

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 6, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JULY 6, 2018, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, G. RIKI HOKAMA, YUKI LEI K. SUGIMURA, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS DONALD S. GUZMAN, KELLY T. KING, AND VICE-CHAIR ROBERT CARROLL.

(Councilmembers King and Guzman were not present when the roll was called; however, they arrived at 9:27 a.m. and 10:16 a.m., respectively.)

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

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

And for opening remarks this morning, we have Ms. Cochran.

OPENING REMARKS

The opening remarks were offered by Councilmember Elle Cochran.

CHAIR WHITE: Thank you. That was a great story. Thanks for sharing.

COUNCILMEMBER COCHRAN: Thanks.

CHAIR WHITE: Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And, just a reminder to please place your phones on silent mode.

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

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-113

CONGRATULATING THE MAUI GOLD MEDAL
WINNERS AT THE 2018 ISLAND MOVERS
TRACK AND FIELD STATE CHAMPIONSHIPS

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. Could we have the Clerk read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

I'D LIKE TO MOVE THAT WE ACCEPT THIS RESOLUTION
"CONGRATULATING THE MAUI GOLD MEDAL WINNERS AT
THIS 2018 ISLAND MOVERS TRACK AND FIELD STATE
CHAMPIONSHIPS".

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. It gives me great honor today to finally have this opportunity to recognize Maui's finest. You know, here in this chamber, we try to invite individuals that have achieved championships, deserving honors, as being a representative of a winner representing Maui County. We tried to get this earlier, then we ran into graduation week, and I wanted to get this before they all go off to college. So, finally, we are here in July, an opportunity to recognize them; the athletes that brought home gold medals for Maui County.

But, it also gives me an opportunity to, to recognize the coaches. The coaches who sacrifice their, their afternoon hours and weekends to help these athletes hone their skills so that they can be better to become champions. One individual that I saw earlier and want to recognize is Coach Sanches. I recognize that he's been doing this, coaching track and field, for over 50 years, for Maui's community. So, as we applaud the athletes and their accomplishments, we also applaud the coaches. Thank you.

CHAIR WHITE: Thank you, Mr. Atay.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Very quickly, I want to thank Mr. Atay for bringing forward this resolution that acknowledges once more the excellence of our youth. Unfortunately, many times in the news we hear about the negative things or things that are not doing so well in our communities. So, I thoroughly enjoy this opportunity where we acknowledge the triumphs and the victories, and the benefits of what our youth have been able to contribute to this great community.

And, one of the great things about this resolution, Mr. Chairman, is that it comes from multiple schools. So, we're acknowledging a great, I would say, expanse of our community's experience and our community families in their support for our youth programs, through facilities that we help provide at times.

But, I'd like to acknowledge that a lot of these things happen because of volunteers, whether it be the parents' willingness to give up time, whether it's the coaches, or supporters, fundraisers; there's a lot of people that build in the success of our youth. And, so I just want to take this opportunities to say thank you to all those that helped make this happen this morning. Mahalo.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Sugimura, followed by Ms. Cochran.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I too want to express my support for this, and thank Member Atay for bringing this forward.

I want to, I want to add to what Member Hokama just said. Sponsoring this is Don Takaki with Island Movers. And, because of their generosity as a company, I think they're island-wide in terms of their business, and their generosity in terms of support of kids and sports. Don Takaki, Sr., cause now Jr., I think has taken over the company with his other brother, but he is from Maui. And he has, I think he also was part of that swim, you know, you always hear about that that swimming group that was part of that enthusiasm for sports. And, I think that was all the seeds that were planted as he was growing up in Puunene. So, I want to thank the Takaki family and Island Movers.

And, I want to congratulate all the parents, they're very special; and grandparents; and the coaches; and especially the kids. Congratulations.

CHAIR WHITE: Thank you. I believe Island Movers is statewide, not just island-wide.

COUNCILMEMBER SUGIMURA: Statewide, I'm sorry.

CHAIR WHITE: Yea. Any further discussion?

Oh, I'm sorry. Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh yea, sorry. Yea, thank you, Chair. And, yea, I echo the sentiments of Mr. Hokama and Ms. Sugimura. In trying to figure out my remarks this morning, civic engagement did come to mind to discuss being we're, you know, in this election season too. But, this is the epitome of what that means, of, as they both explained. And, it's the giving, it's, civic engagement is being involved, it's participating, and especially, volunteering to, you know, bring a better quality of life for our community, and especially for our youth. You know, the future, they are our future, they're going to be our next leaders.

So, I think it's extremely important to acknowledge and encourage, and motivate our youth to, and, and all the adults that are, that have made this happen, the coaches to the parents, to the teachers and all that, are, are, you know, show, laying that foundation and teaching our youth to become great, you know, and winning adults. So, I appreciate as always showing our accolades to the, the entire community gives to the pride that they bring to us as Maui County. So, congratulations to all. And, thank you to everyone for their civic engagement. Mahalo, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion on this item?

I'll just add that I think Mr., this is a wonderful blend of volunteers from the coaches and the parents. Incredible effort and focus by the, by the kids who brought home the gold. And, as Ms. Sugimura said, the willingness of folks like Don Takaki, who have for years, and years, and years, supported community events; making, making, not necessarily making things possible, but making them easier.

And, so this is a really great reso that you brought forward, Mr. Atay, because it encapsulates what's wonderful about these islands. You've got businesses that are willing to support things. You've got parents that are working their tails off to make

sure that their kids get opportunities to do these kinds of things. And, then you've got coaches that put time and incredible energy into helping develop these young people into great athletes. And, this is just a, it's a wonderful thing to celebrate. And, you know, a lot of it has to do with Maui roots. So, or, almost all of it does.

So, with that, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS GUZMAN, KING, AND
VICE-CHAIR ROBERT CARROLL.

CHAIR WHITE: Measure passes with six "ayes", and three "excused"; Members Carroll, King, and Guzman.

COUNCILMEMBER ATAY: Chair.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, if I may, I'd like to invite the, these gold medal winning athletes to the chamber floor, so that we have a chance to share some recognition by giving them a lei of aloha, as well as their coaches.

CHAIR WHITE: Certainly. Please join us.

COACH GARY SANCHES: To the County Council and the Mayor, you know, we'd like to thank you guys for, you know, providing War Memorial Stadium for our track and field meets. This year, we have the State track meet on Maui, and you know, the War Memorial, because of the seating capacity and the, you know, the parking, it makes it the perfect place to have a State track meet. When you go to Honolulu, everybody's jam packed, you know. And, here at the stadium, they really feel comfortable, you know. And, I know at Baldwin High School, we have no facilities whatsoever. So, you know, if it wasn't for the County of Maui, we wouldn't have even a place to practice. So, you know, thank you. On behalf of the MIL, thank you.

CHAIR WHITE: Thank you all for joining us this morning.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION NO. 18-113.

RESOLUTION
NO. 18-114

CONGRATULATING REAL PROPERTY
ASSESSMENT DIVISION ON EARNING THE
INTERNATIONAL ASSOCIATION OF ASSESSING
OFFICERS CERTIFICATE OF EXCELLENCE IN
ASSESSMENT ADMINISTRATION

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, IT IS MY PRIVILEGE THIS MORNING TO MOVE
FOR THE ADOPTION OF THE RESOLUTION AS READ BY
THE CLERK.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request that the Clerk read the proposed resolution in its entirety.

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. You know, for our Council or any Council, it's a rarity that we get to acknowledge a award-winning division of our County, Mr. Chairman, at this level; and this is the international level. We're beyond just national. We're now talking global. And, I think we should all take pride in that we have supported a division of our County to a Department of Finance.

The ability now to assure our community, our tax base, of the quality, the equity, fairness, in the administration of our Real Property Tax program; especially in the area of assessments. And, I for one take great pride in the efforts, because as you know, no matter how much I push on the software and the processes and the technology breakthroughs to assist our County, it cannot happen without the employees making it work; the implementation, the day to day decisions they have to make at their jobs, okay. It still takes the person to make everything function, for me, within our area of Real Property taxation for the County of Maui.

And so, I take great pleasure, Chairman, in, you know, I hate to say, but tooting our horn. But, you know, we've taken this County not only to being the best in Hawaii, we are now cutting-edge USA. And, hopefully with the progress that this division is moving forward and the support that the Council has been providing, we should be cutting edge global by 2019; global leaders, Chairman, in the area of real property taxation and assessment.

And, that is why as you have been made aware, we have been asked to participate in countries like China on their discussions of a national real property tax policy. And, looking at the efforts of our County, how we administer, how we have created policies regarding certain zoning and actual use categories of fairness in the assessment rates, we are being asked for our comments in helping a country like China, imagine that, institute a national real property program.

(Councilmember King arrived at the meeting at 9:27 a.m.)

COUNCILMEMBER HOKAMA: So, I take great pride in acknowledging not only the Department, which is Finance, the division itself, Real Property Tax Administration. But, I think we need to acknowledge at least those that made it present today. And, I know I'm going to miss some people, Chairman, so I apologize to those employees. But, those that I know are present is of course, the Deputy Director of Finance, Mr. Kulp. But, this is head by Scott Teruya, our Administrator. And of course, the key

employees come, that we are been made aware of is Marcy Martin, who we seen in many budget meetings with us. Melvina Kanaha, Eddie Manzano, Toni Ogasawara; these are the people that actually help make this thing work, Chairman. And, I want to take this time to acknowledge their efforts, their participation.

Because this was a multi-year effort of compiling thousands of pages of data to place this County in a position to be awarded this coveted recognition, okay. And, we went up against the best; counties like L.A. County, ten million people, okay, billion dollars budgets. We went up against those big boys. And, guess who came out with the acknowledgement of excellence? The County of Maui.

So, I thank you for this time, Chairman. I know I've been crowing a little, but I really take great pride as the Budget and Finance Chair, of acknowledging the efforts of this division and our employees for this recognition of excellence. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on this item?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I would like to also congratulate Scott Teruya, I mean he is amazing, and, I, I, and the, and the employees of this division. This is my second year of going, second year of budget. And, I must tell you that we can sit in our seats to make financial decisions because we have a strong backing and knowledge behind our budget, you know. Scott is amazing.

I have a personal, I'm trying to do the one-farm plan, trying to get our real property tax, water, and planning to get out of silos and to work together. And, I'm just really impressed, cause Scott said, we can do it. I mean he has this we can do it spirit that I think it transcends to his employees, and the division.

And it surely helps us as we sit in HSAC, and talk, hear about the other counties having financial woes, and here we are standing strong. And, I think it's a lot to do with Mr. Hokama, you know, this leadership, yourself, as well as this division. So, I just want to congratulate Scott and everybody. And, I want to also congratulate Marcy, cause I've had a chance to work with her, kind of closely with the one-farm plan. So, thank you very much. I support this wholeheartedly.

CHAIR WHITE: Thank you. Any further discussion on this item?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I too want to jump in and tell this staff thank you. Thank you and, you know, as, as we honor people in our community, this is a very unique opportunity to also honor those are within our whole entity of Maui County. So, my, my applause and, and recognition to this entire division for your great work. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yea, it's, it's a proud moment for all of us. And, as I have been on this Council and gone through eight budget cycles, and know that this Real Property Tax Division is who, you know, counts the, counts the beans for us to make our County world go around, and we divvy it up during our budget sessions.

But, I have to say that Mr. Teruya and Marcy Martin definitely are here on the front lines with us in the hot seat. And, they're always, are very prepared. And, they're always at hand. If I have questions from the community for them, they, they answer very promptly. They're very accommodating that way. So, I love that openness of communication and dialogue within the, you know, the Council and then this Department.

So, congratulations to them and all their hard work and efforts for, on behalf of this County. Cause, again, it's where, it's what makes our world go around, and everyone's quality of life. So, congratulations on the job. Mahalo, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further comments?

Ms. King.

COUNCILMEMBER KING: Thank you. And, sorry I'm late. But, that was, I knew that yesterday, so I hope you got the message this morning that I was going to be late. But, I'm glad I got here in time to add my, my mahalo and my congratulations to this Department. Because, we were just at the HSAC meeting, and I know Mr. Hokama was there when we talked about, what was it 70, 77 percent of our income, of our revenue for the County comes from property tax and that, of course, that was part of a conversation where we thought we might be fighting a, the good fight against losing some of that to the State.

But, I really want to appreciate everybody who, who's behind the scenes as well as in front of the scenes, because it does make our life easier when that information comes to us complete as it is. And, congratulations on your award. Thank you.

CHAIR WHITE: Thank you, Ms. King.

Well, I'll just add, I feel that Maui County has been way ahead of the other counties. Unlike Mr. Hokama, my focus is mostly just around here. But, I've been using the RPT website probably more than my wife would like me to, to use it. But, I find it incredibly informative and, and it provides an incredibly transparent view of what, who's paying what taxes.

The other counties, back when I first started using Maui County's, were nowhere close. In fact, they weren't even on the, the Q-Public system that we're on. They are now getting close, but Maui County is still the most transparent. And, it's incredible with all the pictometry and all the various things that you have all put into that system. And, under the leadership of Scott and Marcy, it's, it's really been fabulous. But, I know those of you in the Department are the ones that actually make it all hum. I agree that we are way ahead of everybody else.

And, I would like to thank especially Mr. Hokama, because he has been a tireless supporter of the Real Property Tax Division. And, it's because he, along with many of the rest of us, understand that there are a lot of people that don't like to pay taxes if they don't have to. And, you all know that we have put aside funding and, and positions to allow you to go and do your job in collaring those folks that are trying to get away with something.

I think it's, and it's also through Mr. Hokama's leadership that we've been expanding the capabilities of pictometry and doing the, doing a lot of things I don't think many of our constituents are aware of. But, with the pictometry, we can get, we now know through change detection software, if the new photograph has something new in it that the old photograph didn't, we're going to let the building department know that somethings been built there without their knowledge.

So, there's lots of things that are helping us make sure that people are paying their fair share and not getting away with things. And, you guys are the ones that are on the front line making that work. And, I know there have been some, some bills that we've put through that have put you guys through some uncomfortable times. But, for the most part, I think we've done, done you well and you have certainly done us well. So, from the bottom of my heart, I want to thank you because you're the ones that go out and generate the revenue to pay, as Ms. King said, 77 percent of our bills. So, mahalo.

And, with that, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN AND
VICE-CHAIR ROBERT CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; Mr. Carroll and Mr. Guzman.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if you would allow, I would like to ask Mr. Teruya to come forward with his team that has accompanied him this morning to receive our aloha and congratulations on their award.

CHAIR WHITE: Certainly. Please join us.

COUNCILMEMBER HOKAMA: Chairman, if you would allow, I would like to ask Ms. Martin and Mr. Teruya to share a few comments with the Members please. Thank you.

CHAIR WHITE: Certainly. Thank you.

MR. SCOTT TERUYA: Chair White, Budget Chair Hokama, and Members, good morning. Recognition from the IAAO, through a CEAA award is the highest professional honor a jurisdiction can obtain. Receiving the CEAA award is a vigorous one. It took our staff two years to compile about a 1,000-page document. This is one of four, this is the smallest, and then we got three 3-ring binders of documentation that was submitted to IAAO.

We are the 38th county or jurisdiction, to receive the award out of 13,000 jurisdictions worldwide. We, the passing score was 80, and you have two tries to submit it. And, on our first submission, we received a 97 percent, so it's a very high award.

The IAAO CEAA recognizes jurisdictions that utilize the best appraisal and assessment practices in their office. The program is directed at an entire jurisdiction rather than an

individual. And therefore, the requirement plays a strong emphasis on, on team work and group achievement. Jurisdictions that earn this designation demonstrate a high level of proficiency in the assessment and appraisal disciplines to both constituents and their peers, and are considered in the elite of the assessment jurisdictions.

Earning the CEAA award increases trust in government and adds confidence in how we carry out our legal mandates. What our office does is really not exactly popular. You don't go around saying you're an assessor really, in public. However, I can assure you that our employees strive to conform to the best mass appraisal practices to ensure professionalism, equity, and most of all fairness.

I would like to thank this body for the financial support over the years, for providing the Division technology, so we can go out and be leading in, leading in the profession. The addition to pictometry, the upgrade to IES World to go dot net, and everything that we've done. I mean, I can't, 15 years ago, for probably maybe three or four of you guys were here 15 years ago, we were far behind. We did maps and mylar maps, we changed that to AutoCAD and now we're in GIS.

We didn't have imagery back then. We got it about ten years ago. And, it started at four-inch imagery, and we're the only County in the State of Hawaii to have the funding to go into two-inch imagery. Two-inch imagery is basically best said, or understood by something two-inches on the ground and you can see what it is. And, that's pretty amazing.

In the future, this body has given us money to start a 3D program. It is a platform that all other departments may be able to build upon. So, I think, like somebody mentioned before, we should get out of our silos and see if other departments can join on the platform. I think this body saw the presentation by Esri Canada. It is something that is really moving forward. And, we are probably the, one of the few who have already, have embraced in going through that technology. So, I want to thank you guys.

I'll turn it over to Ms. Martin to go over some of the things that you guys may not know that you guys were also involved in some of this.

MS. MARCY MARTIN: Thank you, Scott. And, I really appreciate your leadership. And, I appreciate you giving my division the opportunity to share our knowledge and our process. And, we couldn't have done it without you. And, he's just been a tireless supporter of us, so you really deserve this. And, as Budget Chair Hokama said, this is something that the entire County of Maui can be proud of.

