBER PALTIN: Just I'm kind of new to this process and I don't want to vote yes on things that I would vote no on, if that makes sense.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Cause we're going to vote yes on everything that's not separated.

CHAIR KING: Right. Correct.

Okay, Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just for clarification sake on Ms. Paltin's motion to separate. Again, the, for the Board of Water Supply, that's just one of the three names, yea? She wants a separation for one, and that's Ms. Yarrow Flower. And then for the Cost of Government, I see we have listed like three, four, five; five names. She's just requesting separation on the names of Bonnie De Rose and Sarah Simmons, separate votes, am I correct?

COUNCILMEMBER PALTIN: That's correct.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR KING: Okay, so, was that your motion then, just to pull the names out, not the actual Committee, Commissions?

COUNCILMEMBER PALTIN: I think I would need to pull out 4 and 6, and then separate the names from the, the rest of the names, because I do intend to vote yes on those other names.

CHAIR KING: Okay. So, just for clarification, can you read just the names that you would like to pull out.

COUNCILMEMBER PALTIN: Geraldine Lewis, Yarrow Flower, Bonnie De Rose, and Sarah Simmons.

CHAIR KING: Okay. So, is that clear then? Alright.

All those in favor of pulling those names out, considering them separately 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, so that motion passes. So, we're onto the main motion which is everything else.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, can I separate one more name?

CHAIR KING: Oh yea, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO SEPARATE BUDDY JAMES NOBRIGA.

CHAIR KING: Okay, moved to separate Buddy, can you just name the Commission?

VICE-CHAIR RAWLINS-FERNANDEZ:

THAT IS FOR WATER, BOARD OF WATER SUPPLY.

CHAIR KING: Do we have a second?

COUNCILMEMBER SINENCI:

SECOND.

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

All those, did you want to speak to the motion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Sure. I received information from my office regarding the appointment of Buddy James Nobriga to the Board of Water Supply. It states on his application that he works for the Maui Soda & Ice Works Company. This raises, raised a red flag, so we decided to look a bit more into the company's background.

What we found is that his appointment to the Board of Water Supply could be a conflict of interest. This company has been in his family for generations, has bottled beverages using Maui water resources in the past. Being that Maui Soda & Ice Works is a

distribution company for beverages and has bottled products in Wailuku in the past, it would be unwise for us to appoint a person who has such a large stake in a company that may be bottling again in the future to a board that has a direct influence on how water is utilized on Maui. Even if the company did not directly benefit, the company does have business and financial ties to companies that could also seek bottled beverages here on Maui.

With water being such a precious resource, I feel it would be unwise to appoint a board member whose professions would be less connected to Maui's water supply. There's also no educational background listed on his application that would make him stand out as an informed candidate on water issues.

CHAIR KING: Okay. Thank you for that. Any other comments or questions? Okay, so we'll call for the question.

Oh, Ms. Sugimura, you have a question?

COUNCILMEMBER SUGIMURA: I guess I'll comment after we, we vote.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Well, when it's time to make comments.

CHAIR KING: Okay. So all those in favor of pulling out the name of Buddy James Nobriga for Board of Water Supply, say "aye".

COUNCILMEMBER PALTIN: Aye.

COUNCILMEMBER SINENCI: Aye.

CHAIR KING: Aye.

Any opposed?

COUNCILMEMBER LEE: No.

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR KING: Okay. Roll call vote, Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI: AYE.
COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: NO.
COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: NO.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: AYE.

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

NOES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
AND SUGIMURA.

COUNTY CLERK: Madam Chair, there's five "ayes", four "noes"; motion passes.

CHAIR KING: Okay, thank you. So, we have six names now that we're extracting? And all the other ones, we're going to go ahead and take a vote on approval. Would you like to speak to the motion one more time, Mr. Molina?

COUNCILMEMBER MOLINA: Madam Chair, again, for clarification sake, so the motion is remove these names that have been requested for separation, so that's what we'll be voting on? So, as amended, yea, with the removal of--

CHAIR KING: We, we just voted on the removal of the names. So, now we're voting, we're back to the main motion of voting "aye" on the remainder of the names that are there.

COUNCILMEMBER MOLINA: Okay. So, yea, no further discussion, Madam Chair.

CHAIR KING: Okay. All those in favor of the main 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, measure passes nine to zero. And now we'll go into, we'll take, we'll take up the--

LEGISLATIVE ATTORNEY NAKATA: Madam Chair, could staff request a short recess?

CHAIR KING: Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:31 P.M., AND WAS RECONVENED AT 12:35 P.M., WITH ALL MEMBERS.)

CHAIR KING: Okay back in session on the March 8, 2019 regular meeting of the Maui County Council. And we're on Committee Report 19-24 on the five names that we've pulled out for separate consideration. So, I'll ask for a motion on number 2.

Mr. Clerk, do you want to read the, the motion for, we're going to do this in three different motions because we'll, we have three different commissions. So, we'll start with the first one for the Board of Ethics.

COUNTY CLERK: It's a resolution approving the appointment of Geraldine Lewis to the Board of Ethics for a term beginning on April 1, 2019, and expiring on March 31, 2024.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO INCLUDE THE NAME OF GERALDINE LEWIS ON
EXHIBIT "B".

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, motion by Councilmember Molina, second by Councilmember Lee.
Discussion?

Ms. Paltin, Councilmember Paltin.

COUNCILMEMBER PALTIN: For me, I'm very thankful for Ms. Lewis for coming forward and stepping up to this task. I have concerns that the Board of Ethics is a pretty heavy commission and she did indicate that Commission on Children and Youth was her first choice. And earlier in the meeting there was a, there's going to be a vacancy in that and I think, you know, starting off on a board and commission that feels like a better fit to me. So, I, I would vote "no" for Board of Ethics and "yes" for Commission on Children and Youth.

CHAIR KING: Okay. Any other comments?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, just clarification to Ms. Paltin. So, you're saying that she does not, she does not want to be on the Board of Ethics?

COUNCILMEMBER PALTIN: No, I don't want to--

CHAIR KING: Ms. Paltin.

COUNCILMEMBER PALTIN: --I'm not supporting the Board of Ethics. I'm, I would not vote "yes".

COUNCILMEMBER SUGIMURA: No, but did she tell you that, that she doesn't want to be on the Board of Ethics?

COUNCILMEMBER PALTIN: No. She, when we had the GET Commission and then I had a question like, you know, which ones that she had applied for, and then Ms. Baisa read her application and that was her first choice.

COUNCILMEMBER SUGIMURA: Oh. Okay.

CHAIR KING: Okay. Any other comments?

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you. Just to add clarification to it, so the motion that was made was to put the name of Geraldine Lewis on Exhibit "B" which is the resolution to disapprove. Am I correct?

CHAIR KING: No.

COUNCILMEMBER SUGIMURA: That's approve.

CHAIR KING: The, the motion is approve--

COUNCILMEMBER MOLINA: Approve. Okay.

CHAIR KING: --the appointment of Geraldine Lewis to the Board of Ethics.

COUNCILMEMBER MOLINA: Oh, okay. Good.

COUNCILMEMBER SUGIMURA: "B" is approve. "C" is disapprove.

COUNCILMEMBER MOLINA: I just wanted to make sure we had that clarification. Thank you.

CHAIR KING: That was moved, pulled out of the original resolution for separate consideration.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR KING: So, okay.

COUNCILMEMBER SUGIMURA: So, Chair, clarification.

CHAIR KING: There--

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: "B" is to approve and "C" is to disapprove, correct?

CHAIR KING: We only have one motion in front of us; that's to approve.

COUNCILMEMBER SUGIMURA: And "C" is to--

CHAIR KING: So, if you vote "no", then, then we'll, if there's a majority that votes "no" we'll take up a new motion.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR KING: Okay. Question, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes. My recollection, I did hear Ms. Geraldine Lewis say that, that she had a previous priority and, and instead took the Board of Ethics instead. So, I'm going to disapprove.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Can I move to move that from Exhibit "B" to Exhibit "C" at item 2?

CHAIR KING: Well, there's a motion before us that we need to vote on first.

COUNCILMEMBER PALTIN: Oh.

CHAIR KING: So, let's vote on this motion, and then if this motion fails we'll entertain a second motion.

COUNCILMEMBER PALTIN: Okay.

CHAIR KING: Okay, so the motion before us is to approve Geraldine Lewis to the Board of Ethics for a term beginning on April 1, 2019, expiring March 31, 2024. Any other comments?

Councilmember Kama.

COUNCILMEMBER KAMA: Question. So, we're talking about this individual who would prefer to be on the Commission on Children and Youth, therefore, we're saying to, if we don't approve her today, we're going to guarantee her the commission?

CHAIR KING: No.

COUNCILMEMBER KAMA: What are, what are--

CHAIR KING: No, there's no motion for her to be on the other committee.

COUNCILMEMBER KAMA: So, we're making assumption then that that's what we're going to do? Okay. Okay, I get it. Thank you.

CHAIR KING: Okay. Okay. Councilmember Molina, you have another comment?

COUNCILMEMBER MOLINA: Yea, thank you. No, I'm just going to speak in support of Ms. Lewis. And I realize that this may not have been her first choice, but I, I was really actually quite impressed in her interview. She showed that enthusiasm and I'm not sure what type of criteria is required to serve on the Ethics Board other than a person having a very good, maybe moral compass as to how they view character.

She works with kids and so just from the feeling I got from her I think she will serve that commission well in terms of, you know, sharing some good moral values and character as she makes her assessments of, all of the financial disclosures that will come before her. So, for me, that's where I stand. I support Ms. Lewis. Thank you.

CHAIR KING: Okay. Thank you.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I also support her. And there's no real guarantee that she might get the, the other Children and Youth Commission membership, because for all we know she may change her mind, or the Mayor may not nominate her for that particular committee. Thank you.

CHAIR KING: Okay, thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I speak in support of Ms. Lewis. I remember her saying that she does, I, I think we even asked if she wants to serve on the Board of Ethics, and she said that she did, even though she prioritized the Children and Youth. And I think, I think she, she would do a good job. And if there is an opening later in the future and it's something that she would prefer, you know, then perhaps she can make her, you know, intentions known to the Mayor. But, like my colleague said, there's no guarantee that she would. And, you know, perhaps we shouldn't pass up the opportunity to have someone with a good moral compass, as Mr. Molina said, on our Board of Ethics Committee Commission board, Board of Ethics.

CHAIR KING: Okay. Okay, any other comments? If not, we'll call for the question. All those in favor of this appointment say "aye".

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

CHAIR KING: Any opposed?

NOES: COUNCILMEMBERS PALTIN AND SINENCI.

CHAIR KING: I'm sorry. Was that two "noes".

COUNCILMEMBER PALTIN: Yea.

CHAIR KING: Okay. Motion passes seven to two; seven "yes's", two "noes"; Mr. Sinenci and Ms. Paltin.

Okay, we're going to move to, I think next we'll move to the Board of Water Supply since there were two names that were, not, not, the second one was, I'm sorry, second was Board of Water Supply. Let's move to the, the Commission on Cost of Government because the, there were two different people that pulled out two names for Board of Water Supply. So, if we can handle this one in one motion for the adoption of appoint, appointments for Bonnie De Rose and Sarah Simmons to the Cost of Government Commission for terms beginning on April 1, 2019 and expiring on March 31, 2024.

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO INCLUDE THE NAME OF BONNIE DE ROSE, AND
IF THERE ARE NO OBJECTIONS, ALONG WITH NAME OF
SARAH SIMMONS TO EXHIBIT "B".

CHAIR KING: Okay.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Lee.
And, do you want to speak to the motion, Mr. Molina.

COUNCILMEMBER MOLINA: Sure. Thank you very much, Madam Chair. Very simply, I support both of these individuals. When I worked up on the ninth floor, I had the experience of work, serving on the Cost of Government Commission as a staff member with Ms. De Rose. Her, she generally participated in all of the discussions, so very reliable person from my limited experience there. And I also would like to lend my support for Ms. Simmons and appreciate anyone wanting to take on that task and responsibility.

And as the former boards and commission person for the Mayor, it was sometimes difficult getting people to volunteer for this particular commission, which requires a lot of demands where you will have to go out and do some research on your own. And of course, the Cost of Government Commission does come back with a report to the Council, so there is some extensive work involved from the Members. So, I certainly appreciate both of these individuals willing to volunteer their time to serve our community. Thank you.

CHAIR KING: Okay, thank you, Councilmember Molina.

Councilmember Paltin.

COUNCILMEMBER PALTIN: I also am very thankful for these community members willing to step up. As Councilmember Molina stated, it, it's an extensive task. And you know, I know Bonnie De Rose is really committed and she really enjoyed sitting on it. Attendance is also important and at this time, due to a medical condition I don't see her attending meetings and doing the extensive follow-up and work.

On the Sarah Simmons matter, I just feel it's a conflict of interest and so I won't be supporting.

CHAIR KING: Okay, do you want to explain the conflict of interest?

COUNCILMEMBER PALTIN: Just like, you know, as a full-time employee of the Prosecutor's Office, I feel it's not appropriate.

CHAIR KING: Okay. Thank you, Councilmember Paltin.

Any other comments or questions at this time?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair. I, as someone who was actively involved in the Molokai Planning Commission, I know how important attendance is. And, and so I, I guess, would I be able to separate the two?

CHAIR KING: If you want. You can make an, a motion to amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Can I?

SO, I, I MOVE TO SEPARATE BONNIE DE ROSE AND SARAH SIMMONS, OR BONNIE DE ROSE FROM THE MOTION.

CHAIR KING: Okay, so--

COUNCILMEMBER PALTIN:

SECOND.

CHAIR KING: Okay, so moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Paltin to separate out Bonnie De Rose from the motion to approve.

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: Okay, that motion passes nine to zero.

So, we're back to the main motion which is just for Sarah Simmons at this point. Any other comments or questions? If not, we'll call for the question.

Did you have a comment, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Oh, no.

CHAIR KING: Okay. Okay, so the motion before us is to approve Sarah Simmons to the Cost of Government Commission for a term beginning April 1, 2019 and expiring March 31, 2024. All those in favor say "aye".

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER MOLINA: Aye.

CHAIR KING: All those opposed?

COUNCILMEMBER PALTIN: No.

CHAIR KING: Okay, we have. Let's go, Mr. Clerk, if we can just do roll call.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE.

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

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

NOES: COUNCILMEMBERS PALTIN AND SINENCI.

COUNTY CLERK: Madam Chair, that's seven "ayes", two "noes"; motion passes.

CHAIR KING: Okay, thank you.

Okay, moving onto the appointment of Bonnie De Rose as a reappointment for the Cost of Government Commission.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yes. Thank you, Madam Chair. Again, I'd like to state my support for Ms. De Rose. If there is a medical concern, maybe we can consult with the Administration. But to you know, deny somebody the opportunity to serve based on a

medical condition, I think we need to explore that a little deeper. But, just my personal feeling, we shouldn't, you know, deny people.

CHAIR KING: Okay, do, I think you need, yea, we separated her out, so you need to make a new motion.

COUNCILMEMBER MOLINA: Oh okay.

SO, I MOVE, MOVE TO PLACE THE NAME OF BONNIE DE ROSE ON EXHIBIT "B".

CHAIR KING: Okay.

COUNCILMEMBER LEE:

SECOND.

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

Do you still want to continue so you can--

COUNCILMEMBER MOLINA: Yup. Nope, I yield the floor, Madam Chair.

CHAIR KING: Okay, I think we, we understand your support.

Any other comments?

Councilmember Paltin.

COUNCILMEMBER PALTIN: It's not necessarily the medical condition as it is the attendance factor. I know she's a member of my district community and she's, you know, she really has done a excellent job to this point and I trust her and believe in her, it's just you know, the attendance, and the extra work involved, and the burden of recovering and what not. So, I can't support.

CHAIR KING: Okay. Thank you.

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, we discussed this, and it was something that Councilmember Paltin brought up and Ms. Baisa was here to hear the concerns. And it's been, what like, two weeks or more than two weeks. So I feel that

if, if the Administration felt strongly about insuring that Ms. De Rose was on, is on this Commission, the Cost of Government Commission, and the concern brought up about her attendance, and it wasn't addressed for the Council to feel confident that attendance would not be an issue, then. I, I don't, I don't know Ms. De Rose, this is nothing personal to her, it sounds like she does good work, but attendance on these boards and commissions are really important to getting the work done. So, I, I will be voting for disapproval on this.

CHAIR KING: Okay, thank you for that comment.

If there's no other comments, I'd just give my point of view. I was at that Committee meeting as well, and I, I, I agree with our Vice-Chair. We, and I think Ms. Baisa has done an outstanding job of trying to balance out the cost of, all these boards and commissions, but I do think that there was, there was going to be a report back to us on how Ms. De Rose was, was doing and if she was able to commit, which we haven't heard yet. So, you know, I'm, I'm inclined to vote against this one too and try to find somebody who doesn't have those same issues of, of potential attendance issues.

So, with that, I'll just call for the question. All those in favor say "aye".

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER LEE: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR KING: All those opposed?

No.

COUNCILMEMBER PALTIN: No.

CHAIR KING: Roll call vote.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: AYE.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: NO.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: NO.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: NO.

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

NOES: COUNCILMEMBERS PALTIN SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

COUNTY CLERK: Madam Chair, that's five "ayes", four "noes"; motion passes.

CHAIR KING: Okay. So, we move onto the Board of Water Supply. So, let's just go ahead and take these up one at a time so we don't have to go through another motion.

Councilmember Molina, would you make a motion?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO INCLUDE THE NAME OF YARROW FLOWER ON
EXHIBIT "B".

COUNCILMEMBER LEE: Aye.

OH, SECOND.

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

COUNCILMEMBER LEE: Jumping to the "ayes" already.

CHAIR KING: I know it's been a long, I, we're going to take a break after this and do our lunch break. It's been moved by Councilmember Molina, seconded by Councilmember Lee to approve the name of Yarrow Flower to the Board of Water Supply. And, I'll go into, you want to, would you like to make your, defense of your motion, Mr. Molina?

COUNCILMEMBER MOLINA: Sure, why not, of course. And I'll continue my support of Ms. Flower. She served on a number of boards and commissions for the County the last couple of years, very good attendance. And as far as the issues about the potential conflict, I'm not, I'm trying to recall if we had asked her to get an opinion from the Ethics Board. My understanding is the Ethics Board hearing is next week, March 13, if I'm correct; I had spoken to Ms. Baisa. So, we're at a point where we have to make a decision prior to the Ethics Board's recommendation.

My feeling is I'm good to go with this individual, however, if the Ethics Board sees otherwise, I'm hopeful that the Administration will take that into consideration and then hopefully if there's in, in terms of integrity of the process itself, come down and let us know. If the Board finds that Ms. Flower is in major conflict, then for the Administration to do the right thing and ask this Council to take action on that. Thank you.

CHAIR KING: Okay, thank you, Councilmember Molina.

Any other, let's see, who was the objection? Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just, you know, I don't need the Board of Ethics to tell me that it's a conflict of interest. I feel it's a conflict of interest. We have a representative from there in the audience today. And you know, to me it is a conflict of interest and I don't trust the process. I think that's why we're put in this positions. Thank you.

CHAIR KING: Okay, thank you, Councilmember Paltin.

Any other comments?