And, Chapter one is our legal framework, and that involves our Corporation Counsel, and that involves this body. This, our ordinance was audited and the tools that you all give us through the ordinance was audited.

The second chapter was resources and management, which included our Personnel Department, it included the Mayor's Office, the Director's Office, Administration, through Scott, Purchasing and Budgeting.

Chapter three was computerization, which was an audit of ITSD's support that they give us, and the tools that we have to operate, which again, a lot of it comes from budgeting, which comes from you all.

Chapter four was mapping, and that involved our tax map section and GIS.

And, Chapters five was data collection, six is land valuation, seven is residential, and eight is commercial valuation which involved my section and the appraisal staff. I want to thank them for meeting standards.

Chapter nine is our, our sales, data, and ratio studies, which is a section that my staff does. We make sure, before our values go out, that we're meeting standards and that we're being fair and accurate in, on that chapter, making sure that the taxpayer is protected with good, fair, and accurate values.

Chapter 11 is assessment administration, which is our information section, which does exemptions and ownership, exemptions and addresses.

And, Chapter 12 is our appeal process, which makes sure that taxpayers are able to have their due process and their say in making sure they get assessed fairly, and that we have the tools to defend our values and our values are defensible.

And, then the last chapter is public relations, and that's our obligation to reach out to the public, and make sure the public understands what we're doing, and that we're, we're transparent and fair, and that we reach out to the community and really get their input in our processes.

So, again, I thank all of you for supporting us. And, it's really something that the County of Maui as a whole can be proud of. And, I want to thank all my co-workers and my staff who put it all together. So, thank you, everybody.

CHAIR WHITE: Congratulations again, and thank you for joining us this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-114.

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

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

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

Currently, we have no testifiers waiting at our District Offices. We have seven individuals who have signed up to testify in the Council chamber. The first person to testify in the Council chamber is Lynn Araki-Regan, testifying on County Communication 18-254. To be followed by Joe Pontanilla.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. LYNN ARAKI-REGAN, MAYOR'S CHIEF OF STAFF (testifying on County Communication No. 18-254):

Good morning, Councilmembers, Council Chair.

CHAIR WHITE: Good morning.

MS. ARAKI-REGAN: My name is Lynn Araki-Regan, the Mayor's Chief of Staff. I'm here to testify in support of County Communication 18-254, and to humbly request your consideration in waiving committee review to expedite this matter due to impending project dates.

On behalf of the Administration, I'd like to extend my sincerest apology for, for the Administration transmitting this proposed bill so late in the process. I took over as Incident Commander only, literally about a month ago, as a result of Carol Reimann's departure from the County. So, when I came onboard as the Incident Commander, I thought this whole process with intergovernmental documentation review with the Council had already been completed. Little did I know that, you know, we had such paperwork to transmit.

And, on behalf of the Administration, I just wanted to thank our Deputy Corporation Counsel, Jerrie Sheppard, as well as our Committee for really pulling together and supporting us to get this far today.

For those of you who don't know, Tropic Care 2018 is the Department of Defense's innovative readiness training exercise. This training exercise involves providing, at no cost, medical services, dental, and vision services in Maui County in six different locations. The last one that we had here on Maui was in 2013, five years ago.

Most recently, military personnel were on the Big Island, as recent as last month. But, unlike the Big Island which was at Keaau High School for nine days, Maui County's Tropic Care will take place on August 19 through the 19, in six different locations simultaneously. So, we're going to be having, we're proposing to have Tropic Care in Central Maui, Hana, Lahaina, Kihei, Molokai, and Lanai. And, as I said, at no charge.

My, oh, my, the members, a few of them from the Tropic Care Committee, as well as our Deputy Corporation Counsel Ms. Sheppard, will be here this morning to serve as a resource and to answer any questions that you may have. Thank you.

CHAIR WHITE: Thank you, Ms. Araki-Regan.

Members, any need for clarification?

COUNCILMEMBER KING: I have a--

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Followed by Ms. King.

COUNCILMEMBER SUGIMURA: Ms., Ms. Araki-Regan, so what are the six locations that Tropic Care will be established?

MS. ARAKI-REGAN: Thank you for that question. In Central Maui, we'll be having Tropic Care services provided at UH Maui College. In Hana, the old Hana High School, Hana School cafeteria. In West Maui, Waiola Church. In Kihei, St. Theresa's Church. On Molokai, the Mitchell Pauole Center. And, Lanai, the Lanai County Gym.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. So, you said August 19? But the, the bill says August 8 through August 22.

MS. ARAKI-REGAN: Yea, so the military personnel will be here early to help setup and get everything all ready. So, they'll be here on/or about the 8th. But, the actual Tropic Care services will be provided at no charge from August 11 through the 19.

COUNCILMEMBER KING: Oh okay. So, August 11 through the 19.

MS. ARAKI-REGAN: Yes.

COUNCILMEMBER KING: And, then just to clarify, this is offered to non-military personnel as well, to just regular citizens? Or is this--

MS. ARAKI-REGAN: It's actually offered to all residents, anyone who goes there and wishes to receive such services at no cost can do so.

COUNCILMEMBER KING: Okay, that's great.

MS. ARAKI-REGAN: No insurance, no ID.

COUNCILMEMBER KING: I was just curious because we don't have a real big military presence. So, I just want to make sure it was clear that it's not just for military. Thank you.

CHAIR WHITE: Any further questions? Thank you very much for being here this morning.

MS. ARAKI-REGAN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Joe Pontanilla, testifying on County Communication 18-254. To be followed by Christopher Fishkin.

MR. JOE PONTANILLA, CDBG PROGRAM MANAGER (testifying on County Communication No. 18-254):

Good morning, Council Chair--

CHAIR WHITE: Good morning.

MR. PONTANILLA: --Councilmembers. I'm Joe Pontanilla from CDBG Office, and I'm here as part of the committee to support County Communication 18-254. Our committee has been working for over a year now to get Tropic Care here again on Maui. As you know, back in 2013, you know, we had three months to get this thing up and running back then. But, with the help of the Department of Health, you know, they're good partners in doing this kind of project. So, I really want to thank Department of Health as well as the non-profits who support, who are supporting this particular project. So, I ask for your support in County Communication 18-254. Thank you.

CHAIR WHITE: Thank you, Mr. Pontanilla.

Members, any need for clarification? Thank you for being here this morning.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Christopher Fishkin, testifying on County Communications 18-250, 256, and 255. To be followed by Kari Nunokawa.

MR. CHRISTOPHER FISHKIN (testifying on County Communication Nos. 18-250, 18-255, and 18-256):

Good morning, Council Chair, Councilmembers. Don't worry, I won't use, you know, three minutes up completely on each one; just maybe six, nah, just kidding.

So, on, on resolution 18-250, I just want to first, regarding the County Auditor, I want to thank in his absence, Don Guzman, for showing the leadership to actually present an audit on the deferral agreements of Department of Public Works that's been accepted by the County Auditor. And, there you've seen many numerous, numerous notebooks and volumes of information in County documents that are now be able to be submitted to the County Auditor. And, it's going a long way to realize that we, these unassessed, uncollected deferrals of millions of millions of dollars are now going to get audited finally. And, I want to thank Councilmember Don Guzman for bringing forth that audit.

And, you know, unlike the stellar and amazing assess, assessment ability of, of our own County department, Public Works, unfortunately, in, in collaboration with Corp. Counsel, has not collected or assessed any of these, any of these deferrals for over, well, since 2012, now completely.

Now, as far as, regarding resolution 18-256, I just want to mention that the, the Mayor Alan Arakawa actually responded to Ms. Cochran's statement saying, talking about the incredible integrity of his, his County Administration. I just want to bring to light the fact that that is truly a false statement. Right now, his appointees have violated County ordinances more times than you can count on somebody's hand. His Administration, David Goode, his Corporation Counsel, and William Spence, have, through documented government records, violated County ordinances, that have actually led to this audit of these unassessed, uncollected deferral agreements with unlawful multiple overlapping subdivisions.

And, and Mr. Spence who's now being asked by this Council to appoint him to the Director of Housing and Human Services is just incredible. Mr. Spence has actually fabricated government records recently in attempting to cover up an expired, open, and unfulfilled SMA permit under his purview. Ms. King's office has released documentation of that, of the County records. Mr. Guzman's office has been briefed fully and knows about this. Mr. Carroll's office wrote a letter to Mr. Spence, who refused to answer it. I've submitted all that documentation in testimony today through the County Clerk's Office. Mr. Spence cites ongoing pending litigation that refu, that allows him to refuse to answer these questions posed by a Councilmember, once again, obstructing with Corp. Counsel's assistance, the investigative powers of this Council which you have under the Charter, and which you're being obstructed.

The Chair of litigation, of committee, litigation committee, Mr. Guzman, is also fully aware of these documents. He, Mr. Spence actually, in a declaration to the Second Circuit Court, claimed that a permit was opened and closed on the same day, which is technically impossible when there's conditions that were in the letter you cited to, that require, that require construction and improvements by the developer. Essentially enriching the public developer that owes this County over a quarter of a million dollars in improvements; Mr. Tim Farrington, Hugh Farrington. It, it's unbelievable that Mr. Spence could be allowed to get away with this without any investigation and without responding by a, to a Councilmember's query of investigation. It's all documented. It's all public record.

So, until that investigation is complete and he cites pending litigation, well then, he can't have it both ways. Let the pending litigation complete before he's appointed. But, for this Council to appoint Mr. Arakawa's appointee to a position that he's also unqualified for. So, I just want to bring to light the fact that this Council has a, a responsibility to vet people and their qualifications for this job.

Who else has, who else has this Council opened up this appointment to that could be far more qualified than Mr. Spence irregardless of his corruption activities? Who else,

who else is being vetted for this position? So, I think this vote really needs to be deferred until a time that both the investigation is complete, other qualified candidates have introduced themselves, for this position. He has no, zero qualifications in affordable housing. If an affordable housing crisis and an infrastructure management crisis in this island that he's been in charge of for these years, and to be quite honest with you, he's got no qualifications for either of them.

So, I would really request that this Council, which has done an amazing job at proposing to vet qualified candidates, to please defer this vote on his appointment, and finish this investigation of his activities to conceal SMA permits that haven't been assessed, or collected improperly. Thank you.

CHAIR WHITE: Thank you, Mr. Fishkin. Actually, there's no vote on it today, it's just a committee referral.

MR. FISHKIN: I see. Thank you for clarification.

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

MR. FISHKIN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kari Nunokawa, testifying on County Communication 18-254. To be followed by Marc Nishimoto.

MS. KARI NUNOKAWA, MAUI UNITED WAY (testifying on County Communication No. 18-254):

Aloha, Chair and Councilmembers. So good to see you. Happy Aloha Friday. My name is Kari Luna Nunokawa. I'm the President and Chief Professional Officer for Maui United Way, and I'm here to testify in support of Tropic Care 2018, which is 18-254.

You know, this, this, I know it doesn't come to you under great circumstances, and it's a little convoluted, but it is a great service to our community. And, Maui United Way is actually brought onboard to help with the fiscal responsibility of this project for the, for the community and the County.

We're also going to be helping to spread the words to our non-profit partners, and our non-profit friends, through the Maui Nonprofit Directors Association, and getting the word out that way. So, hopefully, a lot of people will be able to benefit from the dental, medical, and optometry services that will be provided from the Department of Defense.

So, I, I know, hopefully you guys don't refer it, and can pass it through. And, that's kind of just the gist of why I'm here today; just to express my support, and the good that it will do for our entire community. Thank you.

CHAIR WHITE: Thank you, Ms. Nunokawa.

Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, good morning. So good to see you.

MS. NUNOKAWA: Hi. So good to see you.

COUNCILMEMBER SUGIMURA: So, your, Maui United Way is a fiscal admin--

MS. NUNOKAWA: Yes.

COUNCILMEMBER SUGIMURA: --leg of this, this. So--

MS. NUNOKAWA: So, we're helping.

COUNCILMEMBER SUGIMURA: You got, how much money did you get? I heard you got a Hawaii Community Foundation Grant.

MS. NUNOKAWA: Yes. So, we got a Hawaii Community Foundation Grant for \$25,000. And, we're in the process of still of writing, and I think we're, we got the, some funds from the Mayor also. But, we're also going to be fundraising on the side as well. So, we are going out for other sponsorships.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Kari. I, I have a question about the services, because this is a short period of time, a one-time thing. How do you do optometry services? Those are usually ongoing I thought.

MS. NUNOKAWA: So, I know they're going to be bringing in fabricators to actually make the glasses here. But, it's actually, unfortunately, going to be only confined to Maui. Lanai and Molokai, they will have to send out prescriptions, and then mail the glasses back, I believe is what is happening. No. No, sorry, my mistake. That's what I thought was happening but it's not. So, but just on Maui County will they have glasses available, right? Yes. Okay. Sorry, looking. We're still, all still kind of, you know, in the process of figuring what exactly is going to be happening during Tropic Care, but.

COUNCILMEMBER KING: Okay. But, you'll be putting out a public notice about how the services are offered?

MS. NUNOKAWA: Yea. So, we're going to be, we will be, and we do have support from the Mayor's Office with Rod Antone to help with the marketing for this as well.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Okay. Any other clarification necessary? Thank you very much for being here this morning.

MS. NUNOKAWA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Marc Nishimoto, testifying on County Communication 18-254. To be followed by Kalani Holokai.

MR. MARC NISHIMOTO, DEPARTMENT OF HEALTH, (testifying on County Communication No. 18-254):

Good morning. My name is Marc Nishimoto. I'm the Public Health Preparedness Planner for the Maui District Health Office, State Department of Health, okay. So, I'm here to testify in support of 18-254.

Little bit of history. In 2013, the Department of Defense, Innovative Readiness Training Program, brought in reservists to Maui County to provide free medical, dental, and vision screening services to Maui County residents. If we take a look at a rather conservative number of maybe \$100 per service, is what you would probably pay more

than if you went to a doctor, we're looking at free services. The value provided by the government, Federal government, was probably in the hundreds of thousand dollars. And, more likely closer to a million dollars of free services. Some of that is already in the paperwork. But, I just wanted to bring over two things that maybe is more personal.

I remember two patients that we had in 2013. One was a patient that was screened and was found to have cancer. So, you know, being able to screen patients for both pre-cancerous growths as well as cancer, along with some of the chronic diseases such as diabetes, it means a difference between life and death for some of these people.

The other patient was a gentleman who came to a central clinic for dental services. The military's policy is to provide one service per person per day, in order to have everyone receive at least one service. This patient came back three additional days, because he had to have three additional teeth pulled. This is the type of conditions that we're talking about for the underserved where they do not have access to medical, dental, or vision services. And, these are free services.

So, you know, Maui Tropic Care is going to be providing an opportunity for Maui County residents to receive these services. And, I strongly urge, and you know, for other reasons and other benefits to the County, I strongly urge the Council to pass this bill. Thank you.

CHAIR WHITE: Thank you for being here.

Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. And, thank you for bringing this forward, and definitely highly supportive. My church, Waiola is assisting, so very happy for that. Is this also a way to, I guess get status of the needs of our County? Is this sort of a statewide push to just see where numbers are at, and the needs of, you know, services that are, I don't know, lacking or needing more of? Or is this kind of a gauge in getting baseline numbers on things?

MR. NISHIMOTO: One of the things that we will be doing is to be getting information from everyone who shows up. Part of that is to see if they do have health insurance. The other part is to provide a resource list to people of where they can get health insurance to cover medical and dental, based on free screening or reduced cost screening, reduced cost medications. And, that's all part of the entire program that we're looking at to provide better services, better follow-up services, to the County residents.

COUNCILMEMBER COCHRAN: Very good. Thank you for your time this morning.

COUNCILMEMBER KING: Chair, just a quick question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I don't want to keep asking questions that will probably come up later when we address this. But, will we have these folks here for a resource?

CHAIR WHITE: I believe they've opted to stay.

COUNCILMEMBER KING: Okay. Cause, I have some questions about the program, but I don't want to take up time if we're going to be addressing it later. Thank you. Thank you for being here.

CHAIR WHITE: Yea, I think they'll be here.

MR. NISHIMOTO: Okay. Thank you.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kalani Holokai, testifying on County Communication 18-254. To be followed by Audrey Antone.

MS. KALANI HOLOKAI, TROPICARE PLANNING TEAM, (testifying on County Communication No. 18-254):

Aloha. Good morning. I'm Kalani Holokai. I'm the secretary at the District Health Office, and I work for our health officer Dr. Lorrin Pang. I worked Tropic Care in logistics in 2013. And, because of that, I was asked to do the same job this time.

So, you know, that in logistics, we are basically trying to get facilities and ground support, and those kinds of things for the military. So, I would like to say that my experience in doing this type of job has been rewarding for me. But also, I see the benefit that it brings to the County. And, what I mean by that is that our team is comprised of both County and State employees who are willing to work together for the good of the community. And, I think that's the reward for me, is that, you know, we can talk in our offices, but when it gets down to it, right, we do the work.

And, I am in support of the bill 18-254, and the ordinance that it proposes. And, especially, you know, being from rural, I think we can all say we're from a rural community, but growing up on Molokai, it would have been, you know, great to kind of, to have this kind of service. And, now I feel like I can be a part of that benefit. So, I hope that you will pass this bill. Appreciate it. Any questions? I'm kind of nervous.

CHAIR WHITE: Thank you very much.

Members, any need for clarification? Thank you for being here this morning.

MS. HOLOKAI: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Audrey Antone, testifying on Committee Report 18-113. Ms. Antone is the last individual who has signed up to testify in the Council chamber.

MS. AUDREY ANTONE, (testifying on Committee Report 18-113):

Aloha, Chairman.

CHAIR WHITE: Aloha.

MS. ANTONE: Good morning, everyone. It's been a while since I've been here. Good morning. My name is Audrey Antone. My daughter and I operate and own a legal vacation rental in Upcountry Maui. We've been operating for about two years. I am here to testify on behalf of myself, my daughter, and my grandchildren; who will someday hopefully inherit my vacation rental. As its written in the law that it can't be sold, but it can be passed onto family members, which I think is a wonderful aspect of the law, because we are planning to do just that.

I was happy to see that resolution no. 18-113 was being considered to be placed on the next General Election ballot. Last month, I was at a State hearing at which a gentleman from the North Shore of Oahu spoke about having he and his children's life threatened by his neighbors because he was trying to testify against the illegal rentals they were operating all along the oceans of the North Shore. Unfortunately, the State put off making that decision. And, therefore, I applaud Maui County for all the work that we've done in legalizing vacation rentals, and now especially, going after the illegal rentals.

I think putting this item on the ballot is an excellent way to get the opinions of the entire voting population on record, and once again, putting Maui way ahead of the game in this area. Also, we all know that there are many more illegal rentals than legal. I have heard as much as nine in ten are illegal; for every ten, there's one legal.

Also, I'm sorry, and, I'd like to point out, just because I pay my property taxes and my TAT and GE taxes, that my property went from \$1,700 a year as a homeowner to over \$8,000 a year in property taxes, which I pay. Also, the TAT and GE amounts to about almost 15 percent, not to mention the cleaning fees and the other people that I pay to maintain my property. Of course, this creates total unfair competition for all of us legal operations, which took me two years and about \$10,000 to get my license.

I think if this passes, it will open up, also, the long-term rental market, and balance out the ridiculously high rents that people are asking, and simply balance the economics of supply and demand. So, thank you again for considering putting this on the ballot. I think once and for all, people will get a chance to actually vote instead of, you know, talking behind people's backs and threatening people's lives. I just hate to see my community, which my family has been in for five generations go to hell, literally. Thank you, people.

CHAIR WHITE: Okay. Hold on just a second.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. ANTONE: Thank you.

CHAIR WHITE: Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk.

Members, without objection, we'll receive the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

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

1. Christopher Fishkin;
2. Kamana`opono Crabbe, Office of Hawaiian Affairs; and
3. Joelle Aoki, Coalition for Drug Free Lanai.

CHAIR WHITE: Thank you. And, without objection, we'll close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk.

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

MINUTES

The minutes of the Council of the County of Maui's regular meeting of March 23, 2018, regular meeting of April 6, 2018, and public hearing of April 25, 2018, were presented at this time.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF MARCH 23, 2018, AND APRIL 6, 2018, AND THE PUBLIC HEARING OF APRIL 25, 2018, BE APPROVED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: No discussion.

CHAIR WHITE: Thank you. Members, any other discussion on the minutes? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN, AND
VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; Mr. Guzman and Mr. Carroll.

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-232 - JAN SHISHIDO, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 7, 2018)

Transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$69,093.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would ask the Clerk to bring up County Communications up to and including 236.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 18-233 - JAN SHISHIDO, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 20, 2018)

Transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, for the Section 8 Housing Program Grants in the amount of \$24,680,647.

NO. 18-234 - JAN SHISHIDO, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 22, 2018)

Transmitting the notice of grant award from the State of Hawaii, Department of Health, Alcohol and Drug Abuse Division, for the Substance Abuse Prevention System Grant in the amount of \$20,725.

NO. 18-235 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated June 14, 2018)

Transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program in the amount of \$1,900,669.

NO. 18-236 - MARK R. WALKER, DIRECTOR OF FINANCE, (dated June 13, 2018)

Transmitting 59 contracts/grants for May 2018.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

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

COUNCILMEMBER SUGIMURA:

SECOND.

(Councilmember Guzman arrived at the meeting at 10:16 a.m.)

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chair.

CHAIR WHITE: Thank you.

Members, any other request for referral of contracts? Okay, seeing none, all those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

And, we welcome Mr. Guzman. Good morning.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm not feeling that well, so.

CHAIR WHITE: And then, so, Mr. Clerk.

NO. 18-237 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 5, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 2-A-6,
Haliimaile Road, Makani Sanitary Landfill Large-Lot Subdivision, Haliimaile, Maui,
TMK: (2) 2-4-001:003 por.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Without objections, may I also request the Clerk bring up items 18-238 through 18-242?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Thank you. So ordered.

NO. 18-238 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 5, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lots 2-A-4 and 2-A-5, Aala Place, Makani Sanitary Landfill Large-Lot Subdivision, Haliimaile, Maui, TMK: (2) 2-4-001:003 por.

NO. 18-239 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 5, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot D-1-B, Lower Honoapiilani Road, North Beach Subdivision II, Honokowai, Lahaina, Maui, TMK: (2) 4-4-014:018.

NO. 18-240 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 5, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 12, Lower Honoapiilani Road, North Beach Subdivision II, Honokowai, Lahaina, Maui, TMK: (2) 4-4-014:019.

NO. 18-241 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 12, 2018)

Informing of the acceptance of a Warranty Deed for Roadway Lot 61, Ohana Hana Place, Ohana Hana Street, and Ohana Hana Loop, Waikapu Gardens Phase 2 Subdivision, Waikapu, Wailuku, Maui, TMK: (2) 3-5-036:061.

NO. 18-242 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 18, 2018)

Informing of the acceptance of a Warranty Deed for Road Widening Lot, Remnant 4, Pauwela Road Sidewalk Improvements, Haiku, Maui, TMK: (2) 2-7-008:043 por.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. So, basically these are housekeeping type items.

CHAIR WHITE: Yea, but we need, need a motion.

COUNCILMEMBER COCHRAN: Oh sorry. I move to, sorry.

CHAIR, I MOVE TO FILE THE COUNTY COMMUNICATIONS
18-237 THROUGH 18-242.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. Yea, so again, these are primarily housekeeping type items in accordance with the Section 3.44.015(H), Maui County Code. Director of Finance is required to notify the Council in writing of any acquisition or conveyance made to the County pursuant to this Section.

So, the dedications are for five Road Widening Lots and one Roadway Lot. And, according to information from Department of Public Works, indicates that the Roadway

Lots were constructed to our County standards and provide the necessary right of way widths. So, therefore, I ask for filing of the communications. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

NO. 18-243 - YARROW FLOWER, CHAIR, CIVIL SERVICE COMMISSION,
(dated June 18, 2018)

Transmitting the performance evaluation of the Director of Personnel Services.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-243.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Per Section 8-9.4 of the Charter, one of the duties of the Civil Service Commission is to annually review and evaluate the performance of the Director of Personnel Service, and submit a report to the Mayor and the Council.

The Civil Service Commission recently completed its annual performance evaluation of David Underwood, Director of Personnel Services. Mr. Underwood received a very favor, favorable review, and his overall evaluation rating exceeds expectations. I respectfully ask for the Council's support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

NO. 18-244 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated June 6, 2018)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending May 2018.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MOVE TO FILE THESE REPORTS.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: No further discussion.

CHAIR WHITE: Thank you. Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

NO. 18-245 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated June 15, 2018)

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

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, I'd like to place this into Committee for further research.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, County Communication 18-245 will be referred to the Water Resources Committee.

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

NO. 18-246 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 19, 2018)

Relating to amendments to the Fiscal Year 2019 Budget to authorize transfers between categories of use that are within a program or department.

The recommended action is that County Communication No. 18-246 be referred to the Budget and Finance Committee.

NO. 18-247 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 19, 2018)

Relating to amendments to Appendix A, Grant Revenue – Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2019.

The recommended action is that County Communication 18-247 be referred to the Budget and Finance Committee.

NO. 18-248 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 29, 2018)

Relating to Appendix B, Rates and Fees, for facility rates for community classes.

The recommended action is that County Communication 18-248 be referred to the Budget and Finance Committee.

(COUNTY COMMUNICATION NO. 18-248, WAS AMENDED LATER IN THE MEETING. See pages 39 through 41 for discussion and action.)

NO. 18-249 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated June 18, 2018)

Reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of May 31, 2018.

The recommended action is that County Communication No. 18-249 be referred to the Budget and Finance Committee.

NO. 18-250 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated June 29, 2018)

Transmitting the plan of audits proposed to be conducted during the Fiscal Year 2019.

The recommended action is that County Communication No. 18-250 be referred to the Budget and Finance Committee.

NO. 18-251 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated June 28, 2018)

Transmitting a bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 6.04, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL".

The recommended action is that County Communication No. 18-251 be referred to the Housing, Human Services, and Transportation Committee.

NO. 18-252 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated June 28, 2018)

Relating to the surface maintenance and upkeep of Door of Faith Road.

The recommended action is that County Communication No. 18-252 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-253 - STACY CRIVELLO, COUNCILMEMBER,
(dated June 29, 2018)

Relating to a Councilmember's report on the 2018 Hawaii State Association of Counties Annual Conference.

The recommended action is that County Communication No. 18-253 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 18-253 WAS FILED LATER IN THE MEETING. See pages 41 through 43 for discussion and action.)

NO. 18-254 - ALAN M. ARAKAWA, MAYOR,
(dated June 27, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH AND THE DEPARTMENT OF DEFENSE".

The recommended action is that County Communication No. 18-254 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 18-254 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED BILL NO. 63 (2018). COUNTY COMMUNICATION NO. 18-254 WAS THEN FILED. See pages 44 through 52 for discussion and action.)

NO. 18-255 - ALAN M. ARAKAWA, MAYOR,
(dated June 27, 2018)

Transmitting the following proposed resolutions entitled:

1. "APPROVING THE APPOINTMENT OF WILLIAM SPENCE AS THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS"; and
2. "APPROVING THE APPOINTMENT OF MICHELE MCLEAN AS THE DIRECTOR OF THE DEPARTMENT OF PLANNING".

The recommended action is that County Communication No. 18-255 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-256 - ALAN M. ARAKAWA, MAYOR,
(dated June 15, 2018)

Relating to statements made by Councilmember Elle Cochran at the Policy, Economic Development, and Agriculture Committee meeting held on June 6, 2018.

The recommended action is that County Communication No. 18-256 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 18-256 WAS FILED LATER IN THE MEETING. See pages 52 through 54 for discussion and action.)

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have a number of items that we need to deal with. And, we will start with item CC 18-248.

Mr. Hokama.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-248**

COUNCILMEMBER HOKAMA: Chairman, thank you. Chairman, thank you.

I WOULD LIKE TO MAKE AN AMENDMENT, CHAIRMAN, REGARDING THE SCOPE. SO, ON THE COMMUNICATION ITSELF, WHICH IS 18-248, I WOULD, I MOVE TO AMEND BY DELETING THE PHRASE, "FOR FACILITY RATES AND COMMUNITY CLASSES", THAT WOULD BE FROM THE COMMA AFTER RATES AND FEES, "FOR THE FACILITY RATES FOR COMMUNITY CLASSES,,"; THAT WOULD BE BRACKETED OUT, AND I WOULD THEN REPLACE IT WITH THE WORDS "DEPARTMENT OF PARKS AND RECREATION FACILITIES".

COUNCILMEMBER CRIVELLO:

I SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this amendment, if the Members agree, would allow the Department, your Committee to be able to take into account a greater scope of proposed considerations under Appendix B. And, you know, your Chair is well aware, as other Members are, of some of the concerns that have been brought up regarding community or general classes under some of the adjustments we made under rates and fees. So, this will allow your Committee the flexibility to look at the various components that have been impacted by our adjustments.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I just wanted to thank Mr. Hokama for bringing this up. I think we've all gotten some, some input about this. And, it was one of those unintended consequences, so I support this going forward.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, Chair, I think we all got the comments, in my office also. And, we did go forward with the resolution. So, I guess we can work in tandem, you know, cause it has something, Mr. Ueoka has preliminarily written out a reso in reference to this, to see if we can urge the Mayor to propose an amendment to this particular category for community class permit fees. So, thank you.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, as Chair of the Parks and Recreation, been well aware of this situation. I had communications with the Director of Parks and Recreation three

weeks ago. They had notified me that an amendment is on its way to the Council. So, I see it as irrelevant and moot at this point to have a resolution since this matter is on the agenda, and is being referred to the proper committee. So, thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, I believe there's some other considerations from the Members.

CHAIR WHITE: Oh, I'm sorry. You're right. Moving to item 18-253.

Councilmember Crivello.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-253**

COUNCILMEMBER CRIVELLO: Yea. Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-253.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: We have a motion from Ms. Crivello, and a second from, I believe it was Ms. King.

COUNCILMEMBER CRIVELLO: Ms. King.

CHAIR WHITE: Thank you.

COUNCILMEMBER CRIVELLO: Thank you. Chair, Councilmember Carroll, Hokama, Councilmember King, Sugimura, and myself, attended various panel discussions at the 2018 HSAC Annual Conference on June 21, 2018 through June 23, 2018, at the Sheraton Waikiki Hotel in Honolulu, Hawaii.

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

So, one of the informational panels at the conference related to official board business involving establishing a County Office of Climate Change, Sustainability and Resiliency. So, we have panel members; Dr. Charles Fletcher, he's the Associate Dean for Academic Affairs and Professor of Geology and Geophysics at the University of Hawaii; and, Former Head Commissioner, Honolulu Charter Commission, David Rae; and Josh Stanbro, Chief Resilience Officer and Executive Director of Office Climate Change, Sustainability and Resiliency, City and County of Honolulu.

Another panel related to official board business included a discussion on the Effects of Tourism on County Resources. And, panel members included: Richard Egged, President, Waikiki Improvement Association; Dolan Eversole, Waikiki Beach Management Coordinator, University of Hawaii; Josh Stanbro; and Max Sword, Past Vice-President of Industry Affairs, Outrigger Enterprises.

Panel members discussed the differences between urban and rural beaches and the challenges posed by tourism, but also rural beaches on the North and East shores of Oahu also facing coastal erosion but mainly affect residential areas.

One of the management solution that was brought up was the, what was supported by the Waikiki Improvement Association, including county legislation to create a Special Improvement District in Waikiki for long-term maintenance and restoration of Waikiki Beach.

And, lastly, there was a panel discussion on real property tax data and the impacts of a proposed constitutional amendment on the counties. Panel members included: Frank Goodale, Hawaii Association of Realtors; Real Property Tax Administrator, Steven Hunt, I think that was; and Real Property Tax Administrator, Hawaii County, Lisa Miura; and our Budget Chair, Riki Hokama; as well as the President of the Hawaii State Teachers Association, Corey Rosenlee.

So, the panels discussed the State Constitutional amendment that's going to be on the ballot during this election. And, as well as other non-official board business session, include topics on agricultural technology, long range sustainability and resilience, leadership, and talks from the National Association of Counties; our NACo President Roy Charles Brooks, and NACo Executive Director Matt Chase.

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

Mr. Chair, this concludes my report.

CHAIR WHITE: Thank you very much.

So, we have a motion to file. Any further discussion on this item? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Motion is carried with eight "ayes", and one "excused".

Mr. Clerk.

Oh no, I'm sorry. We have one more. Ms. Sugimura.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-254**

COUNCILMEMBER SUGIMURA: Chair. Oh, 18-254, Clerk. I, oh okay.

SO, MR. CHAIR, I WAIVE TO, I, IN REFERENCE TO COUNTY COMMUNICATION 18-254, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. As you heard in proposed testimony from, I think, Ms. Araki, from Joe Pontanilla, Kari Nunokawa, Marc Nishimoto, and Kalani Holokai all talking to us about the merits and the experience of the Tropic Care 2013, and looking forward to 2018.

The proposed bill that you have before you seeks authorization for an intergovernmental agreement for an event to be held August 8 to 23, 2018. The regularly scheduled PEA Committee meeting is not until July 23. Following that Committee meeting, there is only a single Council meeting before the event starts. This bill will require two readings. So, that's why I'm requesting for a waive of Committee referral and report, is necessary to enable the Council to consider action today on the proposed bill for first reading.

Approval for my motion would require a two-thirds vote of the entire membership of the Council, which will enable the Council to consider the proposed bill today, Chair.

CHAIR WHITE: Thank you. Any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Just the, well, we're just voting on the waiver right now, yea.

CHAIR WHITE: Just on the waiver. Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO PASS ON FIRST READING, THE PROPOSED BILL
ATTACHED TO COUNTY COMMUNICATION 18-254.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Tropic Care 2018 is a program providing dental, orthopedic, and primary medical services to underserved communities on Maui, Molokai, and Lanai. The documentation presented to us by the Administration, Exhibit "A" and exhibit, I'm sorry, Exhibit "1" and Exhibit "2", describes the program as well as the commitments that needed to be made in order to set up the program for the community in, for August 11 to the 19 of 2018. So, today, I'm asking if the Council will pass on first reading this bill, because it needs two readings in order to pass Council, and for this program to proceed.