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yea, I, I echo the sentiments of Councilmember Paltin. During the GET Committee, Ms. Flower was questioned about her possible conflict of interest with serving on the Board of Water Supply and her employment with the, with Bayer. Her response seemed very unsure of if she would have any conflict. When she stated her position and what it entitled when asked by GET Chair Molina, if my memory serves, she was Bayer's land and water asset manager. It was with that response that Mr. Molina said that her stating that the keyword there was, was water in response would warrant a Board of Ethics opinion.

So, similar to Councilmember Paltin, I see this as a conflict. And, Mr. Molina mentioned that the Board of Ethics would be meeting next week. I, I was just curious if he saw the agenda and if the names were on the agenda. But, yes, so, I, I will be voting against the appointment of Ms. Flower.

CHAIR KING: Okay. Vice-Chair Rawlins-Fernandez, I did get the message from Ms. Baisa that the three, the, the Board of Ethics, the, the three that we asked to, to get a, a ruling are on the agenda for the upcoming Board of Ethics Committee, so there's no report yet. But, you know, they have, they all three did follow through with that. Mr.--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR KING: Okay, thank you. Mr. Ueoka, what would be the process of removing someone who was deemed to have a conflict of interest? Should we approve them today?

DEPUTY CORPORATION COUNSEL: Thank you, Chair. I think that would be on the individual themselves or the Mayor, because I believe the Mayor would recommend removal. But, it would be a strong recommendation from even our office, I believe if the Board of Ethics were to issue an opinion to a member, that they're sitting on the board was a conflict of interest they should follow the Board of Ethics opinion and resign. Thank you, Chair.

CHAIR KING: Okay. So, we're talking about the Board of Water Supply on this one. But, you know, I'm going to assume it's the same thing.

DEPUTY CORPORATION COUNSEL: Chair, if I may?

CHAIR KING: Yes.

DEPUTY CORPORATION COUNSEL: The Board of Ethics will be issuing the opinion on the conflict of interest, and that member of the Board of Water Supply would need to resign.

CHAIR KING: Okay.

DEPUTY CORPORATION COUNSEL: Or, should resign, I think the advice would be if the board, Board of Ethics find such. Thank you.

CHAIR KING: Okay. Thank you for that opinion. Okay, any other?

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too echo sentiments of my other colleagues. I'm sure Ms. Flowers *[sic]* is a nice person, but I think if there's any semblance of, of conflicts, then, then, it, for me, it's too close a call to, to make at this time. So, I, I mean, I'll, I'll be disapproving the appointment.

CHAIR KING: Okay, thank you.

Mr. Ueoka.

DEPUTY CORPORATION COUNSEL: Sorry, I'd like to preface that a little further. We should say the person, the member of the Board of Water Supply, if approved today, should follow the opinion of the Board of Ethics. So, if they tell her to resign, she should resign; if they tell her to recuse, she should recuse, etc. So, that would be my advice to follow what the Board of Ethics advised. Thank you.

CHAIR KING: Okay. Does that come out in the opinion, as far as recusal, or, I mean that's an ongoing issue?

DEPUTY CORPORATION COUNSEL: My understanding is typically the board would issue an opinion to some, to that effect, or they might just say, should resign. But, I have seen they shouldn't be involved in certain projects involving certain matters. Thank you, Chair.

CHAIR KING: Okay. Okay, thank you.

Okay, any other, I think we'll just, Mr. Clerk, go ahead and I'll call for the question, we'll go ahead and go right to roll call vote unless there's no other? Okay.

COUNTY CLERK: Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI: NO.
COUNTY CLERK: Councilmember Mike Molina.
COUNCILMEMBER MOLINA: AYE.
COUNTY CLERK: Councilmember Alice Lee.
COUNCILMEMBER LEE: AYE.
COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: NO.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: NO.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: NO.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: NO.

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

NOES: COUNCILMEMBERS KAMA, PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

COUNTY CLERK: Madam Chair, that's four "ayes", five "noes"; motion fails.

CHAIR KING: Okay, so, do we have a motion for disapproval?

COUNCILMEMBER PALTIN:

I MOVE TO DISAPPROVE YARROW FLOWERS [SIC] AND
PUT HER ON EXHIBIT "C" FROM THE BOARD OF
WATER SUPPLY.

CHAIR KING: Okay. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez to disapprove the name of Yarrow Flower for the Board of Water Supply. Any discussion? I think we've pretty much discussed this one out. Let's go with, go to roll call vote again, Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: YES.

COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: Chair Kelly T. King.

CHAIR KING: AYE.

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

NOES: COUNCILMEMBERS HOKAMA, LEE, MOLINA,
AND SUGIMURA.

COUNTY CLERK: Madam Chair, that's five "ayes", four "noes"; motion passes.

CHAIR KING: Okay, thank you.

Moving onto Buddy "James" Nobriga.

Mr., Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair.

MOVE TO INCLUDE THE NAME OF BUDDY JAMES NOBRIGA
ON EXHIBIT "B".

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee to approve Buddy James Nobriga to the Board of Water Supply for term beginning on April 1, 2019 and expiring on March 31, 2024.

Discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I'd like to state my support for Mr. Buddy James Nobriga, whose father Mr. Buddy Manual Nobriga, if I'm correct, he served this community for many years; the Nobriga family as a whole have just been a wonderful, you know, contributors to our community. Mr. Nobriga, the elder, was very knowledgeable about the water systems here in Maui County and I'm sure that knowledge was passed onto his son, Buddy James Nobriga. So, the expertise that the Nobriga's can provide with regards to the water systems here in Maui County is, you know, quite valuable and I believe this will certainly serve the Board of Water Supply very well. So, I will state my support. Thank you.

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

Any, Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to say, you know, I went on a site visit yesterday with the Soil and Water Conservation District, and I'd like to echo Councilmember Molina's sentiments. Mr. Nobriga, Sr. did do a lot for the west side in the flood control district, and I do believe that his son has a lot of the same knowledge. And so, I think ultimately it will benefit the County to have that knowledge on the board.

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

Any other comments? Anybody, no other comments? Okay, if not, I'll call for the question. All those in favor of this appointment per the motion say "aye".

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

CHAIR KING: Any opposed?

NOES: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Let the record show eight "ayes", one "no"; Vice-Chair Rawlins-Fernandez. Motion passes eight to one.

So, Members, it's one o'clock. We have probably, I'm going to assume less than an hour left. But, I'm willing to take a lunch break because if anyone's hungry, because I actually am.

Member Hokama.

COUNCILMEMBER HOKAMA: Chair, I'm hungry too. And I, you know, appreciate how the other colleagues' requirements, but I have a medical as well as a, not funeral, but it's a make-man requirement, but, I thank you for understanding what I just said, Ms. Kama, this afternoon and tomorrow. So I, I prefer if, if Members want a short break, but I think if we all move forward together, I think we can whip the balance of the agenda quite quickly, Madam Chair. Thank you.

CHAIR KING: Is everybody willing to just keep pressing on?

COUNCILMEMBER LEE: Yea, keep going.

COUNCILMEMBER MOLINA: Press on.

CHAIR KING: Okay, we'll press on. Thank you, Members; appreciate it.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTIONS 19-42 to 19-59, respectively.

COMMITTEE REPORT

NO. 19-25 - MULTIMODAL TRANSPORTATION COMMITTEE:

Recommending the following:

1. That Bill 18 (2019), entitled "A BILL FOR AN ORDINANCE TO PROHIBIT PARKING IN A MEDIAL STRIP," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-474, from the Director of Public Works, be FILED.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA:

YEA, CHAIR, I MOVE TO ADOPT RECOMMENDATIONS OF
COMMITTEE REPORT 19-25.

COUNCILMEMBER LEE:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, thank you. Members, this passed out of my Committee and basically what it's trying to do is the County Traffic Code to prohibit vehicles from standing, stopping, or parking in medial strips. I think it was pretty well discussed in your Committee and I appreciate everyone's support, so we can pass this out. Thank you.

CHAIR KING: Okay, thank you. Any other comments, questions? If not, I'll call for the question, all those in favor?

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

CHAIR KING: Any opposed?

NOES: NONE.

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

Mr. Clerk.

COUNTY CLERK: For the record, BILL 18 (2019).

COMMITTEE REPORT

NO. 19-26 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that County Communication 18-75, from the Planning Director, transmitting the 2017 Annual Status Report on the Implementation of the Maui County Community Plans, be FILED.

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 19-26.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by Councilmember Sugimura.

Any discussion? If not--

COUNCILMEMBER PALTIN: Thank you.

CHAIR KING: Oh, I'm sorry. Go ahead, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee discussed the Planning Director's 2017 and 2018 status reports on the implementation of eight of the nine community plans.

The Kahoolawe Community Plan is excluded from the reports because its implementation is within the jurisdiction of the Kahoolawe Island Reserve Commission.

The community plan action items in the reports are categorized as either "completed", "in progress", or "not begun".

The community plans include 711 action items, 168 of which have been completed.

Your Committee recommended filing the 2017 status report. I respectfully request the Council's support of my motion. Thank you.

CHAIR KING: Thank you, Ms. Paltin.

Any discussion? No. 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 unanimously.

Mr. Clerk.

COMMITTEE REPORT

NO. 19-27 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending that County Communication 17-383, from the Director of Finance, informing of the acquisition of Waterline Easements W-2, W-3, W-4 and W-5, Kualono Subdivision, TMK: (2) 2-3-011:124, 125, 126, 127, 128, 129, & 130, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
THE COMMITTEE REPORT.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, I'm sorry, is that Ms. Sugimura who second?

COUNCILMEMBER SUGIMURA: Yea.

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

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on February 11, to consider the notification from the Director of Finance informing of the acquisition of waterline easements.

Section 3.44.015(H), Maui County Code, requires the Director of Finance to notify the Council in writing of the County's acquisition of any real property or an easement that does not require Council approval.

The purpose of the easements is, easement is for access to water meters and for waterline purposes.

The easement locations and width are acceptable to the Department of Water Supply and in conformance with County standards. No County funds were used to acquire the easements. Thank you, Chair.

CHAIR KING: Thank you, Ms. Lee.

Any discussion on the item? 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: Motion carries nine to zero.

COMMITTEE REPORT

NO. 19-28 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Resolution 19-60, entitled "URGING THE MAYOR TO TAKE THE STEPS NECESSARY TO ACQUIRE AND REPLACE THE LOWER NAHIKU BRIDGE," be ADOPTED; and
2. That County Communication 14-308, from Council Vice-Chair Robert Carroll, be FILED.

CHAIR KING: Okay. Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
THE COMMITTEE REPORT.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on February 11 to consider the health and safety concerns of Lower Nahiku Bridge.

The Department of Public Works provided your Committee with the title report for the property, the latest structural assessment completed, the latest inspection report completed, a detailed list of maintenance work performed on the bridge, map describing the bridge location, the Department's recommendation for repair or replacement of the bridge, and identification of funding.

Based on the information provided by the Department and advice provided by Corporation Counsel, your Committee recommends adoption of the proposed resolution and filing of the communication.

And now, Chair, I just want to add that although some of the testifiers were not satisfied with this, the description in this resolution, our feeling or my feeling is that we should send this over to the Administration for further review, work and assessment on estimates and so forth. Because we do not have the resources; we do not have engineers, we don't have resources to, to design or redesign, or do any of the work necessary on the bridge or the road or anything.

So, our, our point was, we're sending this to the Administration because it needs, it needs to be addressed. All the current concerns need to be addressed and they certainly cannot be addressed on our level. What we could do is encourage the Mayor to provide us with some kind of estimate or plan so that we may consider it in the upcoming budget. But the longer we hold onto this matter, the less chance it could be reviewed in the budget. So, thank you, Chair.

CHAIR KING: Okay, thank you, Councilmember Lee.

So, discussion. Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes, thank you, Chair. Yes, I, I support Member Lee's efforts and I, and I support the adoption of this resolution to, for the Mayor to take the next steps. I just wanted to go ahead and make clarification that Committee Members have received additional testimony by Nahiku residents to include the, the looking into the ownership and entitlements of the government road that leads down to the bridge.

And part of that testimony included, you know, just going over the process because it has created some animosity of sorts with, with some of the members down there. And so, I think, I agree that putting it into the Mayor's Office and in his hands to address this will, will help moving forward. So, thank you.

CHAIR KING: Thank you, Mr. Sinenci.

Any other discussion?

Councilmember Paltin.

COUNCILMEMBER PALTIN: I just wanted to support the comments made by Mr. Sinenci and clarify a resolution doesn't have the force and effect of law, so the Mayor could also, you know, take this under advisement and follow the recommendations of the residents that testified today and submitted testimony as well. Correct?

CHAIR KING: I, I believe the Mayor can do whatever he wants regardless of our resolution. The resolution does ask for, the urgency in the resolution is it asks for the authorization of monies from the coun, to make the necessary authorization of monies so that we can address it in our Fiscal 2020 Budget. So, there is somewhat of a timeline.

But, again, it's a request. I guess I would further assume that because it asks for the Mayor to take the steps necessary to acquire and replace the Lower Nahiku Bridge, that it will, that will in, entail a title search and all the legalities that go in with an acquisition. And we can get maybe Corp. Counsel's opinion on that.

Mr. Ueoka.

DEPUTY CORPORATION COUNSEL: Thank you, Chair. Yea, again, this reso is just urging the Mayor to take steps. Correct, if we were going to look into acquiring or claiming ownership of the old government road and the bridge itself, their title issues would need

to be looked at and ownership of the bridge. And I believe, from what I understand, the matter is unclear right now, but it can be looked into. But, I believe to take ownership of it will, the Mayor would need to come back to Council to get you guys to approve it also to take ownership of the road. Thank you, Chair.

CHAIR KING: Thank you, Mr. Ueoka.

Councilmember Kama.

COUNCILMEMBER KAMA: Madam Chair, in one of the testimonies that was submitted to us, it says that in 2008 that the, there was a resolution passed by the Attorney General's Office requesting the Department of the Attorney General to investigate and assist in the resolution of the issue of ownership of Nahiku Bridge and owner, and Lower Nahiku Road. So, apparently, they went as far as the State to, for them to do something. Now they're coming here since 2008, it's been ten years. I mean, either somebody has to do something, I feel like, I mean, it's like who owns the road, right? So, it's like we're the Council, he's the Mayor, so who owns the issue? We all do.

So, we all need to figure out how we all should work together to resolving this because our people are suffering out there. And, I, I want to, I want to support this reso. I want to urge it, but I think that we have to collectively or individually do what we can to get this thing moving for the people in Nahiku. I'm not sure what the answer is, but probably more conversation, probably listening to what the people who live there are telling us.

To reword the, the document that doesn't do anything but put more teeth into it. So, while, you know, our teeth and his teeth is not false teeth, but it's, you know, should be good teeth and should get a big bite out of stuff. So, you know, Chair, thank you very much.

CHAIR KING: Thank you, Councilmember Kama. And, and the resolution doesn't preclude the Council from moving ahead if there is some action that could be identified. But, perhaps, you know, I just want to throw this out there that when we go into budget session that that could be a, a field trip of sorts, you know, when the Council goes out to Hana maybe visiting that site for those of us who haven't seen it.

So, with that, the Chair supports the resolution as well, because I don't see a need not to, any reason not to. I think everything is in there. If it was done and address this resolution, all the components would be addressed, but I, like it was mentioned earlier by Corp. Counsel, we just, we can, we can pass a resolution; we can't force the Administration to act on it. However, if there is action that could be identified in the future it doesn't preclude the Council from doing our own action.

So, with that, 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: Motion passes nine to zero. Thank you.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-60.

COUNCILMEMBER HOKAMA: Madam Chairman.

CHAIR KING: Sorry. Mr. Hokama.

COUNCILMEMBER HOKAMA: If, prior to the Clerk announcing, I guess, we would be going into our final business, final reading, I would ask after the Clerk completes his requirements on the previous vote that Ms. Rawlins-Fernandez and Ms. Paltin consider since we've passed all bills for consideration on, for final unanimously, that if they would consider one motion to take care of all remaining bills for final consideration.

CHAIR KING: Okay. That, that--

COUNCILMEMBER PALTIN: No objection.

CHAIR KING: --would, well, the, there are two left under the Water Committee, so that would be Ms. Lee.

COUNCILMEMBER HOKAMA: Yea. Yea, thank you.

CHAIR KING: And then, we'll go into the final bills under EDB. Is that alright? Was that, was that what you were asking for? Okay, thank you.

Okay, Mr. Clerk.

COMMITTEE REPORT

NO. 19-29 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Bill 19 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-416, from the Director of Water Supply, be FILED.

CHAIR KING: Would you like to ask the Clerk to include the other?

COUNCILMEMBER LEE: Well, I'm not sure because, unless anybody has any objections.

CHAIR KING: Are there any objections to--

COUNCILMEMBER LEE: I mean, this is not like a resolution; these are bills.

CHAIR KING: Right. So, are there any objections to--

COUNCILMEMBER LEE: That have, that are not . . . by the way.

CHAIR KING: Okay. It's up to you. It's your, you're the Chair, so if you'd like--

COUNCILMEMBER LEE: Okay. Clerk, read the second one then. Thank you.

CHAIR KING: Okay.

COMMITTEE REPORT

NO. 19-30 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Bill 20 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-415, from the Director of Water Supply, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
THIS COMMITTEE REPORT.

CHAIR KING: The two Committee Reports 19-29 and 19.

COUNCILMEMBER LEE: Did you read the second one too?

CHAIR KING: He read both.

COUNCILMEMBER LEE: Oh, okay.

THE TWO COMMITTEE REPORTS.

COUNCILMEMBER SUGIMURA:

SECOND.

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

And, Ms. Lee.

COUNCILMEMBER LEE: Thank you, Chair. The first one relates to extending the reservation from, excuse me, to consider a bill to extend the time applicants are given to reserve an allocation of water service from 30 to 60 days.

The second one, to consider a bill to extend the duration of water meter reservations from two years plus two six-month extensions to a total of five years.

The permitting and multi-agency approvals may extend the time required for applicants to complete projects.

CHAIR KING: Okay, any questions, comments? I just have one question, Ms. Lee, because I, I'm not a voting member of your Committee. But, is the, is the, is the intention to cut down on the number of extensions?

COUNCILMEMBER LEE: No. Well, it's, it doesn't give any additional extensions other than five years. The first, currently, you can get a two-year, a two-year period plus two six-

month extensions. But now, we are changing, deleting that, and changing it to five years period.

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

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Both motions pass nine to zero, I mean the motion passes nine to zero; both bills.

Mr. Clerk.

COUNTY CLERK: Relative to Committee Report 19-29, for the record, BILL 19 (2019).
Relative to Committee Report 19-30, BILL 20 (2019).

Madam Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 4 (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 FIRE AND PUBLIC SAFETY, TRAINING PROGRAM;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR KING: Okay, Councilmember Rawlins-Fernandez. And, feel free if you'd like--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: --to include the, the next three.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Will you please ask the Clerk to read 5, 6, and 7 as well.

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections.

Okay, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 5 (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 POLICE, COUNTYWIDE,
GOVERNMENT FACILITIES, COUNTYWIDE POLICE FACILITIES;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 6 (2019)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF POLICE – COUNTYWIDE POLICE
FACILITIES)

ORDINANCE NO. _____
BILL NO. 7 (2019)

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 POLICE, COUNTYWIDE,
COUNTYWIDE POLICE FACILITIES

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS NO. 4, 5, 6, AND 7, WHICH RECEIVED
UNANIMOUS SUPPORT, ON SECOND AND FINAL READING.