On a side note, I just want to commend Joelle Aoki from Lanai, who is, I guess she was the person who brought this forward to the County. She's pretty amazing. I've

met her through community work. And so, she's listed here in Exhibit "2" as one of the, I guess she was one of the makers of this or created this, along with Joe Pontanilla, with 2018.

So, I'm looking, Members, for us to pass this on first reading now. And, it will require a second reading. So, if allowed, to then have a second reading on July 20, the next Council meeting. And, if there are any questions the Councilmembers have, that I can get it resolved between that time so that we can have this in time for the community to enjoy the services on Maui, Molokai, Lanai, Hana, included. I think thousands of residents benefit from this free service. So, thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion?

COUNCILMEMBER KING: I just have a question.

CHAIR WHITE: Mr., I'm sorry, Ms. King, followed by Mr. Guzman.

COUNCILMEMBER KING: Thank you, Chair. Yea, this is the question I had earlier that, I support this. I just had a question about how, how they're taking reservations, and if there's a pre-screening based on need and, you know, how do we make sure that the people who really need this get the services and it's not filled up with folks who already have insurance or already are getting care.

CHAIR WHITE: Without objections, we'll have Ms. Araki-Regan answer questions.

MEMBERS VOICED NO OBJECTION.

MS. ARAKI-REGAN: Thank you for, thank you for those questions. You know, it's open to the general public. We're not requesting for any ID's, copy of insurance card. It's open to each and every one of the members of the public. Anyone residing here on Maui, Molokai, Lanai, are eligible to receive the services; first come, first serve basis, no reservations needed. It's going to be open Monday through Sunday, 11, August 11 through the 19th. The only times that won't be available are in Kihei and Lahaina due to church services on Sunday mornings. But, from noon to four, Kihei and Lahaina sites will be open, along with all the other sites.

COUNCILMEMBER KING: Okay, so it's just show up and wait?

MS. ARAKI-REGAN: Yes. Uh-huh.

COUNCILMEMBER KING: Interesting. Thank you.

CHAIR WHITE: Any other questions? Thank you very much.

MS. ARAKI-REGAN: Thank you.

CHAIR WHITE: Oh, I'm sorry. Do you have a question?

COUNCILMEMBER ATAY: Yes.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. I'm just, I, I accept and support the community's opportunity to receive services. But, I want to be clear, what is the expected amount required when, when in this bill of ordinance says, "billeting support" of the Department of Defense personnel? I interpret billeting as lodging. Is there an expense from the County for that?

MS. ARAKI-REGAN: There are some expenses related to lodging. Most, I think, locations have waived any fees. But, if there are charges, you know, we, we've received a grant, or Maui United Way has received a grant from Hawaii Community Foundation in the amount of 25,000. So, those monies will be used for any lodging expenses, any supply purchases that we need to make, any refreshments for our volunteers, what have you.

COUNCILMEMBER ATAY: Okay. Yea, I just want to be clear, what would be the amount that's covered, you know, to house or to host or to welcome the personnel of the Department of Defense? And, if that is why the United Way's involvement is to raise the monies to offset that expense.

MS. ARAKI-REGAN: Yea, they're still in the process of raising some monies. I don't anticipate needing much more. I think 25,000 is, is a good amount. Any additional expenses we'll, we'll seek donations from businesses and the general public if necessary.

COUNCILMEMBER ATAY: Thank you. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you very much for being here, Ms. Regan. So, under the ordinance, basically in so many words, you need Council approval, the Mayor needs Council approval for any intergovernmental agreement that obligates the County financially. So, what Mr. Atay is asking, what is that financial obligation? What is that

amount? Because, what I'm hearing from you, it's being covered by the grants and United Way and donations. So, where is the financial obligation that triggers this approval from the Council?

MS. ARAKI-REGAN: Our support is through coordination, through logistics, arrangements through planning; that is our contribution. So, it's not just monetary. It's, it's in-kind support that we've provided nearly two years now. And, unfortunately, you know, like I was saying earlier, the intergovernmental agreement, I thought was done already. You know, it wasn't until I came onboard and worked with our Deputy Corporation Counsel that we realized that the documentation had not been transmitted to Council. And so, that's why we quickly, you know, got whatever paperwork done as quickly as possible and transmitted it.

COUNCILMEMBER GUZMAN: I believe it, there's no doubt this, this has been a very good program in the past. But, is there any documentation or financial data that you have acquired in the last two, two times that this has been ongoing? So, to present to the Council, so that we have a ballpark range of what that financial in-kind donations, or what would be the wording here is, provide support. Do, I'm sure you would have those type of financial documents, because this is a ongoing program, and we've done it in the past, yea.

MS. ARAKI-REGAN: Well, we've only done it once, and that was in 2013. And, I wasn't here in 2013, so I'd like to call up Mr. Pontanilla if I may. He was the Incident Commander back in 2013.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Mr. Pontanilla.

MR. PONTANILLA: Council Chair, back in 2013, when we had this project coming to Maui, there was no budget allowed; no budget at all. Because of the documentation that was signed, probably 2011, 2012, by Joelle Aoki from Lanai, with the consent of the Mayor, we went ahead and provided the medical service to our community. We had in-kind donations from people. We had in-kind donations from organizations like the Lions Club.

Of course, there were some supplies that we utilized from the County of Maui; toilet paper, napkins, and that was the extent. So, I would think that back in 2013, we spent like maybe \$3,000 or less. In regards to County supplies; paper napkins, toilet paper, soap, you know, things like that.

COUNCILMEMBER GUZMAN: Okay. Thank you, Chair. So, around 3,000, you would estimate for this particular program.

MR. PONTANILLA: Back in 2013.

COUNCILMEMBER GUZMAN: Okay. So, maybe 5,000 for this year. Okay. Thank you. Thank you.

MR. PONTANILLA: Okay.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, no I'm one in support of this. Two, this actually started on Lanai, okay. And, that's why the name of Joelle Aoki is on the paper. And, once Lanai was able to get the DOD to agree, there was discussion why wouldn't we make this a Countywide thing, okay. So, it expanded so that the rest of the County could also benefit from Lanai's initiative. And, I believe this is through the Coalition for a Drug-Free Lanai, through that non-profit as well as, possibly the Lanai Community Association.

My concern though is, one, and you know, I've heard the comments, you see that the Mayor signed this 22 months ago, in 2016. Okay, and now we're dealing with this 22 months later for something that's going to happen next month. So, I'm not too thrilled with timing.

But, I appreciate Mr. Atay and Mr. Guzman's comments, Chairman. So, I believe there's a motion to pass on first reading, currently on the floor.

I WOULD THEN MAKE A AMENDMENT, CHAIRMAN, UNDER SECTION 3 OF THE PROPOSED ORDINANCE, UNDER SECTION 2 MAYBE, THAT THE COUNCIL WOULD ALSO REQUIRE THE ADMINISTRATION TO REPORT A COMPLETE FINANCIAL REPORT BACK TO THE COUNCIL WITHIN SIXTY DAYS AT THE CLOSURE OF THE EVENT. THAT WOULD BE MY AMENDMENT.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, you know, on a technical point, Mr. Guzman brings, correct, there needs to be a financial component for this intergovernmental agreement. But, if you heard the Chief of Staff, they worked on this for two years, some people. Okay, so to me, there is a lot more than \$5,000 involved, okay. We're talking about supplies. We're not talking about salaries and wages, okay.

I think, you know, if we're going to support this, that's fine. But, let's really know what we're really expending to support this type of event. Because, I think we get our monies worth no matter what, from my estimation of what I see from the community's benefits, I think totally outweighs what we're going to expend.

But, we are a legislative body that has the responsibility of accounting. And, I think we should be aware of what is this costing us, so that we can maybe plan better, hopefully for the next event, so we don't need to go through Committee work at this Council meeting to get this done more appropriately, Chairman. So, that is my reason for the proposed amendment. Thank you.

CHAIR WHITE: Okay. Thank you.

Any further discussion on the motion? Okay, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Hokama, anymore?

COUNCILMEMBER HOKAMA: Thank you, Chairman. No further.

CHAIR WHITE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Mr. Chair.

CHAIR WHITE: Back to the, we're back to the main motion.

COUNCILMEMBER SUGIMURA: Oh, back to the main motion. So, I move to pass on first reading, the proposed bill attached to County Communication 18-254.

CHAIR WHITE: No, we have a motion on the floor already, right?

COUNCILMEMBER CRIVELLO: It is.

COUNCILMEMBER SUGIMURA: Oh, it is.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

I think that takes care of--

COUNCILMEMBER SUGIMURA: I have to file County Communication 18-254?

CHAIR WHITE: Okay. Please make the motion.

COUNCILMEMBER SUGIMURA:

SO, I MOVE TO FILE COUNTY COMMUNICATION 18-254.

And, thank you, Members, for passing this on first reading.

COUNCILMEMBER CRIVELLO:

SECOND.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

And that, I think takes care of your item, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: Okay. Thank you.

Ms. King.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-256**

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-256.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Yea, Chair, thank you. You know, I, I'm not sure what the point of this is of referral. I think it's, it was a reaction to statements made at a, you know, there's just no, there's, it's a, it's a referral to I guess discuss some statements that were made. And, I, I sat through that meeting where, that the, that Alan Arakawa is referring to in his, his transmittal of this statement, and listened to a 30 plus minute rant by the Mayor. I think he had his say, and I'm not sure why he's upset or why, I'm not sure what the point of this is. It feels highly political to me. And, I think we should just file the communication. So, I ask for my colleagues' support on this. And, let's just move on.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

And, I believe that finishes all the ones I'm aware of. Any other objections to the referrals as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So, we'll refer as ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to County Communication 18-254, for the record, BILL 63 (2018).

Mr. Chair, proceeding with general communications.

(Councilmember Crivello was excused from the meeting at 10:51 a.m.)

GENERAL COMMUNICATIONS

NO. 18-3 - DANIEL Y. YASUI, A&B PROPERTIES HAWAII, LLC.,
(dated June 18, 2018)

Submitting the 2018 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

ON BEHALF OF OUR COMMITTEE CHAIRMAN
MR. CARROLL, I MOVE TO FILE GENERAL
COMMUNICATION 18-3.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Thank you. Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND VICE-CHAIR
CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Mr. Carroll.

Mr. Clerk.

COUNCILMEMBER HOKAMA: Oh, Chairman. Excuse me, I made an error in my notes, Chairman. I need to ask for a reconsideration.

MOVE FOR A RECONSIDERATION, CHAIRMAN.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama for the reconsideration, and a second from Ms. King.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, Chairman, I apologize to my colleagues and you, Chairman. I misread my notes as it regards to the recommendations of Committee Chairman Carroll. He would like to have this specific communication referred to Committee for further discussion, therefore, the reconsideration motion.

CHAIR WHITE: Thank you.

COUNCILMEMBER KING: Second.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND VICE-CHAIR
CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT GENERAL COMMUNICATION 18-3
BE REFERRED TO THE LAND USE COMMITTEE.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND VICE-CHAIR
CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

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

NO. 18-4 - BLANCA LAFOLETTE, CMBY 2011 INVESTMENT, LLC,
(dated June 21, 2018)

Submitting the Conditions of Zoning Compliance Report for Ordinance No. 4220,
CMBY 2011 Investment, LLC, TMK: (2) 3-8-008:019.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

THIS COMMUNICATION, I MOVE TO FILE.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Members, we're going to take a break. I, I just went right through the 10:30 hour, so I apologize. So, please be back in your seats at 11:05. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:53 A.M., AND WAS RECONVENED AT 11:07 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR CARROLL, EXCUSED.)

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

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

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-99 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Bill 64 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.32.020, MAUI COUNTY CODE, RELATING TO ONE-WAY STREETS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-475, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR, LET'S SEE, I MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 18-99.

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. The IEM Committee met on February 26, 2018, and June 5, 2018. It makes reference to County Communication 17-475, from the Director of Public Works, who transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.32.020, MAUI COUNTY CODE, RELATING TO ONE-WAY STREETS".

And the purpose of this proposed bill is to revise the limits of the one-way portion of Oihana Street, Wailuku, Maui, Hawaii, from the intersection of Kanoa Street to the east side of Spreckles Ditch.

Your Committee noted the Public Works Commission unanimously recommended approval of the proposed bill at its meeting on October 25, 2017.

A Captain from Department of Fire and Public Safety said the change will not impact current operations. An Officer from the Department of Police said if necessary signage, markings, and lane-turn indicators are provided, the Department does not have an objective, objections to the proposed bill.

Also, an Engineer from Department of Public Works said new striping and signage will be added to make traffic patterns clearer. Extending the limits of the one-way portion of Oihana Street will improve access to businesses on the street and prevent illegal right turns onto Kinipopo Street.

Your Committee voted 5-0 to recommend passage of this proposed bill on first reading, and filing of the county communication.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of Corporation Counsel, incorporating nonsubstantive revisions.

And, your Committee is recommending passage of this bill on this first reading, and filing. So, I respectfully ask for my Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 64 (2018).

COMMITTEE REPORT
NO. 18-100 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Bill 65 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-149, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

SO, I MOVE TO ADOPT THIS RECOMMENDATION IN
COMMITTEE REPORT 18-100.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, the IEM Committee met June 5, 2018. And, it makes reference to this County Communication 18-149, which is from Director of Public Works, who transmitted a bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED".

And, the purpose of this proposed bill is to establish a mid-block crosswalk on South Kihei Road approximately 250 feet north of Hoonani Street, Kihei, Maui, Hawaii.

Your Committee noted Public Works Commission unanimously recommended approval of this proposed bill at its meeting of February 22, 2017.

And, your Committee further noted the crosswalk request was initiated by the Kihei Community Association as part of their effort to establish contiguous sidewalk access along the northern end of South Kihei Road. The crosswalk would connect the end of the sidewalk on the mauka (east) side of South Kihei Road with the makai (west) side of the road, which continues north.

The Deputy Director of Public Works said staff will need to evaluate the site-specific data relating to road traffic and the number of pedestrians using the crosswalk to determine whether pedestrian activated flashing lights are warranted.

Your Committee voted 4-0 to recommend passage of this proposed bill on first reading and filing. I ask for the Members support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 65 (2018).

COMMITTEE REPORT

NO. 18-101 - LAND USE COMMITTEE:

Recommending that County Communication 13-78, from Councilmember Donald G. Couch, Jr., Chair, Planning Committee, transmitting a letter from the Planning Director, relating to residential districts, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE, ON BEHALF OF COMMITTEE CHAIR CARROLL, THAT COMMITTEE REPORT 18-01 [S/C], WITH ITS RECOMMENDATION, BE ADOPTED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the, your Committee is recommending filing of the communication. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-102 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-115, entitled "AUTHORIZING SETTLEMENT OF DAVID TAYLOR V. ALAN ARAKAWA, ET AL., CIVIL NO. 18-1-0056(1)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-102.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met to consider the settlement options and proposed settlement resolutions in this case read by the Clerk.

The Complaint in this case alleges David Taylor was removed from his position as Director of Water Supply starting as early as November 15, 2017, in violation of the County Charter. The Complaint further alleges wrongful termination in violation of Mr. Taylor's due process rights under the Hawaii Constitution and misuse of his professional engineering license, among other things.

Deputy Corporation Counsel did say that he received a, he received the copies of the invoices of the fees and costs charged by Mr. Taylor's attorneys and wanted to discuss and revisit the settlement terms.

We then entered into executive meeting to discuss those terms. Following the executive meeting, your Committee voted 8-0 to recommend adoption of the proposed resolution authorizing settlement of this case. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-115.

COMMITTEE REPORT
NO. 18-103 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that correspondence dated April 30, 2018, from Councilmember Stacy Crivello, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE APPOINTMENT, EVALUATION, AND REMOVAL OF THE DIRECTOR OF WATER SUPPLY, AND THE APPOINTMENT OF THE DEPUTY DIRECTOR OF WATER SUPPLY", be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 18-103.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 19 and 20, to discuss a proposed amendment to the Revised Charter of the County of Maui (1983), as amended, relating to the appointment, evaluation, and removal of the Director of Water Supply, and the appointment of the Deputy Director of Water Supply. The purpose of the proposed resolution was to place on the next General Election ballot the question of whether the Charter shall be amended to have the Board of Water Supply, appoint, evaluate, and remove the Director of Water Supply, and to have the Director appoint the Deputy Director of Water Supply.

In consideration of time and to thoroughly vet through this Charter proposal, your Committee voted to recommend filing of the correspondence dated April 30, 2018. I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-104 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-116, entitled "RELATING TO THE APPOINTMENT OF TANYA LEE-GREIG TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED.

Approving the appointment of Tanya Lee-Greig to the Maui County Cultural Resources Commission for term expiring March 31, 2022.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I also ask the Clerk to bring up Committee Reports 18-105 through 18-111?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT
NO. 18-105 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-117, entitled "RELATING TO THE APPOINTMENT OF EDWARD CODELIA TO THE COST OF GOVERNMENT COMMISSION, be ADOPTED.

Approving the appointment of Edward Codelia to the Cost of Government Commission for term expiring March 31, 2023.

COMMITTEE REPORT
NO. 18-106 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-118, entitled "RELATING TO THE APPOINTMENT OF ZANE LACADEN TO THE COMMISSION ON CHILDREN AND YOUTH," be ADOPTED.

Approving the appointment of Zane Lacaden to the Commission on Children and Youth for term expiring March 31, 2021.