CHAIR KING: Okay. Any--

COUNCILMEMBER HOKAMA:

SECOND.

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

Any discussion? If not, all those in favor of the motion 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; second and final reading.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 8 (2019)

A BILL FOR AN ORDINANCE GRANTING THE JOHN & KAMAKA KUKAHIKO
OF MAKENA CORPORATION A CONDITIONAL PERMIT TO CONDUCT SPECIAL
EVENTS WITHIN THE COUNTY A-2 APARTMENT DISTRICT, TAX MAP KEY
NUMBER (2) 2-1-007:079, MAKENA, MAUI, HAWAII

CHAIR KING: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 8 (2019) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Paltin, seconded by
Councilmember Sugimura.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This bill will grant the John & Kamaka
Kukahiko of Makena Corporation a ten-year Conditional Permit to conduct a maximum
of 110 small-scale special events per year on a .811-acre parcel at 5034 Makena Road,
Makena, Maui, Hawaii. I respectfully request the Chair's support, the Council's support
of my motion. Nothing further, Chair.

CHAIR KING: Okay, any comments or questions? If not, 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: Motion passes unanimously; nine to zero.

The, Mr. Clerk.

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

COUNCILMEMBER SUGIMURA: Chair, before you adjourn.

CHAIR KING: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I just wanted to, we went through all of the nominees for the boards and commissions from Gladys Baisa. I just wanted to thank her. But, I also want to make a special note that Sherilyn Otsubo, who many of us are, know her helped with that process, so I just wanted to give a shout out to both of them. So, thank you. Have a good weekend.

CHAIR KING: Okay. Thank you. Thank you, Councilmember Sugimura. And, Councilmembers, thank you for sticking it out and not making us come back in an hour. Good idea, Councilmember Hokama. Thank you for that. And, everybody have a nice weekend. Aloha. Adjourned.

ADJOURNMENT

The regular meeting of March 8, 2019 was adjourned by the Chair at 1:21 p.m.



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

RECEIVED

From: Ian Chan Hodges <ingenuity@mac.com>
Sent: Friday, March 08, 2019 7:45 AM
To: County Clerk
Subject: Council Meeting 3-8-19 testimony (supplemental information)
Attachments: B Jacobs Maui Council Overview.pdf; SCR45 BofA Settlement.pdf

2019 MAR -8 AM 7:56
324

OFFICE OF THE
COUNTY CLERK

Good morning,

I am attaching information to supplement oral testimony that I will provide this morning on CC 19-107 and CC 19-108 at the regular meeting of the Council of the County of Maui (March 8, 2019). This supplemental information recently became available in its final form and I apologize for the late submission.

Mahalo,
Ian Chan Hodges
(808) 573-1000

**SUPPORTING EFFORTS TO HOLD BANK OF AMERICA ACCOUNTABLE TO THE RULE
OF LAW FOR ITS ONGOING CRIMINAL
FORECLOSURE FRAUD IN HAWAIIAN COURTS**

Bruce Jacobs, Esq

**Council of the County of Maui
Regular Meeting of March 8, 2019 9:00 AM**

October 11, 2018, CNBC.com published an article about Bruce Jacobs, Esq., a foreclosure defense attorney and former Miami-Dade County Prosecutor from Miami, Florida. <https://www.cnbc.com/2018/10/11/bank-of-america-fights-court-battle-over-purge-of-nearly-2-billion-bank-records.html>

Ian Chan Hodges contacted Mr. Jacobs upon reading the CNBC.com article about Bank of America destroying nearly 2 billion records in defiance of a court ordered subpoena and learned that Mr. Jacobs countersued Bank of America for a continued systemic fraud upon the court perpetrated in every judicial foreclosure state from Miami to Maui by creating false evidence of standing to foreclose following the infamous robo-signing scandal from 2010.

Mr. Jacobs has evidence that on May 25, 2010, the Jacksonville Criminal Investigative Division ("CID") of the FBI Financial Crimes Section ("FBI/FCS") issued an unclassified memorandum describing the robo-signing scandal as "millions of false and fictitious assignments of mortgages ... were used to support foreclosure actions across the United States... The fraud ... was the result of negligence in the process of creating Mortgage Backed Securities (MBS). The negligence occurred throughout the United States.... foreclosure mills utilized these false and fictitious documents in Courts across the nation to foreclose on homeowners...."

Mr. Jacobs has evidence that on June 24, 2010, the Jacksonville CID of the FBI/FCS issued a second unclassified memorandum about the robo-signing scandal finding "... this matter has the potential to be a top ten Corporate Fraud case in CID."

In April of 2012, the Hawaii Attorney General's Office along with 48 other state attorneys general forced Bank of America into the \$25 Billion National Mortgage Settlement to resolve that robo-signing scandal involving false evidence of standing to foreclose filed in foreclosures throughout the state of Hawaii and other judicial foreclosure states like Florida.

Pursuant to the \$25 Billion National Mortgage Settlement, the State of Hawaii received \$7,911,883 which was allocated as follows: \$3 million to Legal Aid and its grant partners Consumer Credit Counseling Services of Hawaii, Hale Mahaolu, The Hawaii HomeOwnership Center and Hawaiian Community Assets, \$2 million to the department of Commerce and Consumer Affairs, \$1,176,293 to the state judicial

system, \$149,225 to the Kuikahi and West Hawaii Mediation Centers, \$57,122 to the Mediation Center of the Pacific.

<http://www.ncsl.org/research/financial-services-and-commerce/national-mortgage-settlement-summary.aspx#HI>

Bank of America promised to help the millions of families with underwater mortgages by the \$25 Billion National Mortgage Settlement and only reduced the principal balance on first mortgages for less than 24,000 families nationwide.

Bank of America took credit against its obligations under the \$25 Billion National Mortgage Settlement for waiving any claim it had to seek a deficiency judgment where the property was worth less than the debt owed for all loans in the state of California, despite that California is a "non-recourse" state where there is no legal right to seek a deficiency judgment following a foreclosure.

Under the \$25 Billion National Mortgage Settlement, Bank of America promised to only use "competent evidence" in foreclosures after April of 2012. However, Mr. Jacobs has filed pleadings in various trial and appellate courts with evidence Bank of America continued to present false documents, forgeries, perjured testimony, defy court orders and even ordered the destruction of nearly 2 billion records in defiance of a court ordered subpoena for those records. Mr. Jacobs' pleadings have repeatedly asserted Bank of America engaged in this criminal misconduct in foreclosures from "Miami to Maui and every judicial foreclosure state in between."

Mr. Jacobs' investigation discovered that this criminal foreclosure misconduct was ongoing while Bank of America negotiated with federal regulators and the U.S. Department of Justice to resolve the robo-signing scandal. Bank of America had already started another scheme to create and present false evidence to prove standing to foreclose for use in Hawaii, Florida, and other judicial foreclosure states. Mr. Jacobs has evidence Bank of America forged endorsements onto original notes for its predecessor, Countrywide Home Loans, Inc., ("Countrywide") and backdated those endorsements by suborning perjury of its most senior executive officers. Bank of America then prepared, recorded and presented false mortgage assignments to buttress the forged Countrywide endorsements.

On November 2, 2018, the Council of the County of Maui unanimously adopted Resolution 18-178 to support the Governor's efforts to intervene between Na Po'e Kokua, the Hawaii Fair Lending Coalition, and the Bank of America to reach a settlement agreement relating to a \$150 million loan commitment for Native Hawaiians on Hawaiian Home Lands.

On November 16, 2018, the Second District Court of Appeal of Florida issued a unanimous opinion holding that Mr. Jacobs properly stated a defense and counterclaim to foreclosure by alleging "the evidence on which the Bank relied to show standing had been fraudulently created and produced. Specifically, ... that the Bank had added the undated endorsement..., had provided perjured testimony to

falsely backdate the endorsement, and had submitted a false assignment of the note and mortgage to support its timeline of events." *Sorenson v. Bank of New York Mellon as Tr. for Certificate Holders CWALT, Inc.*, No. 2D16-273, 2018 WL 6005236, at *1 (Fla. 2nd DCA 2018).

Mr. Jacobs successfully prosecuted a False Claims Act case against Bank of America in the U.S. District Court for the Southern District of Florida, Miami Division before the Honorable U.S. District Court Judge Ursula Ungaro in U.S. ex rel. Bruce Jacobs v. Bank of America Corp., et. al., U.S. Dist. Ct. Case No. 1:15-cv-24585-UU

In refusing to dismiss the false claims act case against Bank of America, Judge Ungaro held "[u]sing rubber-stamped endorsements on promissory notes or relying on MERS transfers to foreclose on properties or obtain orders of sales falls within the scope of actions barred by the [\$25 Billion National Mortgage Settlement] Consent Judgment Servicing Standards...."

Judge Ungaro also found the False Claims Act Complaint "alleges facts that give rise to a 'reasonable inference' that [Bank of America] signed the Consent Judgment with the intent to 'continue pursuing mortgage foreclosures by misleadingly filing copies of promissory notes bearing rubber-stamped endorsement signatures that were not legally authorized by the purported signatories (and therefore, were invalid), and by filing copies of purported assignments by MERS, which never owned any interest in the notes that purportedly were being assigned (and therefore, were ineffective).'" Id. at 21.

Mr. Jacobs has obtained evidence showing that Bank of America affixed endorsements on original notes for Countrywide Home Loans Inc., years after Countrywide ceased operations, backdated those endorsements by suborning perjury from Senior Bank of America Executives, and recorded false mortgage assignments to backup its timeline of events.

Mr. Jacobs has obtained evidence that Bank of America has defied multiple court orders from multiple judges to coverup its criminal foreclosure misconduct, and even ordered the destruction of nearly two billion records in defiance of a court ordered subpoena. This has allowed Bank of America to continue to present the same false evidence used to foreclose on homeowners throughout Maui County.

Mr. Jacobs has obtained evidence that Bank of America presented false testimony to the state and federal courts of Florida and even to the United States Supreme Court in an effort to mislead the courts as to its order to destroy nearly two billion records in defiance of a court ordered subpoena.

Mr. Jacobs has evidence that Bank of America engaged in the same criminal foreclosure fraud in Florida, Hawaii, and every judicial foreclosure state by using these rubberstamped Countrywide endorsements backdated by perjury of Senior

Bank of America Executives and backed up by false mortgage assignments recorded in the public records and presented as false evidence of standing to foreclose.

In the state of Hawaii, it is a misdemeanor to record an assignment in the public records that contains false statements under HRS §710-1017(1)(c) or to “make present or offer false physical evidence with intent that it be introduced into a pending or prospective proceeding under HRS §710-1076(1)(a).

The Hawai'i Supreme Court holds that “the constitutional courts of Hawai'i possess the inherent power of contempt.” *LeMay v. Leander*, 92 Haw. 614, 621, 994 P.2d 546, 553 (2000) This cannot be limited by the legislature. *Id.*

On March 4, 2019, the Intermediate Court of Appeals of the State of Hawai'i issued a ruling in *Zimmerman Hansen v. Bank of America, N. A., etc.* in Case Number CAAP-15-0000961. <https://www.courts.state.hi.us/wp-content/uploads/2019/03/CAAP-15-0000961sdo.pdf> The Intermediate Court of Appeals reinstated a lawsuit Mr. Zimmerman Hansen filed finding it stated a valid claim alleging Bank of America engaged in unfair and deceptive trade practices by, *inter alia*, “the fabrication of the Assignment that was made with the intent to deceive and/or create confusion or misunderstanding for the Plaintiff, the Public and the Courts as to the authority to transfer Plaintiff's property knowing that it was incompetent and unreliable evidence support an assertion of foreclosure.” *Id.* *3.

The Intermediate Court of Appeals has just found that using a false mortgage assignment constitutes an unfair and deceptive trade practice. If Bank of America has continued to use false mortgage assignments, presented forged endorsements backdated by perjury, defied court orders and ordered the destruction of evidence in defiance of court ordered subpoenas, the County of Maui should condemn such misconduct in the strongest terms.

Bank of America has disrespected the Hawaiian people, Hawaii's courts, and the National Mortgage Settlement and has shown contempt for the rule of law by continuing to present false evidence to prosecute foreclosures in abject defiance for its obligations to the National Mortgage Settlement and the rule of law.

MAR 7 - 2019

SENATE CONCURRENT RESOLUTION

SUPPORTING THE GOVERNOR'S EFFORTS IN URGING THE BANK OF AMERICA
TO RETURN TO HAWAII TO MEET WITH NA PO'E KŌKUA AND THE
HAWAII FAIR LENDING COALITION TO REACH A SETTLEMENT
AGREEMENT RELATING TO A \$150,000,000 LOAN COMMITMENT FOR
NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS.

1 WHEREAS, in 1993, Na Po'e Kōkua, an organization established
2 to assist native Hawaiians with housing and related matters,
3 formed the Hawaii Fair Lending Coalition (HFLC) and began
4 researching how banks in Hawaii were treating native Hawaiians;
5 and

6
7 WHEREAS, among its findings, HFLC discovered that Bank of
8 America was conducting discriminatory lending practices in the
9 form of redlining, the practice of denying services to residents
10 of certain areas based on the racial or ethnic composition of
11 those areas, by not providing mortgages on Hawaiian homelands;
12 and

13
14 WHEREAS, in May 1994, as a result of HFLC's efforts and as
15 a condition of Bank of America's acquisition of Liberty Bank,
16 the Federal Reserve System and Office of Thrift Supervision
17 ordered Bank of America to make \$150,000,000 in Federal Housing
18 Administration section 247 (FHA-247) mortgages available on
19 Hawaiian homelands by 1998; and

20
21 WHEREAS, by the 1998 deadline, Bank of America provided
22 only \$3,109,502 of the \$150,000,000 in FHA-247 mortgages ordered
23 by the Federal Reserve System; and

24
25 WHEREAS, in 1998, Bank of America recommitted to meet the
26 \$150,000,000 loan commitment to native Hawaiians and to pay a
27 \$4,500,000 late fee based on the opportunity cost of its failure
28 to fulfill its required commitment; and
29



1 WHEREAS, the Bank of America executive responsible for this
2 recommitment was Catherine P. Bessant, then in charge of
3 Community Development, who traveled to Hawaii with other senior
4 bank executives in August 1998 to meet with Governor Cayetano,
5 Hawaiian kupuna, and other community leaders from the HFLC at
6 Iolani Palace; and

7
8 WHEREAS, in 2012, the Hawaiian Homes Commission unanimously
9 confirmed that the Bank of America commitment remained
10 unfulfilled and expressed support for HFLC's consistent and
11 ongoing efforts to hold Bank of America accountable; and

12
13 WHEREAS, on April 18, 2018, Governor Ige invited Catherine
14 P. Bessant, now Chief Operations and Technology Officer of Bank
15 of America, to return to Hawaii to meet with Na Po'e Kōkua and
16 HFLC to reach a fair and final settlement of Bank of America's
17 outstanding \$150,000,000 loan commitment to the Hawaiian people
18 on their homelands; and

19
20 WHEREAS, Bank of America originated \$13,092,314 in loans on
21 Hawaiian homelands from 1994 to 2012, and has made no FHA-247
22 loans since then, according to account information provided by
23 the United States Department of Housing and Urban Development
24 (HUD) on August 20, 2018, in response to a Freedom of
25 Information Act request; and

26
27 WHEREAS, based upon HUD data, preliminary estimates for
28 Bank of America's late fees are approximately \$360,600,000 for
29 lost opportunities for building equity, reaping the benefits of
30 a booming housing market, and paying affordable mortgages rather
31 than skyrocketing rents over the last twenty years for 890
32 native Hawaiian families who should have received Bank of
33 America mortgages by 1998, but did not, and the families who did
34 receive loans up to thirteen years after the deadline; now,
35 therefore,

36
37 BE IT RESOLVED by the Senate of the Thirtieth Legislature
38 of the State of Hawaii, Regular Session of 2019, the House of
39 Representatives concurring, that this body supports the
40 Governor's efforts in urging Bank of America to return to Hawaii
41 to meet with Na Po'e Kōkua and the Hawaii Fair Lending Coalition
42 to reach a settlement agreement relating to Bank of America's



S.C.R. NO. 45

1 outstanding \$150,000,000 loan commitment to native Hawaiians on
2 Hawaiian homelands, now twenty years overdue; and

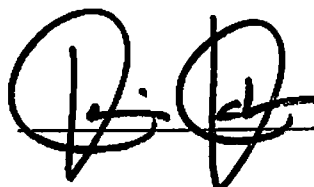
3
4 BE IT FURTHER RESOLVED that the Chief Operations and
5 Technology Officer of Bank of America is urged to return to
6 Hawaii to meet with HFCL to reach a fair and final settlement,
7 as invited by Governor Ige; and

8
9 BE IT FURTHER RESOLVED that in addition to providing the
10 mortgages on Hawaiian homelands as ordered by the Federal
11 Reserve System, Bank of America is requested to address the
12 estimated \$360,600,000 in opportunity costs for native Hawaiians
13 on Hawaiian homelands and a \$4,500,000 late fee for failing to
14 fulfill its required commitment; and

15
16 BE IT FURTHER RESOLVED that certified copies of this
17 Concurrent Resolution be transmitted to the Chairman of the
18 Board of Governors of the Federal Reserve System; Hawaii's
19 Congressional delegation; Governor; Chairpersons of the County
20 Councils of the County of Kauai, County of Hawaii, County of
21 Maui, and City and County of Honolulu; President of Na Po'e
22 Kōkua; Chief Executive Officer of Bank of America; and Chief
23 Operations and Technology Officer of Bank of America.

24
25
26

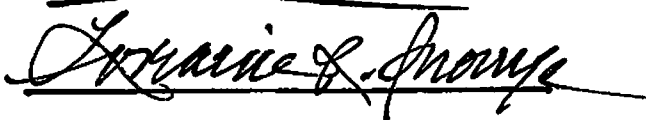
OFFERED BY:



Don E. Ige



Kurt Fovell



Quincy de Bel...



Aloha Chair King, Vice Chair Rawlins Fernandez and Members

I would like to express my extreme support to County Communications 19-115 Clerical Repricing. Mahalo Vice Chair Rawlins Fernandez for your courage in Womens advocacy. I find it Ironic that today this body is recognizing WOMEN and declaring March "Womens History Month in Maui County". There is no better time than for this body of 9 to become part of history by supporting our Clerical Repricing. I have been with the county for over 12 years as an Office Operations Assistant. I have an Associates Degree in Business Administration from the University of Hawaii system. As everyone in this room is aware, without clerical support to assist with operations this county or any business in general would come to a complete stop. I am not stating that we are more important than anyone else but we do deserve to be compensated for what we do. Think about this, in order to even qualify for a entry level clerical position we have to take a civil service test and starting pay is just above minimum wage. We have constant supervision and must remain at our desk for the entire day. Qualifications for a Unskilled laborer is 18 years old and a drivers license! Starting pay is \$20 and change under UPW. I have heard numerous times that they work way harder compared to a clerical staff. "If you like more pay grab a shovel!" Well, if your shovel like get paid learn how to use a computer! I challenge anyone to audit actual hours worked between the two. I say this not to compare whose job is more important but for you to understand the discrimination office people have been dealing with for years. This body just gave a raise to Council Services staff which was awesome, however the excuse was that they are not permanent employees so they deserve their raises.... That sounds great but I humbly ask how many of your clerical staff are "NEW" employees? Council does not change out the clerical staff every two years except for the Chairs office. So on paper they are not permanent but in reality they are!

As you can see by now, I am frustrated with the political game we have been dealing with since 2013. We have been taken for a ride from previous and current Council Members and the former Administration. This repricing has become a political election tool between HGEA and elected officials. Both parties pointing fingers at each other as to why it hasn't moved but in reality they are both in conversations to roadblock this repricing. HGEA has never been the forefront leader when it comes to negotiations they always tend to take the back seat and take whatever is leftover or piggybacks on UPW negotiations. A great example of that was the Maui Hospital. I know for a fact that HGEA approached former Council members and former administration to not support this resolution even though Mayor Arakawa sent down a Budget Amendment. HGEA's issue is that if Maui gets this repricing they will be forced to DO THEIR JOB and fight for all members across the state. I realize that some members feel this needs to be vetted but for what reason? You either feel we deserve this increase and will find the means to fund it or not. There is no other way. Think of it as you consider salary increases for Directors and Council Members its not in the budget but I am sure Administration and Council will find the money to fund those salary increases!

As you are all aware Oahu holds the majority negotiation votes for contracts so we can not rely on them to dictate our counties way of living. As for HGEA, consider this a notice we no longer have to pay union dues and per federal law you must still represent all HGEA classified employees rather we pay you or not! MAHALO MEMBERS for your time and CONSIDERATION!

**HGEA/Maui County
Supplemental Agreement
COUNTY OF MAUI
REPRICING COMMITTEE
Request for PAY EQUITY**

March 8, 2019

Karin Phaneuf 808-281-9678

MARCH ON CITY HALL!

This is not the first time the Repricing Committee has sought the assistance of leadership at the County of Maui. This group of women have been asking for help and pay equality since 2013.

It is time for Maui County to lead the State and to support the Unit 3 and Unit 4 employees who are the lowest paid employees in Hawaii State and County Government.



MIN QUALIFICATIONS as of 7/1/2019 for Entry Level Clerks and Laborers

CLERKS III = SR-10 \$2722/MONTH

LABORERS = BC-03 \$3561/MONTH

- **MUST BE HS Graduate**
(*Many are college graduates*)
- **2 Years** Clerical Experience
- Must Pass Civil Service Exam
- Must pass Typing Proficiency Test
- Must have HI Driver's License

- **MUST HAVE Required Skills:**
 - Language – Grammar - Spelling
 - Writing Skills/Comprehension
 - Computers and Software
 - Operate & Maintain Machines
 - Perform Numerical Analysis
 - Create & Maintain Spreadsheets
 - Filing – Recordkeeping – ETC...
 - Keep cool under pressure

- **MUST HAVE**
Training Requirements:
None

- Educational Requirements
8th Grade Education

- Other Requirements:
Driver's License

AVERAGE PAY DIFFERENTIAL at COUNTY OF MAUI (July 1, 2019)

PAY FOR: CLERK III \$ 32,664 (SR10)

PAY FOR: UNSKILLED LABORER \$43,584 (BC 03)

Difference: \$43,584 - \$32,664 = **\$10,920/year**

Differential of: **\$910/month**

(approx. 382 of these employees are Clerical – all women except for 17 males)

This will enable our County to relate pay in Unit 3 to education, skills, training, experience and job complexity and responsibility.

COUNCIL RESOLUTION #14-36

SIGNED MARCH 25, 2014 — Thank You!!

- On March 25, 2014 - our County Council **UNANIMOUSLY** signed Resolution #14-36 which says these things:
- **WHEREAS** pay equality is vital for achieving gender equality;
- **WHEREAS** clerical staff employed by the County are predominantly women, laborers employed by the County are predominantly men, and the starting pay for clerk and clerical positions is less than the starting pay for laborer positions; and
- **WHEREAS** the Council finds it crucial for women, and in the best interest of the County of Maui, that the issue of pay equality be resolved once and for all, therefore,
- That Council joins the efforts of the Office of the Mayor to address and resolve the issue of wage equality in Maui County! All of us here today thank you for signing this resolution and for recognizing this unfair pay practice at the County of Maui.

A LITTLE STATE of HI/COUNTY WAGE HISTORY....

- **Mr. N. - Hired 10/16/1978 - Laborer I**
- 10/16/78 pay = \$640/month
- 7/1/1979 pay = \$740/month
- 7/1/1982 pay = \$1060/month

- **Mrs. T - Hired 1/15/1979 Pre-Audit Clerk**
- 1/15/79 pay = \$632/month
- 7/1/79 pay = \$696/month
- 7/1/82 pay = \$1094/month

RECEIVED

From: Kanani Higbee <khigbee1037@gmail.com>
Sent: Thursday, February 21, 2019 6:45 PM
To: County Clerk
Subject: Regarding Pay Raises for Council and Mayor

2019 MAR -4 AM 8:02

OFFICE OF THE
COUNTY CLERK

To the Maui Salary Commission:

My name is Kanan Higbee. I reside in Lahaina, Maui. I do not support raises for the county councilmembers nor the mayor. I feel they get paid more than enough. The money could go to more important, pressing issues like helping at risk, disadvantaged youth by paying for more intervention programs to get them on the right path to make their life better and their children's lives better. There are so many important issues that need to be addressed, that the money could be used for. The mayor and county council all work other jobs and aren't dependent on this one job. Also, other things needs to be addressed first. Some county councilmembers were absent at many of the meetings. They were not committed. They should be required to go to more meetings. It's embarrassing when a county council bring professionals to give testimony and hardly any councilmembers show up.

Also, if the mayor and county councilmembers don't get paid much, that will keep them honest. They will know how the working class feels by getting paid so little and will help advocate for our community more. Since they will be in the same boat. For instance, they could advocate for the cost of living to be less so our paychecks go further. This can be done by making Maui more self sufficient. Or make Maui homes only available for sale to full time residents of Maui and not to people who live here 3 months and let the home sit vacant or rent to tourists. Too many mainlanders and foreigners are investing in Maui real estate and pushing locals and Native Hawaiians out of their ancestral land. That is a form of genocide.

Thank you for hearing my concerns.

Mahalo,
Kanani Higbee

--

Kanani Higbee

From: Sarah Reichert <sarahbva79@gmail.com>
Sent: Monday, March 04, 2019 9:48 AM
To: County Clerk
Subject: March 8, 2019 CC 19-115
Attachments: Supplemental Agreement Unit 3 and 4.pdf; BD-BA_19-49_Oper_Finance_Countyywide Costs_Fringe Benefits_Clerks Repricing.pdf

I am writing in reference to the Council of the County of Maui, Agenda March 8, 2019, CC19-115. I urge the Councilmembers to bring to review and approve the HGEA Supplemental Agreement and Budget Amendment submitted for "Clerk Salary Increase". I implore all the Councilmembers to hear our voices and see our needs.

My name is Sarah Reichert, I am currently an employee of Maui County in the Planning Department where I am an Office Operations Assistant II. I currently have to work two jobs to afford housing and living expenses. I work seven days a week because I've always wanted to work as a Civil Servant, however, the salary is not enough in Maui County. I need a supplemental income on the weekends just to afford minimal living expenses. If the Council was to approve it this would enable me to just work my County job and spend time with family and rest on the weekends.

My story is typical throughout Maui County's clerks, we want to improve our quality of life. Not live to work, but thrive and live. Our focus is excellence in customer service, the new administration wants to focus on that. Hence, we are the face of our departments and the ones that the public remember. Please consider our role in the County of Maui and how we strive to serve it and the public with our best everyday.

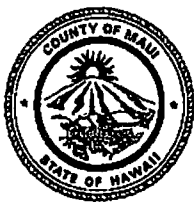
So once again, I urge you to review and approve the Amendment. I appreciate your time and consideration regarding this matter. Attached is documents relating to this matter.

Mahalo,

Sarah Reichert

RECEIVED
2019 MAR -4 AM 10: 15
OFFICE OF THE
COUNTY CLERK

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI - Kalana O Maui

May 8, 2018

Mr. Randy Perreira
Executive Director
Hawai'i Government Employees Association
AFSCME Local 152, AFL-CIO
P.O. Box 2930
Honolulu, Hawai'i 96802-2930

Dear Mr. Perreira:

Re: Supplemental Agreement Proposal for Bargaining Units 03 and 04

In response to your letter dated November 26, 2014 and in light of subsequent discussions, the County of Maui is proposing a Supplemental Agreement to the Bargaining Units 03 and 04 agreement. The proposed Supplemental Agreement would provide for compensation adjustments for qualifying employees as outlined in the enclosed agreement. The Supplemental Agreement would be in effect through June 30, 2019.

Enclosed is a copy of the proposed Supplemental Agreement. Please let us know whether you would be open to this proposal. Should you have any questions, please contact David J. Underwood, Director of Personnel Services, at (808) 270-7850 or via email at David.Underwood@co.maui.hi.us.

Sincerely,

A handwritten signature in black ink that reads "Alan Arakawa".

Alan M. Arakawa
Mayor

Enclosure

cc: David J. Underwood, Director of Personnel Services
Michele Mitra, HGEA Maui Division Chief

**SUPPLEMENTAL AGREEMENT
BARGAINING UNITS 03 and 04
COUNTY OF MAUI**

This SUPPLEMENTAL AGREEMENT is entered into this _____ day of _____, 2018 by and between the County of Maui (hereinafter "County") and the Hawai'i Government Employees Association, AFSCME, Local 152, AFL-CIO, (hereinafter "Union") on behalf of Employees in Bargaining Units 03 and 04 (hereinafter "Employee" or "Employees").

WHEREAS, the Public Employer and the Union are parties to a Collective Bargaining Agreement (CBA) dated July 1, 2017 for Bargaining Units 03 and 04 for the contract period July 1, 2017 through and including June 30, 2019;

WHEREAS, the County and the Union (collectively referred to as the "Parties") wish to implement a Supplemental Agreement concerning the minimum compensation of employees in the bargaining units.

NOW, THEREFORE, the Parties have mutually agreed:

- A. Employees who are in bargaining units 03 and 04 as of the date mentioned in Paragraph I. and whose pay is less than \$3,335 per month, shall be placed on the lowest step in their salary range which is greater than or equal to \$3,335 per month, effective July 1, 2018 or the employee's latest date of entry into the bargaining units, whichever is later.
- B. Employees who enter a bargaining unit 03 or 04 position in the County by transfer or promotion as defined in Article 14, Compensation Adjustment, on or after the date mentioned in Paragraph I., and whose pay would be less than \$3,335 per month shall be placed on the lowest step in their current salary range which is greater than or equal to \$3,335 per month effective the date of the transfer.
- C. Employees who enter a bargaining unit 03 or 04 position in the County after the date mentioned in Paragraph I. shall be placed on the lowest step in the salary range which is greater than or equal to \$3,335 per month. Employees not administratively assigned to the salary schedule shall be compensated at a rate not less than \$3,335 per month.
- D. Employees who are demoted on or after the date mentioned in Paragraph I., and whose demotion would result in a rate which is less than \$3,335 per month, shall be placed on the lowest step in their new salary range which is greater than or equal to \$3,335 per month. This provision shall not apply to disciplinary or involuntary demotions.

- E. Employees whose maximum step in their salary range is below \$3,335 per month shall be placed on the maximum step in their salary range and receive a temporary differential that is equal to the difference of \$3,335 per month and the monthly rate of the maximum step.
- F. For Employees placed on a new step as a result of the above provisions, time earned toward eligibility for a step movement shall begin with service rendered from the date the employee entered the new step.
- G. Employees who are in bargaining units 03 and 04 as of the date mentioned in Paragraph I., who are not administratively assigned to the salary schedule and whose pay is less than \$3,335 per month, shall be compensated at \$3,335 per month, effective July 1, 2018 or the employee's latest date of entry into the bargaining units, whichever is later.
- H. Any retroactive pay resulting from the above shall be limited to basic rate of pay and shall not include any other remuneration for services such as, but not limited to, overtime, temporary assignment, hazard pay, temporary reallocation, standby pay, and call back pay.
- I. This Supplemental Agreement shall be effective July 1, 2018 through and including June 30, 2019.
- J. This Supplemental Agreement shall be subject to the appropriation of funds by the Maui County Council.

Either Party may terminate this Supplemental Agreement at any time during the life of this agreement. If either Party terminates this agreement, it shall provide the other Party with thirty (30) calendar days prior written notice of its decision.

IN WITNESS WHEREOF, the parties hereto, by their authorize representative, have executed this SUPPLEMENTAL AGREEMENT on the day and year first written above.

EMPLOYER:
County of Maui



Alan M. Arakawa
Mayor

Date: 5/2/18

UNION:
Hawai'i Government Employees
Association



Randy Perreira
Executive Director


Date: 5-11-18



David J. Underwood
Director of Personnel Services

Date: 5/17/18

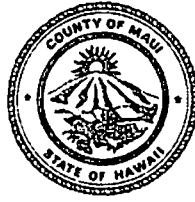
APPROVED AS TO FORM:



Gary Y. Murali
Deputy Corporation Counsel

Date: MAY - 7 2018

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui
October 25, 2018

REFERENCE NO. BD-BA 19-49

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Michael White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Alan Arakawa 10/25/18
Mayor Date

Dear Chair White:

SUBJECT: AMENDMENT TO THE FISCAL YEAR 2019 BUDGET

On behalf of Mayor Arakawa, I am transmitting the attached proposed bill for the purpose of amending the Fiscal Year 2019 Budget by increasing the appropriation under Department of Finance, Countywide Costs, Fringe Benefits in the amount of \$1,971,355.

Mayor Arakawa is requesting an additional \$1,556,538 to increase the salaries of 292 Bargaining Unit 03 positions currently at an SR and step level below that of an entry level laborer under Bargaining Unit 01 to an equivalent step level of \$3,404 per month, retroactive from July 1, 2018. The remaining \$414,817 will fund the resulting increase to ERS and FICA contributions.

For your information, attached is a Certification of Additional Revenues for Fiscal Year 2019 certifying the availability of General Fund Carryover/Savings in the amount of \$1,971,355 to fund this request.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at ext. 7212.

Sincerely,

Sananda K. Baz
SANANDA K. BAZ
Budget Director

Attachments (2)

cc: Keith Regan, Managing Director
Mark Walker, Director of Finance

ORDINANCE NO. _____

BILL NO. _____ (2018)

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

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4861, Bill No. 57 (2018), as amended, "Fiscal Year 2019 Budget", is hereby amended as it pertains to Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund in the amount of \$1,971,355; and by increasing Total Estimated Revenues in the amount of \$1,971,355, to read as follows:

"ESTIMATED REVENUES

FROM TAXES, FEES AND ASSESSMENTS:

Real Property Taxes	321,907,576
Circuit Breaker Adjustment	(421,854)
Charges for Current Services	149,631,691
Transient Accommodations Tax	23,484,000
Public Service Company Tax	7,500,000
Licenses/Permits/Others	39,500,999
Fuel and Franchise Taxes	24,311,000
Special Assessments	7,602,000
Other Intergovernmental	18,425,000

FROM OTHER SOURCES:

Interfund Transfers	38,485,216
Bond/Lapsed Bond	71,755,000
Carryover/Savings:	
General Fund	[20,254,424] <u>22,225,779</u>
Sewer Fund	4,494,008
Highway Fund	10,318,711
Solid Waste Management Fund	3,135,751
Golf Fund	419,510
Liquor Fund	945,163
Bikeway Fund	11,733
Water Fund	<u>17,385,400</u>

TOTAL ESTIMATED REVENUES [759,145,328] 761,116,683"

SECTION 2. Fiscal Year 2019 Budget is hereby amended as it pertains to Section 3.B.4.f.(1), Department of Finance, Countywide Costs, Fringe Benefits, by increasing the B – Operations and Total appropriation in the amount of \$1,971,355, to read as follows:

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
*4. Department of Finance				
a. Administration Program	583,754	90,612	1,500	675,866
(1) Provided, that disbursement for salaries and premium pay is limited to 8.8 equivalent personnel.				
(2) Provided, that funds for the Internal Control Officer position are available in the Department of Finance, Countywide Costs and shall be available for transfer upon completion of the Council's audit of the Department of Finance, review of the final report, and recommendations by the appropriate Council Committee. Said transfer shall be completed in accordance with law.				
b. Accounts Program	1,071,549	423,100	0	1,494,649
(1) Provided, that disbursement for salaries and premium pay is limited to 18.0 equivalent personnel.				
(2) Provided, that funds for the Assistant Accounts System Administrator position are available in the Department of Finance, Countywide Costs and shall be available for transfer upon completion of the Council's audit of the Department of Finance, review of the final report, and recommendations by the appropriate Council Committee. Said transfer shall be completed in accordance with law.				
c. Financial Services Program				
(1) General	5,017,276	2,349,511	11,000	7,377,787
(i) Provided, that disbursement for salaries and premium pay is limited to 99.7 equivalent personnel.				

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
(2) Countywide Service Center – Annual Lease Costs	0	570,000	0	570,000
d. Purchasing Program	400,448	70,081	3,600	474,129
(1) Provided, that disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.				
e. Treasury Program	703,286	688,814	14,330	1,406,430
(1) Provided, that disbursement for salaries and premium pay is limited to 14.0 equivalent personnel.				
f. Countywide Costs				
(1) Fringe Benefits	0	[96,048,913] <u>98,020,268</u>	0	[96,048,913] <u>98,020,268</u>
(2) Fringe Benefits Reimbursement	0	(20,683,536)	0	(20,683,536)
(3) Bond Issuance and Debt Service	0	40,395,403	0	40,395,403
(4) Supplemental Transfer to the Golf Fund	0	3,172,170	0	3,172,170
(5) Supplemental Transfer to the Environmental Protection and Sustainability Fund	0	3,937,382	0	3,937,382
(6) Insurance Programs and Self Insurance	0	14,245,384	0	14,245,384
(7) Transfer to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund	0	3,214,857	0	3,214,857
(8) Transfer to the Affordable Housing Fund	0	6,429,714	0	6,429,714
(9) General Costs	108,332	1,140,126	6,000	1,254,458
(10) Overhead Reimbursement	0	(19,401,799)	0	(19,401,799)
(11) Transfer to the Emergency Fund	0	6,500,000	0	6,500,000

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
(12) Post-Employment Obligations (i) Provided, that the funds are paid to the State of Hawaii Employer-Union Health Benefits Trust Fund prior to September 30, 2018.	0	18,126,930	0	18,126,930
(13) One Main Plaza Lease	0	373,451	0	373,451"

SECTION 3. Fiscal Year 2019 Budget is hereby amended as it pertains to the Total Operating Appropriations to reflect a B – Operations and Total increase of \$1,971,355, to read as follows:

"TOTAL OPERATING APPROPRIATIONS	189,535,671	[399,614,379] <u>401,585,734</u>	9,919,486	[599,069,536] <u>601,040,891"</u>
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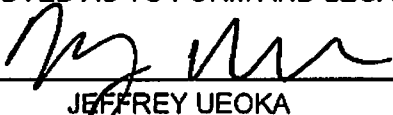
SECTION 4. Fiscal Year 2019 Budget is hereby amended as it pertains to the Total Appropriations (Operating and Capital Improvement Projects) to reflect an increase of \$1,971,355, to read as follows:

"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)	[759,145,328]	<u>761,116,683"</u>
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SECTION 5. Material to be repealed is bracketed. New material is underscored.