COMMITTEE REPORT
NO. 18-107 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-119, entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Stuart Marlowe (Lanai) to the Urban Design Review Board for term expiring March 31, 2023.

COMMITTEE REPORT
NO. 18-108 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-120, entitled "RELATING TO THE APPOINTMENT OF JO-ANN RIDAO TO THE MAUI REDEVELOPMENT AGENCY," be ADOPTED.

Approving the appointment of Jo-Ann Ridao to the Maui Redevelopment Agency for term expiring March 31, 2019.

COMMITTEE REPORT
NO. 18-109 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-121, entitled "RELATING TO THE APPOINTMENT OF RAY SHIMABUKU TO THE BOARD OF VARIANCES AND APPEALS," be ADOPTED.

Approving the appointment of Ray Shimabuku to the Board of Variances and Appeals for term expiring March 31, 2021.

COMMITTEE REPORT
NO. 18-110 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-122, entitled "RELATING TO THE APPOINTMENT OF HANNAH WERTH TO THE COUNCIL ON AGING," be ADOPTED.

Approving the appointment of Hannah Werth to the Council on Aging for term expiring March 31, 2020.

COMMITTEE REPORT
NO. 18-111 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-123, entitled "RELATING TO THE APPOINTMENT OF KELLIE PALI TO THE MAUI PLANNING COMMISSION," be ADOPTED.

Approving the appointment of Kellie Pali to the Maui Planning Commission for term expiring March 31, 2019.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee--

CHAIR WHITE: We need a motion first.

COUNCILMEMBER SUGIMURA: Oh, sorry.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 18-104 THROUGH 18-111.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee met on June 9 and June 9, I'm sorry, June 5 and June 19, to discuss the Mayor's nomination to these respective boards and commissions.

Mr. Stuart Marlowe, nominee to the Urban Design Review Board, was the only nominee requested to be interviewed by the Committee. The Mayor's representative said that Mr. Marlowe is a small business owner on Lanai. He previously served, he previously served a full five-year term on the Lanai Planning Commission, and would like to continue to serve his community.

Your Committee was satisfied with Mr. Marlowe's application to the Urban Design Review Board. As well as, we took up nominations on June 5 for the Commission on Children and Youth, the Cost of Government, and Cultural Resources Commission. Those nominees were approved. And, on June 19, we took up Maui Planning Commission; Council on Aging; Board of Variances and Appeals for Ray Shimabuku; MRA, Jo-Ann Ridao; Urban Design Review Board, again, Mr. Marlowe was taken up at that meeting.

And, your Committee voted to recommend approval of all eight nominees to their respective boards and commissions. I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Reports 18-104, up to and including 18-111, for the record, that's RESOLUTIONS 18-116 through 18-123, respectively.

COMMITTEE REPORT
NO. 18-112 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-124, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, AMENDING SECTION 13-6, RELATING TO CLAIMS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-112.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, and Agriculture Committee met on May 14 and June 5, to consider a proposed resolution to place on the next General Election ballot the question of whether Section 13-6 of the Charter shall be amended to require that claims be filed with the Department of Corporation Counsel instead of the County Clerk.

Currently, upon receipt of the claim, the Office of County Clerk prepares an acknowledgement to the claimant and forwards the claim to the Department of Corporation Counsel.

Your Committee agreed that amending the Charter to require that claims be filed directly with the Corporation Counsel instead of County Clerk would streamline the claims process, increase clarity for claimants, and eliminate bureaucratic inefficiencies. I respectfully ask for the Council's support of the motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER GUZMAN.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", one "no", and one "excused". And, it was Mr. Guzman with the "no" vote.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-124.

COMMITTEE REPORT

NO. 18-113 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-125, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PENALTIES," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-113.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 5, to consider a proposed resolution to place on the next General Election ballot the question of whether Section 13-10 of the Charter shall be amended to increase the penalty for the operation of a transient accommodation without, transient accommodation without a necessary permit from the current 1,000 amount to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by the State law, and to clarify that the current limit of 1,000 fine for the violation of an ordinance is a limit of \$1,000 per day the violation persists.

Your Committee discussed the challenges of addressing illegal transient accommodations, and felt that increasing the penalty would be an additional tool to help curb violations.

The Planning Department is in full support of the proposed resolution.

We heard from testifier Audrey Antone, who also supports this, who is a short-term vacation rental legal permittee. And, I also respect to ask for the Council's support of the motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura. Any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. First, I want to say I give my appreciation to Chairman Sugimura and her Committee Members. I apologize, I was not part of the Committee's direct deliberations. For me, Chairman, my reservation this morning is not what we're trying to do in a sense of increasing the amount that the

Council may legislate regarding the fines. I, I support that in general; that we should have a Charter amendment just say that the Council may legislate fines up to \$20,000.

This specific thing about the transient accommodations, I believe is more appropriate as an ordinance, the day and what not. You know, for me, the nuts and bolts that you put on this should be an ordinance. Charter should remain to be the basic skeleton of structure of general governance and not be filled with the day to day operational legislation that the ordinance fulfill and require. Just as the statutes fulfill the State's requirements and not always have a constitutional amendment to legislate off your governing document. So, that's just my thoughts, Chairman, and I appreciate my opportunity to express. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

I'll just point out that we tried to pass a change in the Charter last time around. I believe it was recommended to move it up to 10,000, and that didn't pass. So, the reason that it was crafted the way it was is that this is a very damaging practice that's happening in our community. And, if, if we can get support for this, I think it gives us the ability to bring the hammer down much more realistically on those that are not following the laws that we've passed.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. And, thanks for that reminder. I remember having that discussion in Committee. I just wanted to clarify that that last section in this, it says to clarify the current limit of a \$1,000 fine for the violation of an ordinance. So, we're referring to all other ordinances besides the transient? Cause, it sounds a little confusing the way it's worded like that that, you know, we just, we're passing a \$20,000 limit, but now we're talking about the \$1,000 limit, so.

CHAIR WHITE: Yea, the \$1,000 limit remains for all other--

COUNCILMEMBER KING: Right. So, that's what we're talking about with, by clarifying that that's for \$1,000 a day?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Or the ordinance. Okay.

CHAIR WHITE: Any further discussion?

Well, you probably received a number of emails in opposition to this. So, I just happened to be at my computer, and I looked up the first two folks that sent emails in, and they didn't show up as owning properties on Maui. So, I asked staff to go through each email, and using our wonderful real property tax system, we were able to identify that ten of the people don't own property on Maui, 34 do own property. Of the 34, 16 are permitted, 18 are either homeowner category or residential. Many of the mailing addresses, and you know if you own a home, your address is here. Many of the mailing addresses for these email folks are from places all over the mainland.

So, what's odd is that the email sent to all of us said, I am a Maui resident, I am a voter, and I am part of the home-sharing community, which tells me they're actively sharing their home. Well, if they are, there's 18 people who are doing so without a permit. We could only find, out of 30, or out of 44, we could only find 13 as registered voters. So, sometimes it's, the name is a little bit different, so we may have missed some. But, that means that if the number is correct, it's 70 percent of the people are not voters in Maui County. And, that might be, may be reduced to 50 percent or something of that sort. But, I just find it interesting that we get very erroneous information in some of these emails.

The Chair is somewhat inclined to send back an email to all of these folks and say, would you please provide us with your Transient Accommodations Tax ID number, your General Excise Tax ID number, and your permit number; and see what kind of response we get. And, if we don't get the appropriate response, then I think we, we should possibly look at sending in an RFS for the Planning Department to follow up on some of these folks that say they're part of the home-sharing community, but they're doing so without a permit from all that we can tell.

So, I support the measure primarily because of the problem that it's created in our community. And, I know several of you have taken very strong leadership positions on this.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-125.

COMMITTEE REPORT

NO. 18-114 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-126, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO USES OF THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 18-114.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 19, to consider a proposed resolution to place on the next General Election ballot the question of whether the Charter shall be amended

to expand the uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to authorize the fund to be used to perform maintenance and safety and security improvements on lands acquired through the fund.

Your Committee discussed placing a percentage on, or a monetary cap on the funds that could be used for maintenance, safety, or security so that such costs would not deplete the entire Fund.

The Committee recommended revising the proposed resolution and ballot question to clarify that language related to safety and security improvements would, would include initial maintenance.

Your Committee noted the Fund has a balance of 6.2 million, according to the Fiscal Year 2019 Budget. The budget of finance, Director of Finance supported the proposed resolution and said his Department would be able to track the funds expanded use. I respectfully ask for your Council's support on the motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-126.

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 61 (2018)

A BILL FOR AN ORDINANCE AMENDING THE EFFECTIVE DATE OF
ORDINANCE 4851 (2018), RELATING TO HIGHWAY IMPROVEMENT FEES
AND VEHICLE DISPOSAL FEES

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Excuse me.

CHAIRMAN, I MOVE THAT BILL NO. 61 BE POSTPONED
UNTIL DATE CERTAIN AUGUST 24, 2018, COUNCIL
MEETING, TO BE HELD IN THE COUNCIL CHAMBERS.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, our Department of Motor Vehicle and Licensing, or that our Division, has informed that the implementation cannot be done and completed until effective September 1, 2018. So that this deferral to the date certain will allow us to make no further revisions to the legislation and await the specific date, August 24, for final Council action that then will be implemented on September 1. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 62 (2018)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE RELATING TO ENFORCEMENT PROCEDURES
FOR BED AND BREAKFAST HOMES

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, ON BEHALF OF COMMITTEE CHAIRMAN
CARROLL, I MOVE THAT BILL 62 PASS SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I believe this bill has gone through a lot of
discussion, and therefore, I'm ready to allow the Council to vote.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yes, and Mr. Hokama is correct. We've been down and around and inside and out with all this. And, my initial vote in Committee was a no. I have really sifted, contemplated, read a few heartfelt and detailed explanations, emails, and so I have a change of heart and I am in support of it. So, I just wanted to make note on the record on that. Thank you, Chair.

CHAIR WHITE: Okay. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there's no further business before the Council.

CHAIR WHITE: Thank you very much.

Thank you all very much for your attendance today. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of July 6, 2018 was adjourned by the Chair at 11:35 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

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

re: Testimony July 6th, 2018 / Director William Spence

R ris <fryrchr@s@aol.com>
Today, 8:06 AM
County Clerk

Reply all

Dir. Spence and Mayor r...
78 KB

Bob Carroll letter.pdf
59 KB

lette
1 MB

Show all 3 attachments (1 MB) Download all Save all to OneDrive - County of Maui Office of Council Services

Aloha County Clerk,

The email string below and the attachments are all to be submitted into testimony today regarding William Spence's proposed appointment to be Director of Housing and Human Services.

Thank you.

Christopher P. Fishkin
Waiale Rd
Wailuku, HI 96793
808-213-4140

-----Original Message-----

From: ris <fryrchr@s@aol.com>
To: nick <nick@imagedesigncom.com>
Sent: Sat, Apr 21, 2018 10:42 am
Subject: Fwd: Request for response from William Spence

forwarding: for your interest

-----Original Message-----

From: chris <fryrchr@s@aol.com>
To: don.guzman <don.guzman@mauicounty.us>; elle.cochran <elle.cochran@mauicounty.us>; robert.carroll <robert.carroll@mauicounty.us>; kelly.king <kelly.king@mauicounty.us>; alika.atay <alika.atay@mauicounty.us>; riki.hokama <riki.hokama@mauicounty.us>; mike.white <mike.white@mauicounty.us>; stacy.crivello <stacy.crivello@mauicounty.us>; yukilei.sugimura <yukilei.sugimura@mauicounty.us>
Cc: sam <sam@swvs.net>; editor <editor@mauitime.com>; editor <editor@mauinow.com>; leeimada <leeimada@mauinews.com>
Sent: Sat, Apr 21, 2018 10:27 am
Subject: Fwd: Request for response from William Spence

Dear Council members,

Please see the email below in response to a letter written BY COUNCILMEMBER BOB CARROLL to DIR. PLANNING WILLIAM SPENCE.

RECEIVED
2018 JUL -6 AM 8:26
OFFICE OF THE
COUNTY CLERK

William Spence asserted in his Declaration that he believes that an SMA permit with developer obligations (which were also required for that Subdivision's Approval) was closed the same day it was opened!!!

Council member Guzman's office and Council member King's office provided the government records establishing that Spence's Declaration is completely false.

You are spending taxpayer monies to fund the defense of ongoing fraud by Administration officials supported by the Dept. Corp Counsel every step of the way.

The Dept. of The Corporation Council is preventing the Council from performing its investigative duties and responsibilities placing the public in harm's way.

The Council's continuing unwillingness to seek outside counsel with all this evidence in place, is now woefully negligent!

The Dept. of The Corporation Counsel, Spence, Goode and the Mayor's Office is making you co-conspirators in a Watergate style cover-up.

These matters are compromising the County Council branch of government.

Please take appropriate and immediate action to preserve the integrity of County government and bring a stop to this egregious contravention of the public interest.

Sincerely,

Christopher P. Fishkin
808-213-4140

-----Original Message-----

From: ris <fyrchris@aol.com>

To: Moana.Lutey <Moana.Lutey@co.maui.hi.us>; robert.carroll <robert.carroll@mauicounty.us>

Sent: Fri, Apr 20, 2018 8:35 pm

Subject: Re: Request for response from William Spence

Ms. Lutey,

With respect, Council member Robert Carroll sought the answer to questions raising very serious issues of concern, pertaining to a written Declaration by the Director of Planning, William Spence, which took place recently and *subsequent* to the initiated litigation referenced in the attached letter.

The Declaration written by Director Spence, being queried in Council member Carroll's letter to Mr. Spence, originated in a separate matter which pertains to a FOIA request for public documents.

Also, the fact that the questions originated from my query to him, and were on behalf of a County resident, is not the issue. My query was to Mr. Carroll and his query was to Director Spence. My communications were with an elected representative; not with an Administration Official.

It is clear from your email and attachment that both Mayor Alan Arakawa, and William Spence, Director of Planning, seek to actively obstruct a Council member's legitimate right and duty to investigate an administrative department of the county, which obstruction appears to be in violation of the County Charter Art 3-6 (3) which allows the Council " To conduct investigations of (a) the operation of any department or function of the county and (b) any subject upon which the council may legislate".

Moreover, The Department of The Corporation Counsel is clearly facilitating and, or advising the Mayor's Office and the Department of Planning to act in such manner. I assert in no uncertain terms that you and your department have previously colluded in the concealment of county public government records; made

material false representations to the courts, and now, in this instance, continue to obstruct the Maui County Council.

This is an egregious misuse and abuse of power by a government law firm, and the Administration, its client(s), under what is a perverted color of law, to facilitate fraud on behalf of a private developer. I am not only alarmed by the "Watergate" tactics which are being used by the Department of The Corporation Council to obstruct a legitimate inquiry, but, saddened that a County government law firm; its director and deputies are knowingly defending unlawful administrative acts in contravention of the public interest.

At the same time, you and your department are blocking the Council from performing their duties and responsibilities which appear self-serving and conspiratorial.

This is a matter for which, perhaps, the Hawaii Supreme Court is uniquely qualified to address.

Sincerely,

Christopher P. Fishkin

-----Original Message-----

From: Moana Lutey <Moana.Lutey@co.maui.hi.us>

To: fryrchriss <fryrchriss@aol.com>

Cc: morris.haole <morris.haole@mauicounty.us>

Sent: Mon, Apr 16, 2018 11:01 am

Subject: Request for response from William Spence

Mr. Fishkin:

I am responding to your email dated April 12, 2018 to Robert Carroll's office. The law does not require the County, in this circumstance, to provide a written response to the questions you have posed. Instead, the County would only be obligated to provide responsive documents. In spite of the fact that the Count is not obligated to provide a written response in this situation, a copy of Mr. Spence's letter is attached for your files.

Thank you for your attention to this matter.

Moana M. Lutey

ALAN M. ARAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director



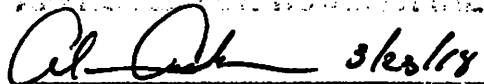
COUNTY OF MAUI
DEPARTMENT OF PLANNING OFFICE OF THE MAYOR

March 23, 2018

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Robert Carroll, Council Member
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Mayor Date

Dear Council Member Carroll and Members:

**SUBJECT: REQUEST FOR RESPONSE TO CHRISTOPHER FISHKIN
EMAIL, DATED FEBRUARY 21, 2018, REGARDING
QUESTIONS ON SPECIAL MANAGEMENT AREA (SMA)
PERMIT FOR A THREE-LOT SUBDIVISION AND RELATED
IMPROVEMENTS OF LOT 48-A, HUI ROAD "E,"
LOCATED IN LAHAINA, MAUI, HAWAII, TMK: (2) 4-3-015:004
(RFC 2018/0021)**

The Department of Planning (Department) is in receipt of your letter dated February 21, 2018, regarding an email from Mr. Christopher Fishkin, requesting responses to questions drawn from a draft letter from Mr. Samuel Smalls, dated September 1, 2017, in request of an audit of SMA Permit (SM2 2000/0042). Mr. Fishkin suggested that Planning Director (Director), William R. Spence, be asked the following:

1. Why is there a contradiction between the *Declaration of William R. Spence*, where it says that the Director believed the SMA permit was closed on the same date that it was issued, and County records available in the KIVA system?
2. Is it correct that from County records, the same SMA permit conditions, which were granted two (2) extensions, were also required for subdivision approval?
3. Is there any reason that the County would not issue a notice of non-compliance to the Applicant so that both permit conditions and subdivision could come into compliance?