SECTION 6. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



 JEFFREY UEOKA
 Deputy Corporation Counsel

CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019

I, ALAN M. ARAKAWA, Mayor of the County of Maui, State of Hawaii, pursuant to Section 9-9.1 of the Revised Charter of the County of Maui (1983), as amended, do hereby certify that there is available for appropriation revenue received from anticipated sources but in excess of the budget estimates for Fiscal Year 2019. The amount available for appropriation is:

From Carryover/Savings:

General Fund \$1,971,355.00

Alan Arakawa

ALAN M. ARAKAWA
Mayor, County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 25th day of October, 2018, before me appeared Alan M. Arakawa, to me personally known, who being by me duly sworn did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Section 9-18 of the Charter of the County of Maui; and the said ALAN M. ARAKAWA acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

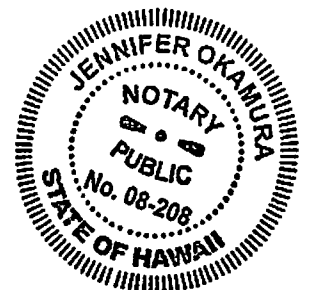
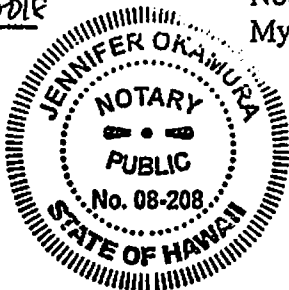
Joc. Date: 10/25/2018 # Pages: 1
Jennifer Okamura Second Circuit
Doc. Description Certification of
Additional Revenues for
Fiscal Year 2019

Jennifer Okamura 10/25/2018
Notary Signature Date

NOTARY CERTIFICATION

Jennifer Okamura

Jennifer Okamura
Notary Public, State of Hawaii
My commission expires: June 29, 2020



RECEIVED

2019 MAR -5 AM 11: 19

JOHN BLUMER-BUELL

Post Office Box 787, Hana, Hawai'i, 96713
Email blubu@hawaii.rr.com Telephone 248-8972

OFFICE OF THE
COUNTY CLERK

March 5, 2019 Testimony for March 8, 2019

Maui County Council, Kelly King, Chair
200 South High Street, Wailuku, Hawaii, 96793
Sent Via Email county.clerk@mauicounty.us with Request for Confirmation of
Receipt and county.council@mauicounty.us
Cc: Mayor Mike Victorino Mayors.Office@co.maui.hi.us

Subject: Public Testimony for Council Meeting of March 8, 2015. Agenda Item No. 19-28, "RESOLUTION" from WATER AND INFRASTRUCTURE COMMITTEE.

OPPOSITION to the UNINFORMED and COUNTER PRODUCTIVE "RESOLUTION URGING THE MAYOR TO TAKE THE STEPS NECESSARY TO ACQUIRE AND REPLACE THE LOWER NAHIKU BRIDGE".

SUPPORT for the NEW PROPOSED, INFORMED, HISTORICALLY ACCURATE and PRODUCTIVE "RESOLUTION URGING THE MAYOR TO TAKE THE STEPS NECESSARY TO INVESTIGATE AND ASSIST IN THE RESOLUTION OF THE ISSUES OF OWNERSHIP AND JURISDICTION OF THE LOWER NAHIKU ROAD TO THE NAHIKU LANDING AND THE HISTORIC NAKIHU BRIDGE".

Aloha Chair King and Council Members,

The "Resolution" from the WAI Committee makes the misleading, false and fatal assumption the County of Maui has jurisdiction over the the historic trail-road from the distant Hana Highway to the Historic Nahiku Bridge. Respectfully, the WAI Committee did not understand or consider the totality of the historic issues. It would be irresponsible and unfair to Mayor Victorino, citizens and taxpayers to pass the WAI Committee Resolution.

The current public record shows the County of Maui or State of Hawai'i have not established legal jurisdiction or ownership over the trail-road from the Hana Highway to to the Historic Nahiku Bridge or Nahiku Landing. The current public record also shows the County of Maui or State of Hawaii have not established legal jurisdiction or ownership of the Historic Nahiku Bridge.

Why would the County of Maui “RESOLVE to ACQUIRE AND REPLACE” the Lower Nahiku Bridge at a cost currently estimated at more than a million dollars when it has NO proven ownership interest in the bridge and NO established legal access to the bridge and Nahiku Landing from the distant Hana Highway?

The attached “New Proposed Draft Resolution for March 8, 2019” proposes to comprehensively address all the issues while supporting the Hana Community Plan Policy stating, “Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”. There is adequate time to get a historically accurate and constructive Resolution to Mayor Victorino and the Council Budget Committee. **It is an urgent matter.**

Please consider;

The 2008 Hawai'i State House Resolution 303 accurately stated the correct context of the Nahiku Bridge and Lower Nahiku Road, “REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO INVESTIGATE AND ASSIST IN THE RESOLUTION OF THE ISSUE OF OWNERSHIP OF NAKIHU BRIDGE AND LOWER NAHIKU ROAD”. Any Resolution should contain the correct context of both the bridge and road. Unfortunately, the State of Hawai'i failed to follow up the 2008 Resolution.

Historical and factual accuracy are ESSENTIAL in resolving the problems comprehensively and without continued controversy in the Nahiku Community.

The current “Resolution” will predictably lead to considerable waste of more taxpayers money in Nahiku and perpetuate decades of problems created by County of Maui government actions and State of Hawaii government “unfulfilled actions”.

The Hana Highway is several miles of a dangerous and substandard “trail-road” away from the bridge. The county has spent time and financial resources in Nahiku. However, the County has not established legal jurisdiction. Historically the county also spent considerable time and resources on the closely related Kaeleku to Ulaino trail-road. However, the County of Maui and State of Hawai’i both renounced jurisdiction of that trail-road in legal court proceedings. The record is in your WAI Committee.

The current “Resolution” fails to consider and incorporate the many decades long “Old Roads and “Old Government Roads” history and issues. The unresolved “Old Government Roads” issues are partially well documented in your current WAI Committee (WAI-2). The obvious and legally relevant road jurisdiction issues need to be fully incorporated into any proposed “Resolution”.

Acting Public Works Director David Goode correctly identified the legally required Environmental Impact Statement (EIS) process as the proper way to proceed before any acquisition(s). He also correctly identified the requirement for a Special Management Area Permit (SMA). However, he did not address the Hana Highway to the Nahiku Bridge and Nahiku Landing issues.

An Environmental Assessment or Environmental Impact Statement, as required by Hawaii Revised Statute 343, would comprehensively research and document problems, costs and possible solutions in a legally required public process. The process should include: 1) Certified Title Reports showing “chain of title” back to Royal Patents for the “trail-road” from the current Hana Highway to the Lower Nahiku Landing. 2) Certified “meets and bounds” surveys. Title reports in conjunction with meets and bounds surveys should identify Private Property, State of Hawai’i or County of Maui ownership-jurisdiction. 3) An Environmental Assessment or Environmental Impact Statement would also include comprehensive examination of important environmental and cultural impacts. 4) An Environmental Assessment or Environmental Impact Statement would address the full range of community concerns and consider “Alternatives”.

Please include, consider and incorporate the Public Testimony from the January 28, 2019, WAI meeting regarding “Old Government Roads (WAI-2)” into this meeting testimony. It contains a letter and 7 Exhibits regarding relevant Nahiku issues.

You are welcome to call or email me to discuss any question

Mahalo for our careful consideration.

Malama Pono!

John Blumer-Buell

NEW PROPOSED DRAFT RESOLUTION FOR MARCH 8, 2019

RESOLUTION

“URGING THE MAYOR TO TAKE THE STEPS NECESSARY TO INVESTIGATE AND ASSIST IN THE RESOLUTION OF THE ISSUES OF OWNERSHIP AND JURISDICTION OF THE LOWER NAHIKU ROAD TO THE NAHIKU LANDING AND THE HISTORIC NAKIHU BRIDGE”

WHEREAS, the health and safety of residents and visitors of the Hana District of the County of Maui are at risk because of the conditions of the Lower Nahiku Road and Nahiku Bridge; and

WHEREAS, the matter of jurisdictional responsibility for Lower Nahiku Road and Nahiku Bridge must be resolved to protect the health, safety and well-being of residents and visitors of the Hana District; and

WHEREAS, the matter of jurisdictional responsibility for Lower Nahiku Road and Nahiku Bridge must be resolved to protect the County of Maui and State of Hawai'i from liability issues; and

WHEREAS, The 2008 Hawai'i State House Resolution 303 accurately stated the correct context of the Nahiku Bridge and Lower Nahiku Road, “REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO INVESTIGATE AND ASSIST IN THE RESOLUTION OF THE ISSUE OF OWNERSHIP OF NAKIHU BRIDGE AND LOWER NAHIKU ROAD”; and

WHEREAS, A record of unresolved “Old Roads” and “Roads in Limbo” issues are currently under consideration in the Maui County Council WAI Committee; and

WHEREAS, in September 2011, the County retained the structural engineering firm of Nagamine Okawa Engineers Inc. ("NOEI"), to conduct a structural assessment of the Lower Nahiku Bridge ("bridge"), on Lower Nahiku Road, Nahiku, Maui, Hawaii; and

WHEREAS, after conducting a field survey of the bridge, NOEI concluded that vehicular traffic should be limited to a maximum of 5,000 pounds, or a maximum of 3,000 pounds per axle, whichever is less; and

WHEREAS, in October 2014, NOEI was instructed to update the structural assessment of the bridge; and

WHEREAS, according to the updated assessment, it was recommended that the bridge be completely closed to vehicular traffic because of structural deterioration and that only pedestrian traffic be allowed; and

WHEREAS, presumably because of Nahiku Bridge's current weight rating, the Maui Fire Department and Emergency Medical Services fear for the safety of their employees and emergency vehicles if crossing the bridge; and

WHEREAS, the decades long uncertainty of jurisdiction over and ownership of the Lower Nahiku Road and the Historic Nahiku Bridge frustrates many residents and has created unwanted conflict within the community, the State of Hawai'i and the County of Maui; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby urge "THE MAYOR TO TAKE THE STEPS NECESSARY TO INVESTIGATE AND ASSIST IN THE RESOLUTION OF THE ISSUES OF OWNERSHIP AND JURISDICTION OF THE LOWER NAHIKU ROAD TO THE NAHIKU LANDING AND HISTORIC NAKIHU BRIDGE".
2. The resolution of these issues can peacefully and best be reached through comprehensive title reports showing the chain of title going back to Royal Patents, certified-legal meets and bounds surveys and a Hawaii Revised Statue 343 Environmental Impact Statement process.
3. Any decision to acquire jurisdiction or ownership through purchase, adverse possession, condemnation or other agreement(s) shall be made after the comprehensive public gathering of information as described in number two.

4. The 1994 Hana Community Plan Ordinance states under “Objectives and Policies”, page 14, “Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”. That statement of *ALOHA IS THE SPIRIT OF THIS “RESOLUTION”*.

APPROVED AS TO FORM.....

County Clerk

From: Melissa Miyashiro <melissa@blueplanetfoundation.org>
Sent: Wednesday, March 06, 2019 7:10 AM
To: County Clerk
Cc: Jeff Mikulina
Subject: Blue Planet Foundation's testimony in support of Item No. 19-23 before the Maui County Council on 3/8
Attachments: Blue Planet testimony on Maui Energy Conservation Code Mar19.pdf

Aloha,

Blue Planet Foundation respectfully submits the attached testimony in support of Item No. 19-23, for Council of the County of Maui hearing on Friday, March 8, at 9:00 A.M. Please let me know if you have any questions or issues with this testimony.

We appreciate your consideration.

Melissa Miyashiro
Chief of Staff
Blue Planet Foundation
o: 808.954.6161 m: 808.499.5713
blueplanetfoundation.org

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2019 MAR - 6 PM 2: 02
OFFICE OF THE
COUNTY CLERK



COUNCIL OF THE COUNTY OF MAUI

March 8, 2019, 9:00 A.M.

Council Chamber

(Testimony is 9 pages long)

**TESTIMONY IN SUPPORT OF ITEM NO. 19-23, WITH SUGGESTED AMENDMENTS
A Bill to establish a new Chapter 16.16B, Maui County Code,
pertaining to the Energy Code**

Chair King and County Council Members:

The Blue Planet Foundation strongly supports the proposal in Item No. 19-23 to modernize Maui's building energy code. The proposed bill adopts a revised version of the Hawai'i Energy Code for Maui County. These revisions would update Maui's existing building energy code—which is over ten years out of date—to increase occupant health and comfort while reducing energy use. The proposed code revision reflects broad changes in technology, building materials, and best practices, while considering Maui's unique island and building environment. ***We respectfully offer proposed amendments at the end of our testimony to strengthen this proposal and ensure that Maui residents receive the same energy benefits as the rest of the state.***

Blue Planet Foundation is a Hawai'i-based nonprofit organization. We work to clear the path for local, clean, renewable power. Through our advocacy for clean energy adoption, we seek to make our communities stronger, our energy more secure, our environment healthier, and our economy more robust. We appreciate Maui's leadership on clean energy issues.

As detailed below, the building energy code update proposed in Item No. 19-23 is:

- enormously cost-effective for residents and business owners on Maui;
- consistent with the state's very strong policy directives in favor of energy conservation;
- and
- flexible to make compliance easier for builders.

info@blueplanetfoundation.org

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The Code Updates Support the State’s Energy Mandates in a Cost-Effective Manner

Energy efficiency is the most cost-effective energy resource available in the state, costing a fraction of fossil fuel-powered electricity.¹ The anticipated energy savings arising from the 2015 IECC (International Energy Conservation Code) were tabulated in a May 2016 Report prepared for the Department of Business, Economic Development & Tourism (“DBEDT”).² When translated into dollars, the billions in savings plainly illustrate the enormous benefit of the proposed amendments.

Statewide Annual Savings	2016	2026	2030	2036
MWh per year	12,962	1,083,590	1,991,059	4,702,738
\$ per year	\$4,000,000	\$337,000,000	\$619,000,000	\$1,463,000,000

(Note: energy cost savings calculated here utilize the average retail cost of electricity over the past five years;³ this provides a conservative estimate of cost savings, because it does not factor a potential rise in energy prices.)

Extrapolating the savings for Maui based on the percentage of energy used on the island versus statewide energy use, **the estimated 20-year savings for Maui is over \$166 million under the proposed building energy code revisions.**

The substantial savings resulting from reduced energy use dwarf the associated costs. In its February 2016 report, the Pacific Northwest National Laboratory stated: “The 2015 IECC provides cost-effective savings for residential buildings in Hawai‘i. Moving to the 2015 IECC from the 2006 IECC base code is cost-effective for residential buildings in all climate zones in Hawai‘i.”⁴ Moreover, we understand that this cost-effectiveness may be *even higher* for many residential buildings in Hawai‘i, where immediate cost savings can be obtained via lower construction costs *and* lower energy costs by utilizing the particularly important portions of the code applicable to the tropical zone. In such instances, the “payback” period would be immediate.

¹ Energy savings delivered by the state’s Hawai‘i Energy program in 2014 cost 2.4 cents per kWh. See *Hawai‘i Energy 2014 Annual Report*, available at https://hawaiienergy.com/images/resources/ProgramYear2014_AnnualReport.pdf. Even with today’s near-record low oil prices, electricity from oil-fired power plants costs around five times more. See *DBEDT Monthly Energy Trends*, available at <http://dbedt.hawaii.gov/economic/energy-trends-2/>.

² See The Cadmus Group, Inc., *Energy Savings Forecast for the 2015 Int’l Energy Cons. Code with Haw. Amendments* (prep’d for DBEDT, May 2016), available at <https://energy.hawaii.gov/wp-content/uploads/2016/07/Energy-Savings-Forecast.pdf>.

³ See DBEDT Monthly Energy Trends.

⁴ Pac. Northwest Nat’l Lab., *Cost-Effectiveness Analysis of the Residential Provisions of the 2015 IECC for Hawaii* (prep’d for the U.S. Dept. of Energy by, Feb. 2016), available at https://www.energycodes.gov/sites/default/files/documents/HawaiiResidentialCostEffectiveness_2015.pdf

Energy Conservation is a Bedrock Policy of the State

The energy world has accelerated rapidly in the last decade. In 2015, Hawai'i adopted the nation's first 100% renewable energy mandate. Meanwhile, as Hawai'i and other places around the globe have made smarter energy a priority, technologies for energy efficiency and other demand-side management strategies have progressed rapidly alongside.

These policy and technical advancements have left a gap between the existing code (based on the IECC of 2006) and today's energy realities. The proposed 2015 update in Item No. 19-23 will take important steps to narrow the gap.

In a state with no indigenous fossil fuels, it makes sense that energy conservation is a core principle. Indeed, the importance of energy stewardship and efficiency is directly embedded within Hawai'i's constitution:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, **including . . . energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation** and in furtherance of the self-sufficiency of the State.⁵

Similarly, state lawmakers have stated that planning for the state's infrastructure shall be directed toward the achievement of objectives that include: "Sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045";⁶ and "Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawai'i's dependence on imported fuels for electrical generation and ground transportation."⁷

To achieve these objectives, it is the official policy of the state to promote energy conservation through measures such as: "**Adoption of energy-efficient practices and technologies**" and "**Increasing energy efficiency and decreasing energy use in public infrastructure.**"⁸

These constitutional and legislative policy directives in favor of energy conservation strongly support the proposal in Item No. 19-23 to modernize the Maui building energy code.

⁵ Haw. Const. art. X, § 1 (emphasis added).

⁶ See H.R.S. § 225P-3(a).

⁷ *Id.* at § 226-18(a).

⁸ *Id.* at § 226-18(c)(4) (emphasis added).

The Code Updates Provide Compliance Flexibility to Builders

Many of the building energy code amendments in the proposed energy code update address Hawai'i's tropical environment. Further, they provide flexibility and options to builders to comply with the code, reducing construction costs and making compliance easier. Specifically:

- Walls of residential and commercial buildings are exempt from expensive exterior insulation requirements when they are shaded or have light-colored exterior coatings.
- Mass walls six inches and thicker in commercial buildings will not be required to have insulation. The national code requires R-5.7 continuous insulation, which would add substantially to the cost of construction.
- Lighting systems in commercial buildings may be designed to 70% of 2015 IECC lighting power density in lieu of installing complex daylighting and dimming systems, which add to design, material, and labor costs. The 70% option reaps greater energy savings than would the two control systems.
- Roof replacements in commercial buildings may be done with solar reflectance, attic ventilation, or radiant barriers, substantially reducing construction costs compared to national code requirements.
- Homes will not be required to insulate floors to R-13, substantially reducing construction costs.
- Re-roofed homes will be allowed to comply with the options of Energy Star roof coverings, radiant barriers, or attic ventilation in lieu of more expensive insulation requirements.
- The Tropical Code option section is designed for homes with no air conditioning or minimal air conditioning. The design eliminates the requirement for tight home construction and minimizes wall and roof insulation requirements. The point system rewards design that promotes cross ventilation and large overhangs over walls and windows and other passive design features, lowering construction costs. An optimized Tropical Code home, compared to an air-conditioned home, reduces energy by as much as 48%.

The Code Makes Sensible Additions to Maui's Building Energy Code

In addition to the myriad energy saving additions incorporated in the updated IECC 2015 building energy code (as proposed for Maui), Blue Planet Foundation appreciates the inclusion of the following energy upgrades in this proposed ordinance:

- Sub-metering is required in commercial tenant spaces, providing more visibility into energy use for tenants and enabling them to take better control of their energy finances.
- Lanai doors in hotel and similar buildings shall include a switch that turns off the air conditioning if the door is not closed. This reduces energy costs and prevents warm moist air from coming into contact with cold surfaces, potentially causing condensation, mold, and health issues.

SUGGESTED AMENDMENTS

Blue Planet Foundation respectfully requests that Councilmembers consider amendments to strengthen this proposal and ensure that Maui residents receive the same energy benefits as the rest of the state.

Amendments to ensure that the Maui building energy code doesn't fall short of the Hawai'i Energy Code

The changes proposed to Maui's building energy code largely mirror the Hawai'i Energy Code adopted by the state in 2017 (and currently being considered by other counties for adoption). But, unfortunately, the proposed Maui code makes some changes to weaken the requirements set in the Hawai'i Energy Code. In four areas, existing requirements in the code ("shall") are *changed* to more permissive language ("may"):

1. Page 10: Commercial air leakage testing.
"C402.5 Air leakage—thermal envelope (Mandatory). The thermal envelope of buildings shall comply with Sections C402.5.1 through C402.5.8, or the building thermal envelope thermal envelope **shall [may]** be tested in accordance with ASTM E 779 at a pressure differential of 0.3 inch water gauge (75 Pa) and deemed to comply with the provisions of this section when the tested air leakage rate of the building thermal envelope is not greater than 0.40 cfm/ft² (0.2 L/s • m²)."
2. Page 14: Exceptional calculation methods.
"C407.6.3 Exceptional calculation methods. Where the simulation program does not model a design, material or device of the proposed design, an exceptional calculation method **shall [may]** be used where approved by the code official."
3. Page 25: Residential air leakage testing.
"R402.4.1.2 Testing. The building or dwelling unit **shall [may]** be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8."

4. Page 27: Electric vehicle charger rough-in.

"R404.3 Electrical vehicle charger power. An electrical rough-in for a future electrical vehicle shall [may] be installed in a garage / carport area.

To ensure that Maui residents and businesses receive the same energy and cost savings benefits as the rest of the state, Blue Planet Foundation requests that these four requirements be reinstated in the proposed Maui building energy code.

Amendments to strengthen the Maui building energy code

Blue Planet Foundation seeks to accelerate progress towards our 100% clean energy future. We recognize that the proposed energy code amendments are already out-of-date, having been based on the 2015 International Energy Conservation Code. We propose two new amendments to the Maui building energy code to increase energy savings for Maui and to help future-proof new construction. *These two proposed changes are currently under consideration for inclusion in the Honolulu building energy code update.*

1. Proposed new language for R403.5.5 (page 26 of the draft bill)

R403.5.5 Solar water heating. Residential single-family buildings shall use solar, wind, or another renewable energy source for not less than 90 percent of the energy for service water heating.

Exception: If an architect or mechanical engineer licensed under Chapter 464, of the Hawaii Revised Statutes, attests and demonstrates that installation is impracticable due to poor solar resource or installation is cost-prohibitive based upon a life cycle cost-benefit analysis that incorporates the average residential utility bill and the cost of the new solar water heater system with a life cycle that does not exceed fifteen years, then a grid-interactive water heater or a heat pump water heater shall be used for service water heating. For the purpose of this section, "grid-interactive water heater" means an electric resistance water-heater fitted with grid-integrated controls that are capable of participating in an electric utility load control or demand response program.

Justification for this amendment

Amending the solar water heating requirement for residential buildings following the "non-tropical" compliance path is important to help ensure that new homes on Maui provide the lowest cost of living while minimizing fossil fuel use. These amendments—supported by the City & County of Honolulu—clarify that, in the rare case where a solar water heater is impractical or too expensive over a 15-year lifecycle analysis, a smart water heater is used. This closes the loophole in the existing state law that may allow instantaneous fossil gas water heaters to be used through a variance process.

Solar Hot Water (“SHW”) vs. Instantaneous Gas Heating (“IGH”)

- While upfront costs for a home increase slightly, significant savings benefits accrue to the homeowner almost immediately, and the overall value of the home in NPV terms increases by nearly \$5,000.
- In addition, the resident saves on on-going water heating costs, reduces carbon impact, and is shielded from volatile and uncertain gas prices.
- Over the typical 12-year life of a SHW system, the cumulative net benefit (savings) is ~\$7,500 vs. ~\$560 for IGH.
- The Net Present Value (“NPV”) of SHW is nearly \$5,000 (\$4,926) vs. only \$146 for IGH.
- The simple payback period, or time it takes for the system to pay for itself, is between 2 and 3 years for SHW vs. 8 years for IGH.

Current SHW Mandate Variances

- Between January 1, 2010 and August 31, 2018, the Department of Business, Economic Development, and Tourism (DBEDT) approved 6,452 or 99.8% of the individual variance applications it received, and denied only (7).⁹
- Of the approved variances as of August 31, 2018, approximately 94.4% (6,096) were for the installation of gas water heaters, which were approved at a 99.9% approval rate.
- Based on these data, between January 1, 2010 and June 30, 2018, DBEDT authorized nearly one-third, specifically 31.7 percent, of new single-family residences constructed in Hawai'i to install on gas water heaters rather than solar or other renewable energy technologies.
- The average solar water heater installation takes four hours to complete, generates \$6,000 in revenue for solar water heater contractors, installers, distributors, and manufacturers. Therefore, the 6,096 gas water heater variances DBEDT has granted as of August 31, 2018 resulted in approximately 24,384 lost employment hours for solar water heater installers and \$36,576,000 in lost revenue for the Hawai'i solar industry.¹⁰
- DBEDT estimates an average cost of \$600 for maintenance over the life of a solar water heating system. Thus, the 6,096 gas water heater variances to date result in an additional approximate \$3,657,600 of lost revenue for the Hawai'i solar industry.

2. New subsection C406.8 (add to page 12 of the draft bill after C406.3)

C406.8 Electric vehicle infrastructure. New residential multi-unit buildings that have eight or more parking stalls and new commercial buildings that have twelve or more parking stalls shall be electric vehicle charger ready for at least 25% of the parking stalls. As used in this section, “electric vehicle charger ready” means that sufficient wire, conduit, electrical panel service capacity, overcurrent protection devices, and suitable termination points to connect to a charging station capable of providing simultaneously an AC Level 1 charge per required parking

⁹ See Department of Business, Economic Development & Tourism, <http://energy.hawaii.gov/resources/solar-water-heater-variance>.

¹⁰ Hawai'i Solar Energy Association

stall for residential, multi-unit buildings and an AC Level 2 charge per required parking stall for commercial buildings.

Justification for this amendment

The International Energy Agency has found that “the availability of chargers emerged as one of the key factors for contributing to the market penetration of electric vehicles (EVs).” Unlike gasoline car owners, charging behavior for EV owners indicates that more than 80% of EV drivers charge their cars at home or at work.¹¹ In addition, a large share of the Hawaii population lives in high density, multi-unit dwellings (MUDs). The vast majority of parking facilities are not currently being built to accommodate EV chargers. Building parking facilities that have the capacity to add EV chargers incurs minimal additional costs, while helping to avoid expensive retrofits in the future.

Such “EV Ready” requirements (at varying percentages of required parking stalls) are already in place in San Francisco, Oakland, New York City, Boston, Vancouver, Washington state, and numerous other locations.

Requiring that a percentage of parking stalls be EV Ready results in significant long-term savings for residents. When EV readiness is considered in the design of a building or parking area, decisions about the lowest cost layout can be made—allowing building owners and operators to reduce the financial burden of modifying or upgrading electrical systems later as well as avoid the construction costs and mess of trenching or boring to lay conduit for EV charger installation. The costs associated with installing an EV charger vary widely, depending on the site location and available electrical capacity. What is certain is that it is significantly *less expensive* to prepare for charging EVs as buildings are designed and constructed.

A study conducted by Energy Solutions and Pacific Gas and Electric Company¹² prior to adopting building standard changes in San Francisco, in addition to data from Southern California Edison’s EV infrastructure retrofitting program, demonstrate that 1) installing EV infrastructure at the time of construction can be 91% less expensive than post construction retrofits and 2) per stall installation costs can be reduced through economies of scale, by deploying more stations at time of construction.

When buildings aren’t built EV Ready, owners need to engage in expensive and time-consuming retrofitting, adding electrical capacity and running conduit to install EV charging. This can take several weeks and cost tens of thousands of dollars, and greatly reduces the interest in driving electric. Building EV Ready from the start is a better approach.

¹¹ <https://www.iea.org/publications/freepublications/publication/GlobalEVOutlook2017.pdf>

¹² Energy Solutions & Pacific Gas and Electric (November 2016), “Plug-in Electric Vehicle Infrastructure Cost Effectiveness Report for San Francisco.”

Benefits of EV Readiness

- Retrofitting for EV conduits costs 4 to 8 times more than ensuring EV Readiness during new construction.¹³
- Average residential buildings have a 50-year lifespan on average. It is critical that charging infrastructure is incorporated in the pre-construction stage to ensure buildings can accommodate future EV-driving residents.¹⁴

EV Charging Levels Explained¹⁵

Level of Service	Type of Charge	Power Rating	Driving Distance Added per Hour	Typical Charging Time (hours)
Level 1	Trickle charge	1.0 to 1.4 kW	3.3 miles	10 to 24
Level 2	Standard charge	7.7 to 9.6 kW	25 to 30 miles	1.0 to 10
DCFC	DC Fast charge	50 to 350 kW+	125 to 400 miles	0.5 to 1.5

Cost of Installing Charging Station Infrastructure Before and after Construction¹⁶

Scenario	Cost Per EV Parking Space with 40A Circuit	
	New Build	Retrofit
5-10 EV spaces	\$920	\$10,273
26+ EV spaces	\$860	\$3,634

The proposed Maui building energy code amendments are sensible, cost-effective, and flexible. Blue Planet Foundation strongly supports their adoption with our proposed amendments.

We are happy to answer any questions about this proposed bill or our testimony.

Mahalo for this opportunity to provide testimony.

¹³ Nick Lee, Tesla

¹⁴ Model Ordinance Relating to Electric Vehicle (EV) Charging Infrastructure (2018)

¹⁵ Nick Lee, Tesla

¹⁶ "Plug-in Electric Vehicle Infrastructure Cost-Effectiveness Report for San Francisco" and "SCE Charge Ready Advisory Board 5th Meeting – Slide 11"

From: William Amoral <willyamoral@yahoo.com>
Sent: Wednesday, March 06, 2019 3:15 PM
To: County Clerk
Subject: Cc 19-115

RECEIVED
2019 MAR -6 PM 3: 32
OFFICE OF THE
COUNTY CLERK

Good morning or after noon to who it concerns

I feel and would like to see our Clerks make more money. In my eyes they do a lot. I am a working Forman and somedays I am in the office with them and I see how much stuff that they do on a daily basis and deal with the public and complaints that come in daily and do there office work too. To me it's not physical work like a laborer does but it's a different kind of physical work as then need to know a lot about computers and they need to keep it cool when a complaint comes in and they are getting yelled at over the phone.

Willy H. Amoral III
Veterans Cemetery Supervisor
Sent from my iPhone

From: Lee Yonamne <leeyone52@yahoo.com>
Sent: Wednesday, March 06, 2019 3:21 PM
To: County Clerk
Subject: Clerk raises - Agenda Item No. CC 19-115

RECEIVED
2019 MAR -6 PM 3: 32
OFFICE OF THE
COUNTY CLERK

Begin forwarded message:

From: Lee Yonamne <leeyone52@yahoo.com>
Subject: Clerk raises
Date: March 6, 2019 at 3:18:09 PM HST
To: county.clerk@mauicounty.us

To whom it may concern,

I am in support for the county clerks pay increase, I'm a supervisor in the county and have a clerk in our department. I cannot believe that the clerks make less than an unskilled laborer. They are responsible for time sheets, Pcards and filing our daily invoices. They've been trying for 5 years for a pay increase and I believe they deserve it because of all the important responsibilities they have.

Lee Yonamine
Automotive Repair Supervisor II

From: Elsie Freitas <elsie.freitas@gmail.com>
Sent: Wednesday, March 06, 2019 4:04 PM
To: County Clerk
Subject: No. CC 19-115

RECEIVED
2019 MAR -6 PM 4:06
OFFICE OF THE
COUNTY CLERK

To whom it may concern,

I support salary increases for Bargaining Unit 3 Clerks. Our clerk is vital to our base yard. The amount of phone calls, paperwork, and the community at large, we feel strongly that they deserve more pay. We rely on our clerks daily to assist us with our needs at work. It is unreal to find out that our clerks have been fighting for more than five years for a raise. With our understanding they have not been given a raise that they deserve. Something needs to be done for our clerks. They are the heart of our offices and deserve better pay for the job that they deal with on a daily basis.



Council of the County of Maui
Council Chamber, 8th floor, 200 South High Street
Wailuku, Hawai'i 96793

Testimony in Support of Item No. 19-23
A Bill to establish a new Chapter 16.16B, Maui County Code, pertaining to the Energy Code

Environmental, Agricultural, and Cultural Preservation Committee

Dear Chair King and County Council Members:

Thank you for the opportunity to submit comments on Item No. 19-23, relating to the modernization of Maui County's building energy code. The Hawai'i Energy program would like to testify in strong support for this item.

Hawai'i Energy works on behalf of the Hawai'i Public Utilities Commission (PUC) to empower island families and businesses to make smart energy choices to reduce energy consumption, save money, and pursue a clean energy future. We believe the new energy codes are critical in this effort and part of a global movement to make progress on climate change mitigation through codes and standards.

Energy efficiency remains the cheapest, cleanest energy resource today. The amended IECC 2015 will provide healthy and safe indoor environments while providing substantial bill savings for occupants over the life of the building, promote greater energy resilience and help Hawai'i reach our statewide commitment to reach 100% clean energy by 2045. In general, any building code is designed and reviewed for efficiency with cost-effectiveness in mind. Moreover, the Hawai'i amendments were carefully developed with the input of many agencies, organizations and the design and construction industry to minimize unintended consequences such as increased construction, materials and labor costs – while assuring occupants the benefits of high performance buildings that consume less electricity.

The following sample provisions of the amended code illustrate its flexibility and thoughtful adaptations for our tropical environment, and the potential to *reduce* construction cost through its implementation:

Commercial Buildings:

Lanai doors in hotel and similar buildings must include a switch that turns off the air conditioning if the door is not closed. This reduces energy costs and prevents warm moist air from coming into contact with cold surfaces, potentially causing condensation and the risk of conditions favorable to mold.

Mass walls 6 inches and thicker in commercial buildings will not be required to have insulation. The national code requires R-5.7 continuous insulation, which would add substantially to the cost of construction.

Roof replacements in commercial buildings may be done with solar reflectance, attic ventilation or radiant barriers, substantially reducing construction costs compared to national code requirements.

Sub-metering is required in commercial tenant spaces, which will increase awareness and hold tenants financially responsible for their own energy use -- increasing the incentive for efficiency and conservation.

Lighting systems in commercial buildings may be designed to 70% of 2015 IECC lighting power density in lieu of installing complex daylighting and dimming systems which add to design, material and installation labor costs. The 70% option reaps greater energy savings than would the two control systems.

Residential buildings:

The Tropical Code option section is designed for homes with no air conditioning or minimal air conditioning. The tropical option's point-based system rewards design that incorporates cross ventilation, large overhangs over walls and windows and other passive design features, lowering construction costs. Insulation requirements are minimized and anti-leakage provisions are eliminated.

Unlike the national code, Hawai'i homes will not be required to insulate floors to R-13, substantially reducing construction costs.

When re-roofing, homeowners will be allowed to comply with the options of Energy Star roof coverings, radiant barriers or attic ventilation in lieu of expensive insulation requirements.

Applicable to residential and commercial buildings:

Walls of residential and commercial buildings are exempt from expensive exterior insulation requirements when they are shaded or have light-colored exterior coatings.

Additionally, to keep Maui County prepared for the certain evolution of how the energy and consumer landscape will look 10, 20 and 30 year or more years in the future, Hawai'i Energy would support amendments requiring basic electric vehicle infrastructure, recognizing the sizable cost advantage of having EV-ready capacity at the time of construction. This will ease the path toward electric vehicle adoption by reducing the cost to install post-construction and help realize the associated electrical grid and clean energy benefits.

We note that the proposed draft amendments include, in four instances, the substitution of the word "may" for "shall," including one instance related to EVs (referenced above). We respectfully urge the Council to consider the implications of making the provisions elective in terms of equivalence with the state code and ability to meet the carefully considered objectives.

Potential Benefits of the Fully Implemented Code

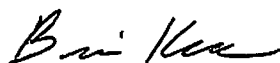
Rigorous analysis on the cost and energy saving implications of the code support its rapid adoption and implementation. For example, a 2015 study by the Pacific Northwest National Laboratory ("*National Cost Effectiveness of the Residential Provisions of the 2015 IECC*"), conducted specifically on Hawai'i's tropical climate zone residential option, estimated that compared to the old code, the prescriptive requirements for glazing and insulation would save \$1,252 in construction costs for a model 1,200 square-foot single family home. (This does not include the energy bill savings that would be realized immediately and over time). It is important that Maui's homeowners have such efficient features 'baked-in' to the construction of their homes from day one, so that they can buy -- *and afford to stay in* -- their homes for generations, if they choose.

The Blue Planet Foundation, based on data provided by the Hawai'i State Energy Office, estimates that over the next 20 years, Maui will save over \$166,000,000 through the implementation of the 2015 code and the amendments in the subject Bill. This is money that can stay in the local economy rather than being used for fossil energy or imported renewable infrastructure.

The sensible energy code amendments in the proposed Maui Energy Code, represent a critical opportunity for Maui to make a leap forward in the transition to 100% clean energy and will provide lasting economic benefits to residents and businesses who are already burdened with high costs. We encourage the Committee to pass the adoption of these provisions.

Thank you for the opportunity to testify. If you have any questions on Hawai'i Energy's programs or our work toward the adoption of stronger energy codes, please do not hesitate to contact me.

Sincerely,



Brian Kealoha
Executive Director

From: tedyne@hawaii.rr.com
Sent: Wednesday, March 06, 2019 4:05 PM
To: County Clerk
Subject: Agenda Item No. CC-115

RECEIVED

2019 MAR -6 PM 4: 06

OFFICE OF THE
COUNTY CLERK

To whom it may concern,

- . I support salary increases for Bargaining Unit 3 clerks.
- . I was shocked to learn that the clerks make less than an unskilled laborer & the janitors
- . County of Maui Clerks deserve more pay
- . We've been fighting for more than 5 years
- . Our Supervisors & co-workers rely on us clerks daily to assist with the daily needs of the job. We do above and beyond the call to run the shop smoothly.
- We have to go to classes every year to keep up with the new programs and computer software.
- We do payroll and p-cards and also have to take care of the budget.
- We would love to have our step movements back and retro so it can help us with the cost of living in Hawaii. The cost keeps going up but our pay remains the same for year.