RECEIVED

2018 MAR 23 PM 12: 01

OFFICE OF THE
COUNTY COUNCIL

2018 MAR 27 AM 9: 43

RECEIVED

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Robert Carroll, Council Member
March 23, 2018
Page 2

In response to your request for an explanation that can be provided to residents and constituents, we note that because the matter is currently in litigation (Christopher Salem vs. The County of Maui, et al.), as such, the Department is unable to respond to any of the aforementioned questions posed by Mr. Fishkin.

Thank you for the opportunity to respond. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Michele Chouteau McLean, Deputy Director (PDF)
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Brian Bilberry, Deputy Corporation Counsel
Project File

WRS:TKF:ela

K:\WP_DOCS\PLANNING\RFC\2018\0021_KIVARRecordSystem\Dept_Response.doc

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 22, 2018

Will Spence, Director
Department of Planning
One Main Plaza
2200 Main Street
Wailuku, HI 96793

Dear Mr. Spence:

Please find attached a letter and ancillary information from Christopher Fishkin reproaching the Planning department's process of procedure regarding contradictions in the Kiva record system and the noticing of non-compliance of SMA permits. May I ask that your department review the submitted material and provide commentary so that the county may be able to explain our rationale to its residents and constituency. Would it be feasible to have a written response by Friday, March 30th? If there are any questions, please feel free to contact my office and thank you for your kind consideration concerning this request.

Sincerely,

ROBERT CARROLL
Councilmember, East Maui

RC.mhhFishkin/18.2.21

September 1st, 2017

Mr. Lance Taguchi
Office of The County Auditor

Re: Requested Audit of SMA Permit # SM2 2000/0042

Dear Mr. Taguchi,

An audit is requested to be performed on the above referenced SMA permit. The information and attached documentation, appears alarming as to its implications and its scope.

Planning Director William Spence has recently declared that he believes the above referenced SMA Permit was "closed" on the same date as it was issued and approved. (see attachments 1 and 2) After Susan Foley, the executive assistant for Councilmember Kelly King, located the attached Permit Summary for this SMA Permit in the County's computer records (see attachment 3), it is of concern that the County Permit tracking records indicate otherwise.

It would appear that County records show this SMA Permit could not possibly have been closed on the same day it was issued. The Permit Summary references the SMA Permit was "approved with conditions." The applicant was also granted two extensions by the Department of Planning to complete "the construction of subdivision improvements". The Permit Summary also states "there are no inspections for this permit".

As the record shows, the completion of the "construction of the subdivision improvements", referenced in the SMA Permit Summary, was also Condition #15 of the oceanfront subdivision imposed by the Department of Public Works on June 23, 2000, as referenced in the attached letter from former Public Works Director Charlie Jencks. (see attachment 4) This letter represents that compliance with the SMA Permit was a condition of the subdivision approval. If the "construction improvements" were not completed by the date of the second extension, then the permit is expired and unfulfilled.

It is also of concern that the record shows that the final subdivision approval was granted by Deputy Public Works Director Milton Arakawa, whose land planning firm was the authorized consultant for the developer for the environmental studies and issuance of the same SMA Permit. In other words, a Deputy Director, hired by the Department of

Public Works, in the middle of his clients' subdivision process, signs off on the subdivision, and without the designated conditions of approval being fulfilled.

Further there are additional and related concerns that would be addressed by an audit of the civil engineering "Order of Magnitude" Estimates for the infrastructure improvements and environmental mitigations, referenced in the same conditioned SMA permit. (see attachment 5) One red flag is raised by a Transmittal from the civil engineer wishing the developer client "good luck" in convincing the Planning Department the SMA Permit qualifies for an SMA Minor. (see attachment 6)

To aid in your audit, there is an attached estimate from a licensed engineering contractor, of the cost of the infrastructure mitigation's and roadway improvements to the subdivision frontage along Lower Honoapiilani Road. (see attachment 7) As you can see, the estimate is almost ten times the \$27,709 figure presented on the "good luck" estimate by the developer's civil engineer. As these figures represent the threshold upon which the Director may declare whether an SMA Major or an SMA Minor Permit is granted, there is a serious question as to whether the public was denied their rights to public hearings and environmental assessments to protect the shoreline.

If the referenced permit is, in fact, expired and unfulfilled, a notice of non-compliance should have been issued to the developer. In such circumstance, the developer would have to reapply for another permit in order to then fulfill their conditioned obligations. It should also be noted that some of the actual "mitigations" listed for the subdivision frontage, mentioned above, are not even possible, and, so appear fictitious.

As Concerned citizens, your office conducting an independent audit, of this permit, is greatly appreciated.

If you need any further information, please contact Samuel Small at (973) 271-0788.

Attachments included

1. Declaration of Dir. William Spence, Dept. Planning
2. OIP letter declaring Declaration to be a public record w/ Hugh Farrington Letter referenced in Declaration
3. up-to-date KIVA Permit Summary Record
4. Charlie Jencks Letter June 23, 2000 with condition # 15 for subdivision approval
5. Order of Magnitude Estimates
6. Civil Engineer Letter wishing developer "good luck" in getting Minor SMA permit
7. Independent Engineer estimate 10 times higher-- Sullivan Report

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

CHRISTOPHER SALEM,
Requestor,

vs.

THE COUNTY OF MAUI; THE COUNTY OF MAUI, by and through WILLIAM SPENCE, as DIRECTOR OF PLANNING, and BRIAN BILBERRY, DEPUTY THE CORPORATION COUNSEL WITH THE DEPARTMENT OF CORPORATION COUNSEL,

Defendants.

Civil No.: 17-1-0208 (1)

DECLARATION OF WILLIAM R. SPENCE

DECLARATION OF WILLIAM R. SPENCE


WILLIAM R. SPENCE does hereby declare:

1. I make this declaration upon personal knowledge and am competent to testify to the matters stated herein.
2. I am the Director of Planning. I have held this position since January 2, 2011. In my capacity as Director, I am familiar with Christopher Salem and his requests for public records related to SMA Permit #SM2 2000/0042.
3. In November 2016, my department received a request from Salem requesting public records “. . . of the date and final acceptance and closure of SMA Permit #SM2 2000/0042. . . [a]lso the name of the Planning Department Individual that closed the referenced SMA Permit. . .”. There is no document responsive to this request and Salem was informed of that fact.

4. It is my belief that SM2 2000/0042 was closed when the approval was issued on June 6, 2000 via letter to Hugh Farrington. Salem received a copy of that letter well before the filing of the current lawsuit.

I hereby declare under penalty of perjury that the above is true and correct.

DATED: Wailuku, Maui, Hawaii, June 6, 2017.



WILLIAM R. SPENCE

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 6, 2000

Mr. Hugh Farrington
Lot 48-A, LLC
P. O. Box 1516
Kihei, Hawaii 96753

Dear Mr. Farrington:

RE: Special Management Area (SMA) Minor Permit – For the Three-Lot Subdivision of Lot 48-A at Hui Road "E" and Related Subdivision Improvements at TMK: 4-3-015:004, Lahaina, Island of Maui, Hawaii (SM2 2000/0042)

In response to your application received on May 11, 2000, and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;
2. The project has a valuation not in excess of \$125,000.00 (Valuation: \$91,400.00);
3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A and is consistent with the County General Plan and Zoning.

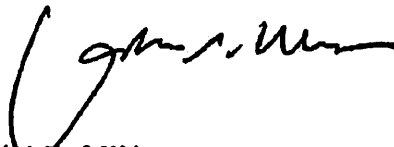
In consideration of the above-referenced determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

Mr. Hugh Farrington
June 6, 2000
Page 2

1. That construction shall be in accordance with plans submitted on May 11, 2000.
2. That a subdivision approval shall be obtained prior to the initiation of construction (if applicable).
3. That construction of the subdivision improvements shall be initiated by December 31, 2000 and shall be completed within one (1) year of said initiation.
4. As represented, the existing chain-link fencing located within the minimum 48 ft. shoreline setback area shall be removed within sixty (60) days of the date of this approval. Documentation shall be submitted to the Maui Planning Department that the condition has been fulfilled.
5. That continued public-lateral shoreline access shall be allowed along the rock ledge, makai (ocean side) of the existing embankment and vegetation fronting the shoreline area of Lot 48-A.
6. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

Mr. Hugh Farrington
June 6, 2000
Page 3

JEM:CMS:osy

c: Clayton Yoshida, AICP, Deputy Planning Director
Aaron Shinmoto, PE, Planning Program Administrator
Colleen Suyama, Staff Planner
Michael Munekiyo, AICP, Munekiyo, Arakawa & Hiraga, Inc.
LUCA (2)
~~2000/SM2 Minor Permit File~~
General File
(S:\CMS\HuiRoadE2)



DAVID Y. IGE
GOVERNOR

STATE OF HAWAII
OFFICE OF INFORMATION PRACTICES
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX (808) 586-1412
E-MAIL: oiip@hawaii.gov
www.oiip.hawaii.gov

CHERYL KAKAZU PARK
DIRECTOR

July 21, 2017

VIA E-MAIL

Mr. Christopher Salem
5100 Lower Honoapiilani Road
Lahaina, Hawaii 96761

Re: Appeal from Denial of Access to General Records (U APPEAL 17-29)

Dear Mr. Salem:

This follows our telephone conversation yesterday. Again, thank you for your letter of June 6, 2017, which was received by the Office of Information Practices (OIP) on July 14, 2017, and included a copy of the written Declaration of William Spence, Director of Planning, dated June 6, 2017 (Declaration), that was apparently submitted to the Circuit Court of the Second Circuit. Since it appears that the document was prepared by Mr. Spence or prepared for his signature and related to a matter handled by his office, the Declaration is a "Government record" as defined in section 92F-3, Hawaii Revised Statutes.

In the Declaration, Mr. Spence states "It is my belief that SM2 2000/0042 was closed when the approval was issued on June 6, 2000 via letter to Hugh Farrington." Based on our telephone conversation, it is my understanding that you are satisfied that Mr. Spence's Declaration is responsive to your record request RFS Information for 16-0001392 to the County of Maui, Planning Department. As a result, you are withdrawing U APPEAL 17-29.

This letter also serves as notice that OIP is not representing anyone in this appeal. OIP's role herein is as a neutral third party.

If you have any questions, please do not hesitate to contact OIP.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Amano".

Donald H. Amano
Staff Attorney

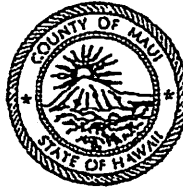
DHA:za

#2

JAMES "KIMO" APANA
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

FERRINGTON
RALPH M. NAGAMINE, L.S., P.E.
Land Use and Codes Administration

RONALD R. RISKI, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

ANDREW M. HIROSE
Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Division

June 23, 2000

Mr. Reed M. Ariyoshi, P.E., P.L.S.
WARREN S. UNEMORI ENGINEERING, INC.
2145 Wells Street, Suite 403
Wailuku, Hawaii 96793

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION
TMK:(2) 4-3-015:004
LUCA FILE NO. 4.805

Dear Mr. Ariyoshi:

Preliminary approval was granted to the subject subdivision on June 23, 2000.
Final approval shall be contingent upon compliance with the following conditions:

1. Requirements/comments from Maui Electric Company:
 - a. Electricity is available from nearby existing facilities (overhead and/or underground).
 - b. Requires line extension (overhead and/or underground) within existing County or State road right-of-way.
 - c. Requires line extension (overhead and/or underground) within private road or property.

Comments: Final approval of the subdivision is recommended. Line extension requirement for Lot 48-A-2 can be deferred until it is developed.

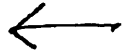
If you have any questions, please contact Mr. Alan Miyazaki at 871-2390.

#4

**ORDER OF MAGNITUDE ESTIMATE
FOR
SUBDIVISION OF LOT 48-A INTO 3 LOTS**

March 4, 2000

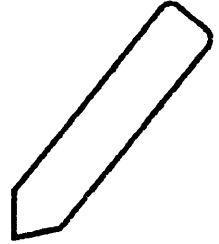
Description	Approx. Quan.	Unit	Unit Price	Total
<u>ROADWIDENING</u>				
<u>L. Honoapiilani Road</u>				
Grading L. Honoapiilani Road	220	l.f.	\$ 5.00	\$ 1,100
2½ AC	41	ton	\$ 85.00	\$ 3,485
4" ATB	68	ton	\$ 82.00	\$ 5,412
6" SBC	100	ton	\$ 35.00	\$ 3,500
Primer	103	gal.	\$ 4.00	\$ 412
Conc. Curb and Gutter	220	l.f.	\$ 20.00	\$ 4,400
4' Sidewalk	220	l.f.	\$ 18.00	\$ 3,960
Driveway Curb Cut and Apron	1	each	\$ 1,000.00	\$ 1,000
Traffic Control		L.S.		\$ 2,000
Grassing Shoulder	880	s.f.	\$ 0.50	\$ 440
Dust Control		L.S.		\$ 2,000
			Subtotal - L. Honoapiilani Road:	\$ 27,709
<u>Hui Road E</u>				
Grading L. Honoapiilani Road	400	l.f.	\$ 5.00	\$ 2,000
2" AC	36	ton	\$ 85.00	\$ 3,060
6" UTB	108	ton	\$ 35.00	\$ 3,780
Primer	112	gal.	\$ 4.00	\$ 448
Conc. Curb and Gutter	142	l.f.	\$ 20.00	\$ 2,840
Sidewalk	142	l.f.	\$ 18.00	\$ 2,556
Driveway Curb Cut and Apron	2	each	\$ 1,000.00	\$ 2,000
Traffic Control		L.S.		\$ 1,000
Grassing Shoulder	600	s.f.	\$ 0.50	\$ 300
Dust Control		L.S.		\$ 2,000
			Subtotal- Hui Road E:	\$ 19,984
<u>WATER SYSTEM:</u>				
Fire Hydrant	1	each	\$ 4,000.00	\$ 4,000
Double Service Conn.	1	each	\$ 2,000.00	\$ 2,000
			Subtotal - Water System:	\$ 6,000



#5

Mr. Reed M. Ariyoshi, P.E., P.L.S.
SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION
LUCA FILE NO. 4.805

June 23, 2000
Page 5 of 6



15. Comply with the conditions of the Special Management Area (SMA) Minor Permit (SM2 2000/0042) granted on June 6, 2000. NOTE: Upon the approval of the construction plans, the subdivider should verify with the Department of Planning to verify if an SMA Major Permit is required or if another SMA Minor Permit is required due to the addition of construction work. *
16. Submit ten (10) sets of the construction plans and three (3) sets of a drainage and soil erosion control report for review and approval by the applicable agencies. In accordance with Section 18.24.010(D) MCC, a construction plan review fee (\$50/lot) shall be paid upon submission of the construction plans.
17. Submit fifteen (15) prints of the final plat in accordance with Chapter 18.12 (Final Plat) MCC. The final plat shall include all revisions addressing the comments noted on the enclosed preliminary plat.

Within one (1) year from the date of preliminary approval of the subdivision, all requirements shall be completed, unless an extension of time is granted. Applications for extension of time should be made in writing to the Department of Public Works and Waste Management at least fifteen days before the expiration date.

If you have any questions regarding this letter, please call Mr. Lance Nakamura of our Land Use and Codes Administration at 270-7252.

Very truly yours,

CHARLES JENCKS
Director of Public Works
And Waste Management

Enclosures: Preliminary Plat
Application For Tax Clearance

Description	Approx. Quan.	Unit	Unit Price	Total
<u>SEWER SYSTEM:</u>				
2" HPE Force Main	900	l.f.	\$ 20.00	\$ 18,000
Connection to Existing SMH	1	each	\$ 3,000.00	\$ 3,000
Conc. Anchor Beam Block	3	each	\$ 300.00	\$ 900
Subtotal - Sewer System:				\$ <u>21,900</u>
<u>ELECTRICAL, TELEPHONE, CATV SYSTEM:</u>				
Service Lateral	3	each	\$ 2,500.00	\$ 7,500
Subtotal - Electrical, Telephone, CATV System:				\$ <u>7,500</u>
SUM OF ALL ITEMS:				\$ 83,093
10% CONTINGENCY:				\$ 8,309
PROBABLE CONSTRUCTION COST:				\$ <u><u>91,402</u></u>



Warren S. Unemori Engineering
 2145 Wells Street, Suite 403
 Wailuku, Maui, Hawaii 96793
 (808)242-4403 FAX: (808)244-4856

TELECOPIER TRANSMITTAL

TO: Tim Farrington DATE: March 4, 2000
P.O. Box 1516 PROJECT: Mailepai Hui Subdivision
Kihei, Hawaii 96753 of Lot 48-A into 3 Lots
 JOB NO.: _____
 RE: _____

ATTENTION: _____

TELECOPIER NO.: 874-6450

We are transmitting 3 page(s) including this cover sheet. If they are not received, please call us and we will retransmit them as soon as possible.

Originals to be Mailed: yes no

Documents: Order of Magnitude Estimate of Construction Cost of Anticipated Improvements

Remarks: I wasn't exactly sure about existing improvements on Hui Road E. Therefore I assumed the worst case scenario. I also assumed that the existing 6-inch line will be able to deliver the required fire flow of 1000 gpm because of the very short run. Hope you're successful in convincing Planning that improvements will cost less than \$125,000.