Sincerely and thank you,

Tedynne Sokugawa
County of Maui
Clerk III

From: ltms@hawaii.rr.com
Sent: Wednesday, March 06, 2019 4:17 PM
To: County Clerk
Subject: CLERK REPRICING: AGENDA ITEM NO. CC 19-115

RECEIVED
2019 MAR -6 PM 4:17
OFFICE OF THE
COUNTY CLERK

To Whom It May Concern,

I support salary increase for Bargaining Unit 3 clerks. I was shocked to learn that the clerks make so much less than a unskilled laborer and a janitor. I believe the Maui County Clerks deserve more pay because of the high cost of living in Hawaii. Their salaries don't match with cost of living here in Hawaii. They have been fighting for more than 5 years for this repricing. The office rely heavily on the clerks for they are very knowledgeable for the daily operations of the department.

Thank you, Lance Sokugawa

SUBJECT: AGENDA NO. CC 19-115

Dear Council members,

I'm writing this letter in support of a salary increase for our clerks. As a highways employee, I see the volume of work these clerks have. They also take care of the administration side for 30+ employees for our district. They also deal with the calls from the public which are sometime very rude people. They expect our clerks to have all the answers and even be an engineer at times.

These workers are the heart of our operations. As a supervisor I rely on them when it comes to the administration side of our operation. They do far more than is expected of them. I ask to consider approving this increase for them.

Thank you for all you'll do.

Sincerely,

Wilfred Albiar

RECEIVED
2019 MAR -7 AM 8:44
OFFICE OF THE
COUNTY CLERK

RECEIVED

From: Gary Ambrose <gotgearsmaui@yahoo.com>
Sent: Thursday, March 07, 2019 7:57 AM
To: County Clerk
Subject: Agenda item No. CC 19-115

2019 MAR -7 AM 8:44

OFFICE OF THE
COUNTY CLERK

To whom may concern,

I would like to support County of Maui Clerks increase in pay. I believe the clerks we have in DPW highways are not properly compensated for the daily work they do. Currently DPW Wailuku highways has 35 employees assigned to one Admin Assistant I, who currently makes less then our entry level laborer position.

Timecards, P-cards,DF-2's,Attendance,CDL recertifications,vehicle updates,PUC physicals,filing,answering phones,interview process for new hires,requisitions,daily and monthly reports are just some of what the clerks do on a daily basis. I know this is true because I have been doing these duties on top of running my district because I have no clerk. I cannot find someone to TA because the pay is so small and I cannot hire till June.

Please re-evaluate the clerks PD and pay schedule so we can attract interested applicants and give incentive to the clerks we currently have.

Thanks Gary
DPW Wailuku Hwys District Sup II
Sent from Mail for Windows 10

RECEIVED

From: Jamie Ferge <Jamie@ceramictileplus.com>
Sent: Thursday, March 07, 2019 8:14 AM
To: County Clerk
Subject: CC 19-115 Bargaining Unit 3 Possible Salary Increase

2019 MAR -7 AM 8:44

OFFICE OF THE
COUNTY CLERK

Good Day County Council Members,

This letter is in support of CC 19-115 Bargaining Unit 3 Possible Salary Increase.

Please take the time to seriously consider equal pay for the clerical staff employed by the County of Maui. These clerks preform an important role in the County of Maui's daily functions.

The qualification for these clerical positions exceed the qualifications for unskilled labor positions, so why not equal pay for wages? Clerical position keep evolving with changes in Technology and continual learning of new software programs are required for these clerical positions. It stunned me to find out that the pay differences between a clerk and unskilled laborer is between 15%-27%. These clerks are the backbone that keeps departments within the County functioning.

Working in the Private Sector for over 33 years working my way up from a clerk to now Finance Officer of a privately owned company I understand the important roles that clerks play in our day to day business and my opinion is that the County of Maui should do the same.

More and more local residents are moving away from Maui and we wonder why. The high cost of living along with rising costs of real estate, how is someone supposed to qualify for a mortgage making \$ 14.00 - \$ 16.00 an hour?

Thank you for the opportunity to submit written testimony.

Sincerely,

Jamie Ferge

Finance Officer
JR Doran Inc.
dba Ceramic Tile Plus
dba Exclusively Yours
25 S. Kahului Beach Road
Kahului, HI 96732
Phone: (808) 871-7595 ext. 311
Fax: (808) 419-7050



RECEIVED

From: troyferge@aol.com
Sent: Thursday, March 07, 2019 8:21 AM
To: County Clerk
Subject: CC 19-115 Bargning Unit 3 Possible Salary Increase

2019 MAR -7 AM 8:44

OFFICE OF THE
COUNTY CLERK

Good Day County Council Members,

This letter is in support of CC 19-115 Bargaining Unit 3 Possible Salary Increase.

I am in support of equal pay for clerks of the County to the entry level Unskilled Laborer positions. Both positions play a vital role in the day to day functions of the County and there for equal compensation should be given.

Thank you,
Troy Ferge

RECEIVED

2019 MAR -7 AM 8:44

3/7/19

To whom it may concern,

As I'm not able to personally testify, I'm writing to you in regards to item CC 19-115 on your agenda. I am currently an Administrative Services Assistant I, with the Molokai Highways Division, in the Department of Public Works. I've been with this department/division for 5, going on 6 years. I started, in 2013, as a Clerk III, but I've been applying to work as a clerk with the County of Maui since the mid to late 2000's. During the times I've applied to no avail, my husband and I resided in Maui. In 2012, we were fortunate enough to move back to our home of Molokai, where I was blessed to finally acquire a job with this division. God had a plan. It's no doubt that this job is a blessing, but, as I'm now wise enough to understand, the deficiency in pay within this unit would never have been able to sustain my husband and me had I had the privilege of obtaining the position of Clerk III, while I lived on Maui. Quite frankly, I'm amazed at how any of my fellow unit members can create quality lifestyles for them and their own families, without having quadruple supplemental incomes.

If I were able to personally speak, I would have only three minutes to make an impact on you, to decide on discussing this life changing amendment- I would have only 180 seconds to make a significant impression on you, so that you would choose to take this item off the Lazy Susan and finally set it on the table. As you're reading this now, I'm probably right at the center of those three minutes, but I'll end with this- the administration of the County of Maui is the heart of the county of Maui. No other individual person or private entity could ever understand the enormity of responsibility it takes to "run" the County of Maui, and therefore, if not in the position of a BU03 member, no one could understand the enormity of responsibility it takes to BE a county clerk.

Daily, many of us (clerks), have a constant stream of information that we have to process- information to receive, then subsequently release. As a clerk in the Highways Division, I'm sure I'm not the only one who looks to laborers and equipment operators in admiration, not only because of their earnings, but because at the end of the day, they're able to shut off the work day in their minds, and start anew the next day. They won't have thoughts of another worker's EC-1 (medical form) pop into their head, while they're cooking dinner- or ever have the need to mentally review a checklist in their head, of a grave marker request form, for another family who needs to bury a beloved veteran, while they watch a movie with their family. They get to check in at 7:00AM and check out at 3:30PM. Some clerks in general may end days carrying the angst of a conversation had, with the last customer or community member they spoke with, who decided to take their bad day out on us. From the "get" to the "go" our minds are never on a break. Our interpersonal skills are always engaged, pushing and pulling, switching between the offense and the defense.

We aren't asking for the world, we're simply asking to be acknowledged, recognized, and accepted as the *integral* part of this white collar world that we are.

Please initiate a motion to have our item discussed, and heard, and please support an approval.

Cordially,



Jaylene Nuesca

Administrative Services Assistant I, Molokai Highways

From: Thomas Nuesca <thomasnuesca@yahoo.com>
Sent: Thursday, March 07, 2019 8:38 AM
To: County Clerk
Subject: CC 19-115

RECEIVED

2019 MAR -7 AM 8:44

OFFICE OF THE
COUNTY CLERK

Dear Maui County Council,

My wife is a clerk with the County of Maui, on Molokai. I support the clerk salary increase that they have been fighting for. It would greatly help families, but also because I know the kind of work my wife does. I believe that my wife, and other clerks who do the types of work that she does, who depend on their salaries, should make more than a janitor or laborer. I believe, if the salaries don't increase, no one will want to fill these positions as other clerks retire, because they will not be able to survive on the pay. They would have to take up second or third jobs, just to cover life costs, leaving them with a poor quality of life. When we travel to Oahu, I feel bad for everyone having to hustle, and I'm afraid that Maui county may be turning into that. With the cost of living on the rise, family life goes on the decline. If you support this item, you are taking the first step to saving many futures.

Please support the Maui County Clerical Repricing Committee's recommendation for salary increases to Bargaining Unit 3.

Aloha,
Thomas Nuesca

RECEIVED

From: Gerald T Tomooka <gttomooka@yahoo.com>
Sent: Thursday, March 07, 2019 8:01 AM
To: County Clerk
Subject: Agenda Item No. CC 19 - 115

2019 MAR -7 AM 8: 44

OFFICE OF THE
COUNTY CLERK

Good Morning,

All Clerks at the County of Maui does alot for our departments. We highly rely on their daily task. Didn't recognize how low their pay were. I highly support for their salary increase for the Bargaining Unit 3 clerks.

Mahalo,
Gerald

Sent from Yahoo Mail on Android

RECEIVED

From: B Andaya <andayab23@gmail.com>
Sent: Thursday, March 07, 2019 7:18 AM
To: County Clerk
Subject: No. CC 19-115

2019 MAR -7 AM 8: 45

OFFICE OF THE
COUNTY CLERK

County Of Maui Clerks deserve more pay

We rely on our clerks daily to assist with our needs at work

I support salary increases for Bargaining Unit 3 clerks

Thank you

Sent from my iPhone

RECEIVED

From: tedyne@hawaii.rr.com
Sent: Thursday, March 07, 2019 7:24 AM
To: County Clerk
Subject: AGENDA NO CC 19-115 REPRICING

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

To Whom It May Concern,

I support salary increases for Bargaining Unit 3 Clerks. I was stunned to learn that clerks made less than an unskilled laborer. County Clerks justify more pay on job ability. They've been belligerent for more than 5 years on an increase in pay. We confide on our Clerks constantly to accommodate our needs at work on organizing paper files on what we buy like auto parts, materials, etc. Also doing our payroll and p-cards which is an accountant job not a clerk job. So I support the salary increase!

Thank you,
Glen Cabatingan
Construction Equipment Welder
Wailuku Highways, Wailuku Garage

RECEIVED

2019 MAR -7 AM 8:45

From: Peter Castro <peter_castro27@yahoo.com>
Sent: Wednesday, March 06, 2019 9:50 PM
To: County Clerk
Subject: Agenda Item No. CC 19-115

OFFICE OF THE
COUNTY CLERK

We depend on our clerks daily with our paperwork. Without their clerical support we can not do or process the paperwork we need. I always see them work hard and beyond their capacity. So I strongly support their salary increases.

Peter M. Castro
Equipment Operator IV
County of Maui
Public Works and Highways

Sent from Yahoo Mail on Android

RECEIVED

From: zg.cast18 <zg.cast18@gmail.com>
Sent: Wednesday, March 06, 2019 9:32 PM
To: County Clerk
Subject: Fwd: Agenda Item No. CC 19-115

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "zg.cast18" <zg.cast18@gmail.com>
Date: 3/6/19 9:01 PM (GMT-10:00)
To: county.clerk@mauicounty.us
Subject: Agenda Item No. CC 19-115

I support salary increases for bargaining unit 3 clerks. I work at a clerical level, so I know the high volume of calls and paperwork the clerks process daily, and the difficulty of meeting deadlines. I can relate to their feeling of not getting paid as good as other employees in different bargaining units. In the past 8 years, BU:09, 13, 10 and 01 have more pay increases than BU:03. I believe that clerks in BU:03 deserve a better pay. I understand that BU:03 is a big unit but this doesn't mean that they don't deserve a better salary like other bargaining units. For these reasons, I sincerely ask for the support of our respective County of Maui Council Members. Thank you very much in advance for your great support!

Sincerely,

Zita Castro
Street

Human Resources Asst IV
Wailuku, HI 96793

Department of Health

54 High

Sent from my Verizon, Samsung Galaxy smartphone

RECEIVED

From: MelNRox Catiel <M_RCatiel@hotmail.com>
Sent: Thursday, March 07, 2019 6:36 AM
To: County Clerk
Subject: Agenda Item No. CC 19-115

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

Aloha:

With the high cost of living in the State of Hawaii, it's difficult to make ends. Therefore, I am in full support of the salary increases for Bargaining Unit 3 clerks.

Thank you
Roxanne Catiel
Administrative Service Assistant 1

Hi my name is Keith Dickson and I am a HC&M Supervisor I for the County of Maui Dept. of Public Works.

I am writing to you in support of the salary increase for Bargaining unit 3 clerks.

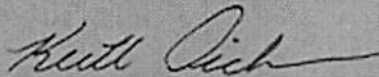
I believe they deserve better pay because as a supervisor I depend on them to keep us advised of what is going on and help to relay messages quickly and accurately. They also need to have good computer and office skills such as filing , organizing and getting things done on time. They also need to be able to communicate, be polite and respectful to the public when they call our office, which can be very difficult at times. They are representing the County.

I did not realize they were making less than an unskilled labor , yet they need to take a test to prove their skills.

In short they are very important to our operation and I hope you will consider a pay raise for our clerks.

Sincerely

Keith K Dickson



HC&M Supervisor I Department of Public Works

Highways Division

OFFICE OF THE
COUNTY CLERK

2019 MAR -7 AM 8:45

RECEIVED

RECEIVED

From: Priscilla Echalas <bechalas@aol.com>
Sent: Wednesday, March 06, 2019 10:59 PM
To: County Clerk
Subject: Item CC 19-115

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

Dear Honorable Council Members,

Thank you for placing the Maui County Clerical Repricing Committee's recommendations on the Agenda to be heard on Friday, March 8, 2019. After six years, the County of Maui Bargaining Unit 3 clerks are that much closer to their goal of pay equality.

I have just retired this past December from my position as Secretary in the Highways Division of the Department of Public Works. I want to express my support for these fellow clerks and am proud of their persistence and hard work. As an employee for almost 35 years, I have seen how office operations and skill requirements have evolved, but pay rates basically remained the same.

It is my hope that the Council will vote in favor of the requested salary increases for Bargaining Unit 3 clerks.

Sincerely,

Priscilla Echalas

RECEIVED

From: Michael Fernandez <spindles101@gmail.com>
Sent: Wednesday, March 06, 2019 9:54 PM
To: County Clerk
Subject: Agenda Item No. CC 19-115

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

To whom it may concern,

I support salary increases for Bargaining Unit 3 clerks.

It is concerning that our clerks earn a salary less than an entry level laborer position. The duties that they perform are vital to the efficiency of operations.

Regards,

Michael Fernandez
CEM II, Wailuku Baseyard

RECEIVED

From: Doug Jensen <akatools@gmail.com>
Sent: Thursday, March 07, 2019 8:27 AM
To: County Clerk
Subject: Testimony Regarding CC 19-115:

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

I would like to say that our Clerks have to have a lot of knowledge in Computers. Using Word, Excel, iWorQs, and ADP and soon Workday.

They take care of the pCards and timecards. They make sure that all of the invoices get done right so our vendor's get payed. My clerk does a lot for our shop. The pay does not match the responsibility. They get paid less than a laborer when they first start and they don't need to know much and make more then a clerk who needs to know more than their supervisors do. We are just taking advantage of the clerks. This is just plain abuse of a worker and I can't believe the County does this to them. It's just wrong. The County needs to pay them what they are WORTH!!!

Thank You,

Doug Jensen

RECEIVED

From: Juliane Pokini <juls96790@gmail.com>
Sent: Wednesday, March 06, 2019 10:21 PM
To: County Clerk
Subject: CC 19-115 Salary Increases for Bargaining Units 03 & 04

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

Dear Council Members,

I have been employed with the County of Maui for several years now.

I am asking you to please hear us and support our quest for Bargaining Units 03 and 04 salary increases.

We contribute undeniable value to the County of Maui and feel we are worth more than our current salaries.

We are speaking up for increases because we are being pushed to do more for less.

Our current pay scale has barely changed in years, yet our requirements for our positions and ever changing technology has.

We need to continually educate ourselves by taking many different classes and learning new programs.

Most of us struggle and live paycheck to paycheck without be able to get ahead.

My son and his family moved to the mainland because they can't afford to live here anymore, I see it happening more and more and it's very sad that this is the reality for ourselves and future generations.

I am praying for financial security not only for ourselves but for our children and grandchildren.

If you have faith as small as a mustard seed, nothing will be impossible for you.

Sincerely,

Juliane Pokini
Clerk III
Department of Public Works

Agenda Item No. CC 19-115

My wife is a Bargaining Unit 3 clerk. She does a lot and gets paid very low for the type of work that she does. Clerks need to know a lot versus an unskilled labor. The starting pay for a Clerk should be a BC-02. We rely so much on our clerks with our daily routes. If we didn't have them, nothing would get done. We wouldn't get our pay, time, paperwork. We don't realize what they do for us to have a smooth running department.

Right now my wife is a SR-08. She does not get the pay she deserves. Besides the basic office duties and the rest that comes with working in the maintenance department at the airport also, attendance, purchasing, overtime, writing memos, logging work orders, setting up travel, assisting with special projects, my wife always steps up to learn. She has taken on job duties that is not in her PD (do to not enough job positions) (higher paying positions) but she does it anyway because she likes to help out others and she feels it will benefit her future in the State. Knowledge is power.

How can the County of Maui/ State of Hawaii pay their local people so low? We want to be able to stay and raise a family here but the system is not backing us up by paying low. We are struggling financially because my wife does not make good amount of money. Our administrative jobs are the most important jobs to keep us a float. Clerks know more what's going on than the highest paid boss that get recognized for everyone's hard work and get paid more than everyone else. It's time to show appreciation to Maui County Clerks by getting them better pay.

Frank Rodrigues Jr

Tire Repairer, Wailuku Baseyard

RECEIVED
2019 MAR -7 AM 8:45
OFFICE OF THE
COUNTY CLERK

Eric Saito
Construction Equipment Mechanic 1
308 Ani Street
Kahului, Hi 96732

March 6, 2019

Dear County of Maui,

Regarding: County Clerk
Agenda Item No. CC 19-115
Tedyne Sokugawa

This letter states that we rely on our clerks on a daily basis to assist us with our daily needs at work.

I support the Bargaining Unit 3 Clerks which are entitled to a pay raise.

Sincerely,

Eric Saito

RECEIVED

2019 MAR -7 AM 8: 45

OFFICE OF THE
COUNTY CLERK

RECEIVED

From: R S <hondaman55@gmail.com>
Sent: Thursday, March 07, 2019 7:34 AM
To: County Clerk
Subject: Agenda Item No. CC 19-115

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

Agenda item No.CC 19-115

To whom it may concern County of Maui

I Roger Sapla support salary increases for Bargaining Unit 3 clerks, we rely on our clerks daily to assist with our needs at work. I see the clerks getting paid lower than an unskilled laborer. With the need of knowing how to use the computer and inputing data, is critical and needs to be accurate. I feel that clerks have skills and deserve more pay than laborers.