Copies To: _____ By: Good luck,
Warren S. Unemori

CONFIDENTIAL COMMUNICATION: This message is intended only for the use of the designated recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this message in error, kindly notify us immediately by telephone. Thank you.

P.B. Sullivan Construction, Inc.

P.O. Box 734
Kihel, HI 96753
Ph: 808-875-2833
Fax: 808-874-5690
Lic #: AC 22090

April 29, 2008

Chris Salem
8 Hui Road E
Lahaina, HI 96761
Phone: (808) 298-1166

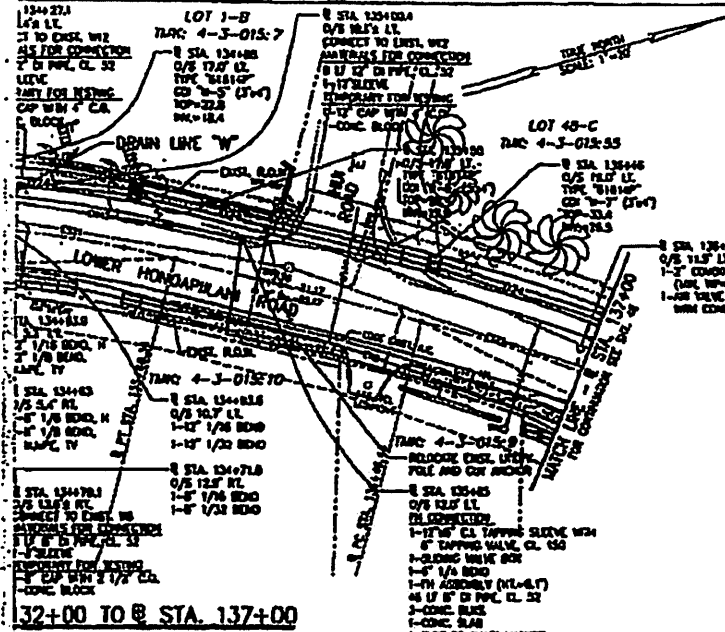
Subject: Lower Honoapiilani Road Improvements Phase 4 at Lots 48-C and 48-B

P.B. Sullivan Construction Inc. is a fully licensed and insured contractor in the State of Hawaii with a current bonding limit of \$14,000,000. We have assessed the supplied drawings and based on our experience and expertise, submit an estimated project cost of \$257,328.48. The estimate includes all material, labor, equipment and supervision to perform designated work on the attached spreadsheet. Please contact us with any questions or comments concerning this project.

Sincerely,

Justin Sullivan
Project Engineer
Justin@pbsullivanconst.com
808-357-8790

#7

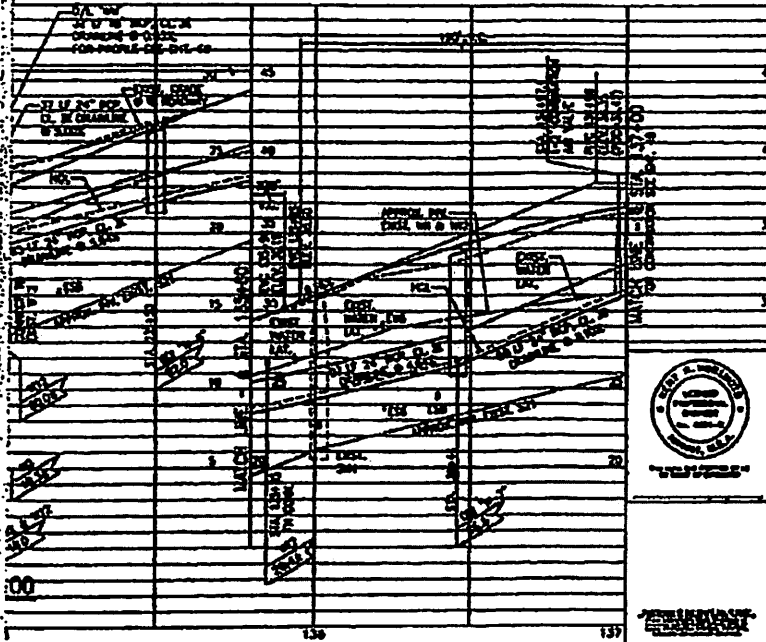


FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
10000	MD	31P-308(2)	2001	47	113

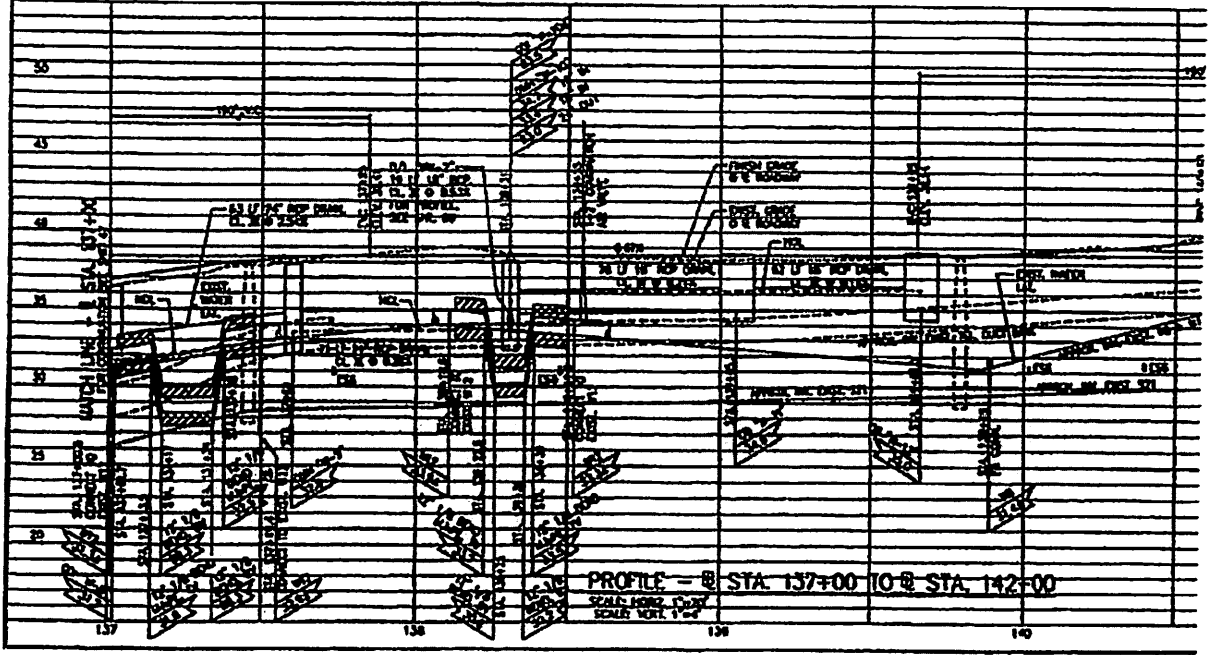
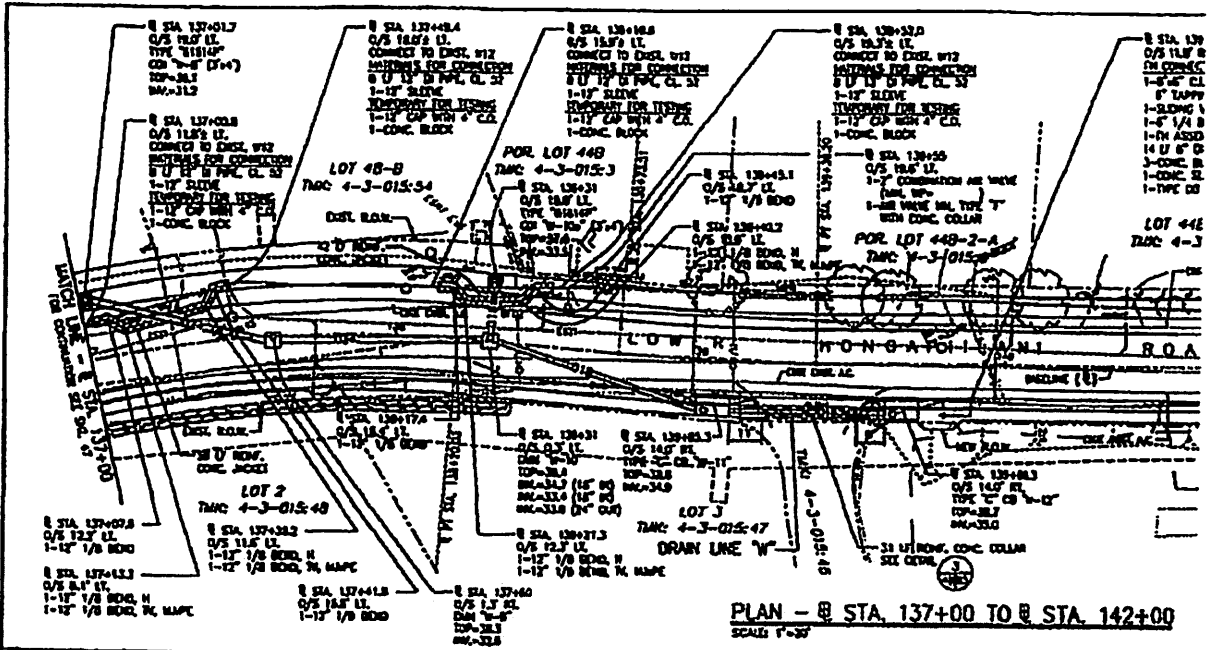


NOTE:
 1. CONTRACTOR SHALL ADJUST ALL FRAMES & COVERS OF NEW & EXIST. CURB, UTILITY BOXES, VALVE BOXES, MANHOLES, CATCH BASINS, DRAIN GRATES AND MONUMENTS, WHETHER SHOWN OR NOT SHOWN ON THE PLANS, TO MATCH THE NEW FINISHED GRADES. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.

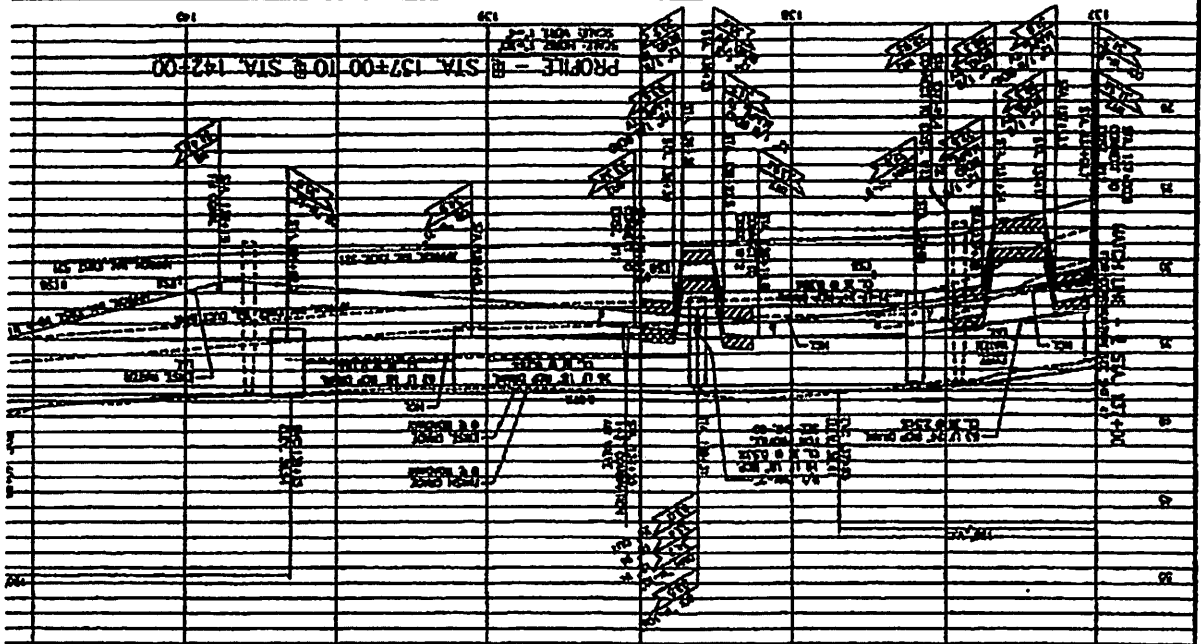
32+00 TO @ STA. 137+00



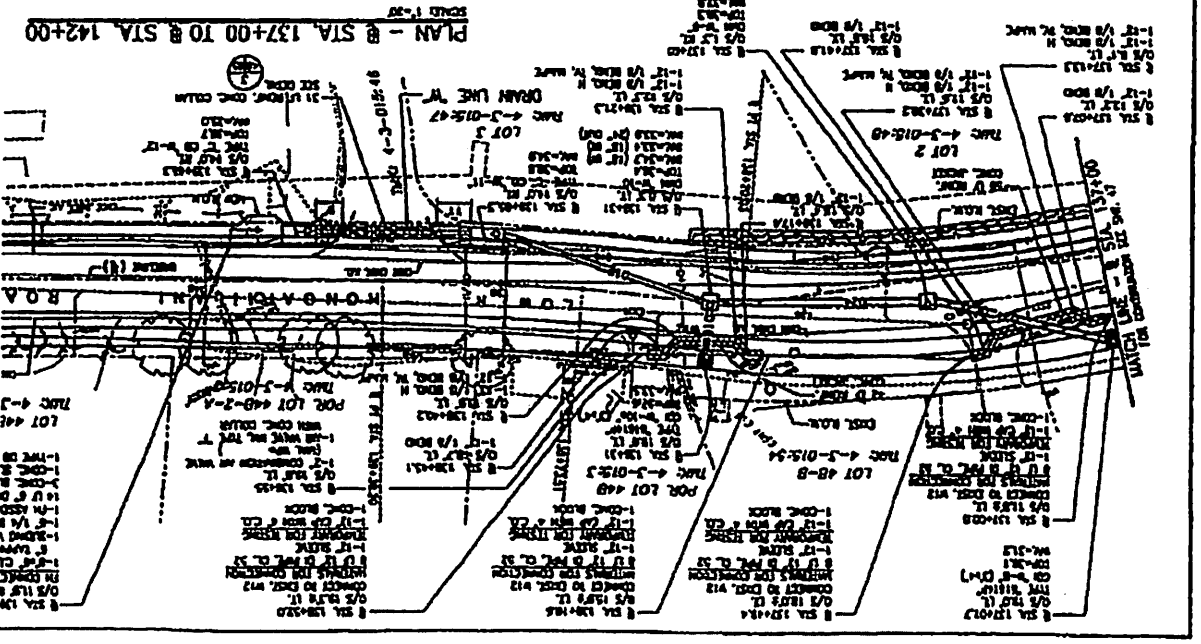
DEPARTMENT OF PUBLIC WORKS COUNTY OF MONTGOMERY MONTGOMERY, MARYLAND	
PLAN AND PROFILE STA. 132+00 TO STA. 137+00	
LOWER HONDAPILAIN ROAD IMPROVEMENTS PHASE - 4	
FED. AID PROJECT No. 31P-308(2)	
Drawn by	Checked by
Designed by	Reviewed by
Scale	Scale



JOB NO. M-88-340



Station	Notes
137+00	Start of work
137+50	End of work
138+00	Start of work
138+50	End of work
139+00	Start of work
139+50	End of work
140+00	Start of work
140+50	End of work
141+00	Start of work
141+50	End of work
142+00	End of work



PLAN - @ STA. 137+00 TO @ STA. 142+00



OFFICE OF HAWAIIAN AFFAIRS

Administrative Testimony

Testimony of Kamanaʻopono Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

RECEIVED

2018 JUL -6 AM 7: 53

OFFICE OF THE
COUNTY CLERK

Maui County Council

CR 18-113

RECOMMENDING FIRST READING OF RESOLUTION TO PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER SECTION 13-10 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, SHALL BE AMENDED TO INCREASE THE PENALTY FOR THE OPERATION OF A TRANSIENT ACCOMMODATION WITHOUT A NECESSARY PERMIT FROM THE CURRENT \$1,000 AMOUNT TO A CIVIL FINE OF UP TO \$20,000 PLUS \$10,000 PER DAY FOR EACH DAY THE UNLAWFUL OPERATION PERSISTS, UNLESS A HIGHER FINE IS AUTHORIZED BY STATE LAW, AND TO CLARIFY THAT THE CURRENT LIMIT OF A \$1,000 FINE FOR THE VIOLATION OF AN ORDINANCE IS A LIMIT OF \$1,000 PER DAY THE VIOLATION PERSISTS.

July 6, 2018

9:00 a.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) offers the following comments in **SUPPORT** of CR 18-113, which would allow the county to more meaningfully deter illegal transient accommodation uses of Maui's residential housing units, and thereby mitigate the impact of the transient accommodation industry on the county's residential housing supply.