Aloha Roger Sapla

RECEIVED

From: tedyne@hawaii.rr.com
Sent: Thursday, March 07, 2019 6:51 AM
To: County Clerk
Subject: AGENDA ITEM NO. CC 19-115 CLERK REPRICING

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

To Whom It May Concern,

Silent workforce to make our job less stressful and more difficult such as requesting and issuing purchase orders as needed to various vendors, also responsible for our time keeping and also services as a reminder for our do's and don't for P-card usage. Also is able to help & other departments when asked to do at moments notice doing a difficult type of operating system and duties. So I support the salary increases for Bargaining Unit 3 clerks. Without them it is hard to function our normal daily work on vehicles, equipment, and other aspect of running the Garage for the County of Maui.

Thank you,
Damien Tacla
Construction Equipment Mechanic I
Wailuku Garage

RECEIVED

2019 MAR -7 AM 8:45

OFFICE OF THE
COUNTY CLERK

March 7, 2019

Maui County Clerk's Office
200 S. High Street, #708
Wailuku, HI 96793
County.clerk@mauicounty.us

RE: Agenda Item NO CC 19-115

Aloha,

I am writing in support of the repricing for the clerks that work within the County of Maui. I believe there is a need for an increase to keep employees in their positions long term. If not when they find a position with better pay they will move on and we will have to go through the process of finding and training a new admin over.

Being a District Supervisor, I depend on my admin to assist in office duties and the fact that they only make \$16.99 an hour is extremely low for the amount of work they produce. Unskilled labors make more than that for the jobs they do and we expect our admins to have knowledge in the admin field which, in my opinion a skilled position.

I am strongly in support of the admin's have an increase and hope we are able to achieve this.

Mahalo,



Mike Tihada
Lahaina Highways District Supervisor

I'm writing to ask that you please consider CC 19-115, relating to possible salary increases for certain Bargaining Unit 3 positions. For four years, I was a clerk at the Real Property Assessments Division and a member of Bargaining Unit 3. There seem to be many misconceptions as to what a clerk's job requirements are and what their daily tasks involve. Clerks do not simply sit at their desks typing, transferring calls and filing. These positions require quite a bit of knowledge and experience, quick thinking and the ability to multi-task. Many of the county's clerks possess college degrees.

As clerks for the County of Maui, they often represent their entire office. They are the first to deal with the public in person or over the phone and to assist them directly or refer them to the appropriate section/department. They answer a wide range of questions and in order to do their jobs, need to have knowledge of all aspects of the division, including the ordinance. A clerk's job requires proficiency in several computer programs and they are often asked to do complicated calculations.

Clerks must also have the ability to balance several tasks at once, while working in both the calendar and fiscal years. They take turns assisting the public, which includes handling money, while completing assigned work, e.g., maintaining the database, processing claims and appeals. They provide clerical support to other sections, assistance to the Board, and provide information to the public regarding records, procedures and the ordinance. In dealing with the public, they have to be prepared to handle almost any situation, including confused and irate individuals and those who do not speak English as their first language. They must be able to communicate to all in a professional and efficient manner, not just verbally, but also in writing.

In conclusion, a clerk's position involves a lot more than what is generally considered "clerical work." Their work may not be physically taxing, but it can be mentally as well as emotionally challenging. They are the ones on the front line every day, ensuring that things run smoothly in the office and providing the public with information they may not understand without their guidance and may not otherwise have access to. They would simply like to be paid a fair amount for the education and skills they possess, as well as the extensive work that they do. We all know that the cost of living here is very high and it is hard to manage on a lower salary. Paying clerks an amount that is equal to their worth would go a long way in keeping long-time workers and reducing the high staff turnover rate.

Thank you for your consideration.


Carrie Alexander
Compliance Specialist
Real Property Assessment Division

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2019 MAR -7 AM 8:46
OFFICE OF THE
COUNTY CLERK

RECEIVED

2019 MAR -7 AM 8:46

From: kalei bal <kalei1979@yahoo.com>
Sent: Wednesday, March 06, 2019 7:52 PM
To: County Clerk
Subject: Agenda Item No. CC 19-115

OFFICE OF THE
COUNTY CLERK

Aloha,

When I applied for my position, the county clerks were very helpful and quick to respond to my questions. When I needed emergency surgery, it was the county clerks that provided me with answers regarding my healthcare insurance concerns. They have always provided excellent customer service. So when I found out that they make less than laborers, I was shocked. We rely on our clerks to assist us with our needs at work. They have been fighting for an increase in salary for more than 5 years and deserve more pay. I support salary increases for Bargaining Unit 3 Clerks.

Mahalo,
Kalei Bal
Labor II

From: Jonathan Kusunoki <jkusupaiahui@yahoo.com>
Sent: Wednesday, March 06, 2019 7:34 PM
To: County Clerk
Subject: Salary increases for bargaining unit3 clerks

When I started working for the County of Maui 4 years ago, I was shocked to learn that clerks made less than a laborer. I think the clerks deserve a salary increase, because they not only assist us with our daily needs at work, on top of doing their own work and also handling the public calling the office to make complaints. Thank you

Sent from my iPhone

RECEIVED
2019 MAR -7 AM 8:46
OFFICE OF THE
COUNTY CLERK

RECEIVED

From: James Mendes <jamesmendes9@gmail.com>
Sent: Wednesday, March 06, 2019 5:51 PM
To: County Clerk
Subject: Agenda Item No. 19-15

2019 MAR -7 AM 8:46

OFFICE OF THE
COUNTY CLERK

To Whom It May Concern,

I am writing in support of salary increases for Bargaining Unit 3 Clerks. I feel they deserve more pay. The amount and quality of their work makes them deserving of the pay increase. Their pay is not equal with their job duties or the cost of living for the State of Hawaii. I was shocked to learn they make less than a janitor especially as they have a lot more responsibilities. Please support Agenda Item No. 19-115 (pay increases for Bargaining Unit 3 clerks). Thank you for your consideration in this matter.

Respectfully,
James Mendes
Equipment Operator III

--

James Mendes

RECEIVED

2019 MAR -7 AM 8:46

OFFICE OF THE
COUNTY CLERK

From: Michelle MENDES <mmendes75@msn.com>
Sent: Wednesday, March 06, 2019 5:44 PM
To: County Clerk
Subject: Agenda Item No. CC 19-115

To Whom It May Concern,

I am writing in support of salary increases for Bargaining Unit 3 Clerks. I feel they deserve more pay. The amount and quality of their work makes them deserving of the pay increase. Their pay is not commensurate with their job duties or the cost of living for the State of Hawaii. Please support Agenda Item No. 19-115 (pay increases for Bargaining Unit 3 clerks). Thank you for your consideration in this matter.

Respectfully,
Michelle Mendes
Secretary I

From: Mark Pokini <markpokini@gmail.com>
Sent: Wednesday, March 06, 2019 7:48 PM
To: County Clerk
Subject: Agenda Item CC 19-115 Salary Increases for Bargaining Units 03 and 04

Aloha Council Members,

I am writing to you in support of all who will benefit from the proposed salary increases. I know that each and everyone of these employees are worth more than their current wages. They're an asset to the County of Maui and without them the County could not function properly. I humbly ask you to make this a reality for them.

Mahalo,
Mark Pokini
Retired Fire Captain
County of Maui

RECEIVED
2019 MAR -7 AM 8:46
OFFICE OF THE
COUNTY CLERK

RECEIVED

From: James <lisajames@hawaii.rr.com>
Sent: Wednesday, March 06, 2019 7:20 PM
To: County Clerk
Subject: Agenda Item No. CC 19-115

2019 MAR -7 AM 8:46

OFFICE OF THE
COUNTY CLERK

Sent from [Mail](#) for Window

To Whom It May Concern,

I am in support of salary increases for Bargaining Unit 3 clerks.

We rely on our clerks daily to assist with our work needs.

Thank you for your consideration in this matter.

Sincerely,

James Tamayose

Construction Equipment Mechanic I

County of Maui

Public Works

County Clerk

From: Mona-Lisa <justicesmom2012@gmail.com>
Sent: Thursday, March 07, 2019 8:47 AM
To: County Clerk
Subject: Agenda Item No. CC 19-115

To whom it may concern,

I support salary increases for ALL bargaining unit 3 not just clerks. Secretaries and other support staff deserve increases as well on all levels County and State. No office or operation can survive without the help from there support staff. If minimum wage is going up the salary schedule will have to go up for bargaining unit 3 as it is very close to minimum wage for some titles.

Respectfully,

Kurt Castardo
Tractor Mower Operator

Sent from my iPhone

RECEIVED
2019 MAR -7 AM 9:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: kevin.kochi8044@gmail.com
Sent: Thursday, March 07, 2019 8:44 AM
To: County Clerk
Subject: Agenda item No. 19-115

I am in support of the increase of the clerks pay. I work in the Wailuku District and our clerk deals with 35 employees which 6 of them are supervisors. Timesheets, CDL records, Workers Comp., purchasing logs, and other personal documents for these employees. They also deal with the complaints from the public and make sure that we get them. I think it's a lot.

Thank you Kevin Kochi
HC&M II Public Works/ Wailuku Highways
County of Maui

Sent from my iPhone

RECEIVED
2019 MAR -7 AM 9: 02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: jen faufata <faufata@gmail.com>
Sent: Thursday, March 07, 2019 8:45 AM
To: County Clerk
Subject: Agenda Item No. CC 19-115

To whom it may it may concern:

I support salary increases for clerks. The amount of responsibilities that clerks have, far exceed the amount that they are paid. I was previously a building permit clerk and besides dealing with the public on a daily basis, we were responsible for multiple tasks including inputting and issuing building permits, grading permits, driveway permits, certificates of occupancy; writing letters regarding miscellaneous inspections and other issues; daily counting of monies; filing; cashiering; researching properties; answering customers questions in person and on the phone; and tons of other duties as required. In my experience, the work as a clerk there is never ending as you are learning something new every day and the stress of dealing with the public alone can really cause a toll on a person.

I currently work for the Highways Division and see the amount of work that our clerks do daily. They are relied on for numerous responsibilities including preparing time cards for everyone in their district/section, providing good customer service to the public who have issues/concerns about what our department is in charge of, writing various letters, taking notes and scheduling meetings for their supervisors, coordinating travel arrangements for their supervisors, attending meetings to keep their department abreast of things, taking inventory and purchasing office items, running errands, and the list of "other duties" goes on.

Please consider giving our hard working clerks the pay increase they so greatly deserve.

Thank you,
Jen McNeff
Engineering Support Technician
County of Maui, Highways Division

RECEIVED
2019 MAR -7 AM 9:02
OFFICE OF THE
COUNTY CLERK

From: Roger Apuna <Roger.Apuna@co.maui.hi.us>
Sent: Thursday, March 07, 2019 8:57 AM
To: County Clerk
Subject: Salary Increase

RECEIVED

2019 MAR -7 AM 9: 03

OFFICE OF THE
COUNTY CLERK

Aloha council members,

I am in support of pay increases for our Bargaining Unit 3 clerks. They are a vital part of our operations. These clerks work tirelessly to assist in making our jobs run smoothly. Without their support and dedication we, as district leaders and supervisors in the county would not be able to accomplish many of our goals and tasks.

Sincerely,
Roger Apuna
Molokai Highways Public Works District Supervisor

Sent from my iPhone

From: Mat M <mat82112@gmail.com>
Sent: Thursday, March 07, 2019 8:48 AM
To: County Clerk
Subject: Agenda item No. CC 19-115

RECEIVED
2019 MAR -7 AM 9:03
OFFICE OF THE
COUNTY CLERK

To whom it may it may concern:

I support salary increases for clerks. The amount of responsibilities that clerks have far exceed the amount that they are paid. A few of their numerous responsibilities including preparing time cards for their employees, answering customers questions in person and on the phone, writing various letters, corresponding, taking notes and scheduling meetings for their supervisors, coordinating travel arrangements for their supervisors and employees, attending meetings to keep their departments on top everything, stocking and purchasing office items, running errands, and other duties as required. Clerks are highly relied on and taken for granted in regards to the amount of work they do on a daily basis.

Please consider giving our hard working clerks the pay increase they deserve.

Mat

County Clerk

From: Afa Tauetia <afatauetia@yahoo.com>
Sent: Thursday, March 07, 2019 9:00 AM
To: County Clerk
Subject: CC 19-115

RECEIVED

2019 MAR -7 AM 9: 03

OFFICE OF THE
COUNTY CLERK

To whom it may concern,

Please move to discuss CC19-115. These clerks need a salary increase. I've been a manager, and I've had secretaries. They are the most knowledgeable of their work area. Everyone turns to them for information or to do research to find out information. They are very much worth their weight in gold. Every position has a clerk. I'm amazed at their undervalue. Please move to discuss this item and approve it, once and for all.

Mahalo,
Afa Tauetia

From: Denise Tauetia <denise_tauetia@yahoo.com>
Sent: Thursday, March 07, 2019 8:55 AM
To: County Clerk
Subject: Salary Increase CC 19-115

RECEIVED
2019 MAR -7 AM 9:03

OFFICE OF THE
COUNTY CLERK

Good morning, Honorable Council Members,

I am writing to you today, to support my daughter, who is a clerk with the County of Maui, in Bargaining Unit 03. They have been contending for salary increases, for the last 6 years. As the cost of living has gone up, their salaries have not changed much to adjust with the inflation of everything around them. Those salaries may have been fitting years ago, but now, for most, it takes a whole pay check to pay for one month's rent or mortgage. My daughter's whole first paycheck, goes toward her rent, less about \$50. I'm very proud of my daughter for the work that she does, and very thankful, that God has blessed her with a good job within the county. Many of these women and men who are clerks are seasoned adults, with financial responsibilities, or, who want to buy homes, but they're unable to, because they could never afford it. They have families to support. These jobs should not be stepping stone jobs, where people start working until they can get something better- these jobs should be the "something better!" Your decision to support their salary increase does not or will not just affect those in position now, it will affect every applicant in the future. Please support these salary increases. Please elect to discuss item CC 19-115. Please move to approve salary increases for Bargaining Unit 03.

Thanks! Denise



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

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2019 MAR -7 PM 2:30

OFFICE OF THE
COUNTY CLERK

**Testimony on CR 19-29 & CR 19-30
Relating to Upcountry Water Meters
Friday, March 8, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

We appreciate the opportunity to provide testimony on the proposed bills.

The two proposed bills will extend the reservation period and application period for Upcountry water meters. The Maui Chamber of Commerce supports the two proposed bills as they provide property owners with additional time to complete the required steps and makes the timing of the process more reasonable. There are many costly things that property owners often have to do before the County can install their water meter, so these extensions allow property owners the necessary time to get this work completed.

Many residents have waited a long time to get water service and should be given enough time for the application and to get their property ready for the meter installation without the risk of losing their place on the list.

Therefore, we support these bills and ask that you please pass them during First Reading.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

**Testimony on CC 19-121
Relating to Oral Testimony
Friday, March 8, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

We appreciate the opportunity to provide testimony on the proposed resolution.

We applaud the idea proposed by Councilmember Lee on changing the rules for oral testimony. We understand that many testifiers want to go through multiple items on the agenda, but recognize that individuals are taking time off work, away from their children, or other important activities to be involved in the process and provide testimony. It is important to be cognizant of people's valuable time and therefore, we support the resolution.

However, there have been times where we have provided oral testimony on 4 or 5 agenda items, but in those instances, we are always trying to be aware of the amount of time used and share our testimony in a shorter time frame than the allotted 3 minutes per item. We would appreciate the resolution be amended to include language that a testifier can speak to 3 items (3 minutes for each item for a total of 9 minutes) or on multiple items up to 9 minutes total.

Mahalo for the opportunity to testify.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on CC 19-123
Relating to the Mayor's Ability to Appoint Disapproved
Department Heads as Interim Department Heads
Friday, March 8, 2019

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

In any new process, you go through the challenge of how best to get through it and how things work. Clearly there are some processes and issues not well defined in the Charter, which are now causing both the Administration and Council to look at the legality. However, we believe that what is in the best interest of the people is to keep our County moving forward until new appointees are put forth and confirmed by the Council and to have the most qualified individuals serve until replacements can be found. While the Council would like Deputies to step forward, we understand in some cases those individuals are not able or elect not to at this time. Therefore, we hope people can recognize the extenuating circumstances that are arising from this process and allow the temporary positions to stand as new appointees are sought and being confirmed.

Further, we would encourage a more civil and respectful process moving forward as there are many who are saying the way people were treated was deplorable and why would any qualified individual want to go through that. The Aloha Spirit is written into State law for both the people of Hawaii and those in government and we ask that the Aloha Spirit be a guideline for decorum for all in Council Chambers. We don't want Maui to look like what is occurring in Washington, D.C.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

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From: Nancy Mahi <nancyjmahi@gmail.com>
Sent: Thursday, March 07, 2019 10:53 PM
To: County Clerk
Subject: CC 19-115, Support of Clerical Repricing Initiative

2019 MAR -8/324 AM 7:56

OFFICE OF THE
COUNTY CLERK

Aloha Councilmembers,

I have been involved with the Clerical Repricing movement since June 2016. During this time, I have recognized this proposal and your action in support could have a MONUMENTAL IMPACT locally and across the state.

Being the Administrative Officer of Public Works and handling many aspects of the hiring process has been eye opening. It's my understanding the pay disparity is due to years of inadequate negotiations. BU03/04 have consistently fallen behind, my speculation is they are the largest membership creating rationalization for the lowest increases year after year.

After learning about Mayor Arakawa's support of increasing Maui County's EUTF contributions to 60/40 vs. the statewide 50/50 (employer/employee) medical contribution, a majority of union members statewide were able to benefit from the 60/40 split as part the following round of negotiations!

Your support of this Clerical Repricing proposal is MONUMENTAL because your decision today could create the catalyst the union needs to 'true up' the pay disparity between union salaries statewide. If you (we) value our employees and the service they provide, I would urge you to vote in favor of this initiative!

Sincerely,
Nancy Mahi

*Below are a sample of DPW positions reflecting the difference in minimum qualifications, training required, and starting pay.

Engineering Aid III (SR-15, \$3310), class specification (Minimum Qualifications): High School graduation and two years experience in field surveying.

<https://www.governmentjobs.com/careers/maui/classspecs/1114886?keywords=Engineering%20aid&pagetype=classSpecifications>

Janitor II (BC-02,\$3348), class specification: None

<https://www.governmentjobs.com/careers/maui/classspecs/1109238?keywords=Janitor%20II&pagetype=classSpecifications>

UPW salary schedule:

<https://dhrd.hawaii.gov/state-hr-professionals/class-and-comp/salary-schedules/bu-01-blue-collar-non-supervisor/>

HGEA salary schedule:

<http://dhrd.hawaii.gov/state-hr-professionals/class-and-comp/salary-schedules/bu-03-white-collar-non-supervisor-bu-04-white-collar-supervisor/>

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From: Mike Moran <mmmmahalo2000@aol.com>
Sent: Thursday, March 07, 2019 7:16 PM
To: County Clerk
Subject: Testimony to Council for 3/8/19 on item 19-24 (12)

2019 MAR -9 AM 7:56

OFFICE OF THE
COUNTY CLERK

Aloha Chair King and Council,

I would like to voice my support for Daniel Kanahale to the Cultural Resources Commission in item 19-24 (12).

I have known Daniel for well over a decade, and have found him to exemplify so many qualities as a *kanaka* of integrity. He will serve very well.

Mahalo,

Mike Moran Kihei