The relatively unchecked proliferation of transient vacation rentals, bed and breakfast establishments, and short-term rental homes may have a significant negative impact on housing and homeownership opportunities for local residents throughout the islands, and for Maui residents in particular. For example, the Department of Business, Economic Development & Tourism (DBEDT) has found a strong correlation between an increasing demand for single family vacation rentals, and an overall increase in demand for housing units in the state.¹ A subsequent DBEDT-commissioned study found that vacation rentals increased by 34% per year between 2005 and 2015, with an estimated 27,000 "individually advertised units" in 2015;² not surprisingly, this proliferation of transient accommodation units, which generate nearly 3.5 times more income than the average long term residential rental,³ correlated with substantially increased housing costs

¹ DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM, MEASURING HOUSING DEMAND IN HAWAII, 2015-2025 9 (2015) available at <http://files.hawaii.gov/dbedt/economic/reports/2015-05-housing-demand.pdf>.

² SMS, HAWAII HOUSING PLANNING STUDY 55 (2016), available at

https://dbedt.hawaii.gov/hhfdc/files/2017/03/State_HHPS2016_Report_031317_final.pdf

³ *Id.*

throughout the islands.⁴ The proliferation of transient accommodation units in itself also represents a direct loss of housing units from the long-term residential market. Notably, Maui has the largest number of transient accommodation units in the state, with an estimated 9,000 residential units or 13.6% of its residential housing stock used instead as transient accommodations.⁵ **Meanwhile, median sales prices for homes on Maui saw the largest increase in the state (24%) from 2010-2014; Maui's residential rental listings dropped by 80% from 2011-2014;⁶ and Maui rent prices increased by 29% between 2009-2016, with county renters spending the second highest amount in the state to cover their monthly housing expenses in 2016.⁷** Unfortunately, Maui residents' housing challenges – likely to have been significantly exacerbated by the proliferation of transient accommodation operations – are only projected to increase: Maui's unmet residential housing need has been estimated to reach nearly 4,000 units by 2020, 70 percent of which will be needed for households at or below 80% of the area median income.⁸

In response to the growing impacts of transient accommodation operations, OHA understands that Maui enacted a robust permitting framework for transient vacation rentals and bed and breakfast establishments in 2009. Unfortunately, while only 130 permits had been issued for Maui Island, five years later there were more than 8,000 vacation rental units advertised on the island; similarly, while there were only ten permitted short-term vacation rentals on Moloka'i, with no permitted bed and breakfast operations, Hawai'i Tourism Authority-commissioned research found that same year that there was an average of 365 units advertised in Moloka'i for bed and breakfast or short-term rentals every day.⁹ **With an ongoing abundance of transient accommodation listings far exceeding the number of permits issued for such operations, enforcement challenges have confounded and continue to confound the meaningful regulation of the transient accommodation industry on Maui.**

Accordingly, OHA appreciates and supports the intent of this measure, to provide for a more meaningful financial deterrent to unpermitted and unlawful transient accommodation operations. With transient accommodation units advertised from \$100 to

⁴ *Id.* at 60.

⁵ VICTOR GEMINIANI & MADISON DELUCA, HAWAII VACATION RENTALS: IMPACT ON HOUSING & HAWAII'S ECONOMY 9 (2008), available at <http://hiappleseed.org/wp-content/uploads/2018/03/Appleseed-Vacation-Rental-Report-rev.-3.29.18.pdf>.

⁶ RICK CASSIDAY, MAUI RENTAL MARKET AFFORDABLE RENTAL HOUSING STUDY UPDATE 2014 (2014), available at <http://dbedt.hawaii.gov/hhfdc/files/2015/02/RENTAL-HOUSING-STUDY-2014-UPDATE-COUNTY-OF-MAUI.pdf>.

⁷ SMS, HAWAII HOUSING PLANNING STUDY 26-27 (2016).

⁸ RICK CASSIDAY, MAUI RENTAL MARKET AFFORDABLE RENTAL HOUSING STUDY UPDATE 2014 (2014), available at <http://dbedt.hawaii.gov/hhfdc/files/2015/02/RENTAL-HOUSING-STUDY-2014-UPDATE-COUNTY-OF-MAUI.pdf>.

⁹ See PERMITTED SHORT-TERM VACATION RENTAL HOMES (STRHS) SINGLE FAMILY RESIDENCES OPERATED BY DESIGNATED MANAGERS available at <http://www.co.maui.hi.us/DocumentCenter/View/14762>; INDIVIDUALLY ADVERTISED UNITS IN HAWAII (VACATION RENTALS) (2014), available at [http://www.hawaiiourismauthority.org/default/assets/File/research/accommodations%20studies/Individually%20Advertised%20Units%20in%20Hawaii%20\(Vacation%20Rentals\).pdf](http://www.hawaiiourismauthority.org/default/assets/File/research/accommodations%20studies/Individually%20Advertised%20Units%20in%20Hawaii%20(Vacation%20Rentals).pdf).

\$400 or more per night, the current \$1,000 penalty for violations of Maui's transient accommodation laws is unlikely to encourage compliance by the thousands of unpermitted operators in Maui. Even in the unlikely event that they are found in violation of the law, illegal operators could generate gross revenues that exceed a \$1,000 potential fine in less than a week, and simply consider such a potential fine as a "cost of doing business." By providing the county with the ability to impose fines more commensurate with the potential revenues generated by unpermitted and illegal transient accommodation operations, including a \$20,000 base penalty with a \$10,000/day fine for continuing violations, **the ballot provision contemplated in this measure will better ensure that Maui's land use ordinances are taken seriously by those who may otherwise violate the law for profit, level the playing field for those transient accommodation operators who are in compliance with the law, and ultimately provide much-needed housing relief and homeownership opportunities for Maui residents.**

Accordingly, OHA urges the Council to **APPROVE** First Reading for CR 18-113. Mahalo nui for the opportunity to testify on this measure.



July 6, 2018

Maui County Council
200 South High Street
Wailuku, Hawaii 96793

RE: Approval for an ordinance authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the State DOH and DOD (TropiCare Maui County 2018): CC 18 254

Dear Council Members,

Thank you for taking the time to hear and review the request for approval for an ordinance authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the State DOH and DOD (TropiCare Maui County 2018): CC 18 254

My name is Joelle MLA Aoki, I am the Executive Director of the Coalition for Drug Free Lana'i and Liaison for the 2012 Tropic Care Maui County Mission which occurred in the County of Maui, 2013. I apologize for my absence today. None the less I feel the importance to share with you today, the past mission of the Innovative Readiness Training Unit, US Armed Forces and the significant impact on our communities within the County of Maui as well as the State of Hawaii.

Attached is an article which I submitted to Lana'i today, about the past mission and its effect and benefits to so many in the County of Maui.

With this, I humbly request for your approval for an ordinance authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the State DOH and DOD: CC 18 254; CC18 254.

Respectfully submitted,

Joelle MLA Aoki

808-559-3711 cell

Email: Joelleaki@msn.com

LANAI TODAY

ISSUE 8, VOLUME 5 - NEWS FOR AND ABOUT THE RESIDENTS OF LANAI - JULY 2013

New Kaumalapau Breakwater Greatly Improves Safety and Reliability of Barge Service - Ocean Will Still Have its Days, Albeit Rarely

Contributed by Roy Catalani, Young Brothers, Limited, photo courtesy of US Army Corps of Engineers

Kaumalapau Harbor, with its pier and breakwater, was constructed in the 1920's by the Hawaiian Pineapple Company (later known as Dole Food Company) for the export of pineapple, the island's primary product at the time.

In mid-1991, Dole announced it would phase out virtually all pineapple growing on Lanai and discontinue its limited cargo service to the island provided on its pineapple barge's return trip from Honolulu. In November of that year, Young Brothers jumped into the void by initiating weekly barge service to and from Lanai. According to then President Chuck Swanson, Young Brothers' service to Lanai wasn't expected to be profitable, but Young Brothers "believes it necessary and proper that we provide this vital lifeline." Primary use of the harbor changed from the export of pineapple to the import of goods and fuel.

Young Brothers' began its service to Lanai with the barge *Aukai* (226' x 58') and currently services Lanai with the barge *Kamaluhia* (285' x 78') (in contrast to the Islesways' pineapple barges, which were reportedly 180' x 44'). Bringing a barge into Kaumalapau Harbor, however, has had its issues. Storm damage, notably from hurricanes *Iva* and *Iniki*, made the breakwater less and less effective in protecting the

harbor against dangerous ocean conditions. *Iniki*, in particular, in 1992, left less than half of the structure above water level.

The US Army Corps of Engineers (ACOE) studied the breakwater for many years, leading to its eventual reconstruction in 2007. According to one ACOE report, published in 2012: "By the 1990s the deteriorated condition of the breakwater permitted significant wave energy to reach the pier, resulting in berthed vessel motion that rendered cargo handling and fuel offloading difficult, and at times hazardous or impossible. With exposure to storms arriving from the south through northwest, Kaumalapau Harbor was closed to vessel traffic several times during each winter storm season." The island's previous sole supplier of gasoline and diesel (prior to Lanai Oil) stopped service to Lanai at the end of 1996 due in part to these safety concerns.

Recognizing that a safe, operational harbor was vital to the livelihood of Lanai residents, the State and Lanai Company initiated discussions in the 1990's with the goal of incorporating the harbor into the State commercial harbor system. Kaumalapau Harbor ownership was transferred to the State of Hawaii in July 2000, opening the way for federal assistance to recon-

struct the harbor's breakwater and make it safer for vessel calls. A joint ACOE/State of Hawaii project was completed in July 2007 at a cost of \$28.2 million.

The new breakwater has performed well and prevented dangerous wave energy from creating unsafe conditions on almost all barge days. In the five-year period following completion of the new breakwater, (July 2008 to June 2013), there have been seven postponed barge days due to weather conditions, an average of a little over one postponement per year (with summer months typically producing waves from southwest through south with direct propagation into the harbor). Before reconstruction, hazardous conditions forced Young Brothers to circle offshore hoping that sea conditions would improve enough to dock the barge. In many cases this never materialized, forcing Young Brothers to return to Honolulu with all cargo aboard and then come back to Lanai at a later date, a very expensive proposition.

Given the importance of barge service to Lanai, Young Brothers takes any consideration of a postponement very seriously and such delays occur only when, first and foremost, there is risk of harm to our Lanai employees and, second, when there is risk to customer cargo or the vessels that provide



Kaumalapau harbor and breakwater
the service. Even with a highly-trained professional staff and a much improved breakwater, there will be, in rare circumstances, conditions under which bringing in or keeping a 3,500-ton barge at the pier in this particular harbor will be too dangerous. As an indication that we must always respect the power of the ocean, on June 5, 2013, with the barge at the pier, three mooring lines, with a diameter of 1 3/4 inches and a breaking strength of 275,000 pounds, were parted (snapped) as a result of wave energy generated by large south swells. As Lanai residents are aware, the captain of the YB tug determined that conditions were too unsafe for the barge to remain in the harbor. We regret and apologize for the difficulty this necessary decision caused for Lanai residents, as well as the many visitors to the island that week. We hope this article helps all concerned to understand that decision.

This Month

Page 10 & 11
TropiCare Lanai 2013



Page 13
Baptist Church
Colossal Coaster World



Page 20
Baptista Concert
Fundraiser



Bulk Rate
U.S. POSTAGE PAID
Lana'i City, HI 96763
Permit No. 72

TropiCare Lanai 2013

Contributed by Joelle Aoki

"It will change your life," was one of the first things Air Mobility Command, Office of Deputy Surgeon Colonel Jerry Arends said to me about the planned Innovative Readiness Training (IRT). IRT, Operation TropiCare did just that for me, change my life (not least of which was two to three hours of sleep a night and military-required gatherings called "all call"), but it did so in a good way for all our Lanai Community members and many on the Neighbor islands. One individual came to pick up his free glasses fabricated for distance, tried it on, stepped outside of the office and said "I can really see!" I asked, "When was your last visit to an eye doctor?" The individual replied, "Over fifteen years ago." A kupuna came out of the clinic smiling and said to me, "I've not seen a dentist in many years, my teeth feel good!"

Six hundred of the digital-camouflage-dressed Air Force, Army, Navy and Marine personnel started arriving on June 2, 2013 in Hawaii in waves and were seen everywhere, from Lanai City, Lanai to Kaunakakai, Molokai, to Ka'u, Hawaii to Hana, Maui. Lanai had the largest number of military, totaling 224.

This program was brought to the islands through the Coalition for Drug Free Lanai, in partnership with the County of Maui, Mayor Alan Arakawa. It was designed to emulate disaster training for the U.S. Military as a medical mission. There was very little information provided "intentionally" to both civilians as well as the military prior to the mission, which was handled as a formal deployment. The arrival times, from the number

of personnel arriving at various times as well as operational plans, were developed "on the spot" which created an environment necessary for the mission to succeed for both civilians and the military. Lanaians and our partners were resilient and responsive to the call to duty and helped give Lanai an "A" grade. This confirmed that Lanai has the ability to act as headquarter for any Disaster Response, "should there be a need." IRT Commander Col. Jerry Arends said Lanai an "A" grade. This confirmed that Lanai has the ability to act as headquarter for any Disaster Response, "should there be a need." IRT Commander Col. Jerry Arends said Lanai an "A" grade. This confirmed that Lanai has the ability to act as headquarter for any Disaster Response, "should there be a need." IRT Commander Col. Jerry Arends said Lanai an "A" grade.

There were approximately 2,670 "Patient Encounters" and 4,810 "Treatments" administered from June 4th to 12th.

Services provided were Optometry, Dental, Physical Therapy, Psychiatric, Obstetrics and Gynecology, Veterinarian, and technological services for computers, just to name a few. The IRT Team also provided Civil Engineering (CE) Projects for over thirty Senior Citizens and the disabled, projects involved repairing stairs, walls, railings, trimming trees and yard work, painting and much more! Community CE projects included: Maunalei ahupua'a Project -- Erosion Mitigation; Trilogy Pavilion -- painting; County Affordable Housing Project -- Refuse Removal; State of Hawaii, Department of Forestry & Wildlife -- painting and boundary assessments; Lanai Cat Sanctuary -- painting and construction of cat boxes; Lanai High & Elementary School -- welding and repair of Cushman, two vehicles, painting, installation of curtains and more.

Over 150 Lanai volunteers and numerous sponsors helped to make this all



Ophthalmologist Lt. Colonel Christopher Perout, 161st MDG, Arizona

possible. Many Lanai businesses provided excellent service to our military personnel with modified hours of operation and special events and discounts for those who serve our Country...and us!

A very heartfelt "Thank You" to Kurt Matsumoto, Pulama Lanai and its many dedicated employees for providing the transportation, blessing and appreciation celebration. And a big "mahalo" to Captain Bill Caldwell, Expeditions Passenger Ferry and all the Captains and staff for the many private charters and voyages Expeditions provided for personnel, freight, medications and glasses and Maui Disposal for the daily trash removal. We are most grateful to the Lanai High & Elementary School staff, Roderick Sumagait and Mr. Gordon Chew, for allowing this program to utilize school property to feed, house and treat our community.

There are no words to express my and CDFL's appreciation for the kindness and generosity you all have extended; you have all demonstrated the true meaning of "E Malama Kakou," to "care for all." Mahalo nui loa!

See TropiCare Photo spread on
Pages 10 & 11

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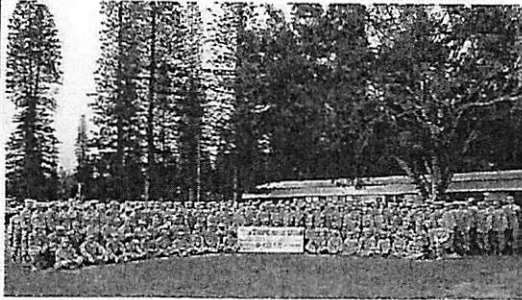


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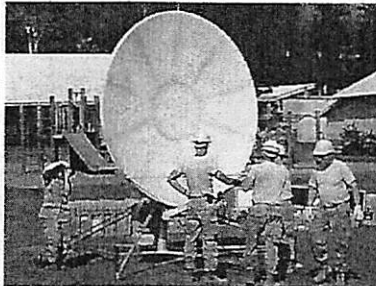
Opening and blessing for TropiCare 2013, Mayor Alan Arakawa



Lanai Senior Serenaders performed with Larry Endrina.



Chaplain, Lieutenant Colonel Rick Cavens, 176th MDG, Anchorage, Alaska, shares a spiritual message at the Opening Blessing.



Communications Unit sets up the Satellite Dish for communications for the mission.



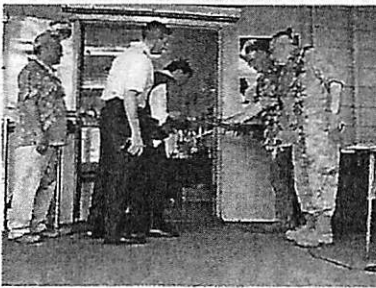
Communications Unit sets up the Satellite Dish for communications for the mission.



Marko Eskaran benefits from eye testing.



Tutu Lei Kanipae and Lorraine Dyer with her dog Penny have a visit while waiting their turn.



Joe Pontanilla, Commander Colonel Jerry Arends, Mayor Alan Arakawa, Kapa Maly and Chaplain Rick Cavens untie the Maile Lei.



Adjutant General-Major General Darryll Wong, Hawaii National Guard, Director of the State Civil Defense, visited the TropiCare, Lanai Clinic.

**Pulama Lanai Thanks
everyone who made Tropicare a success!**

All photos by Ron Gingerich



Mark Zigmund among many other residents and their pets, were grateful for veterinary services.



The Pavilion at Manele was also spruced up.

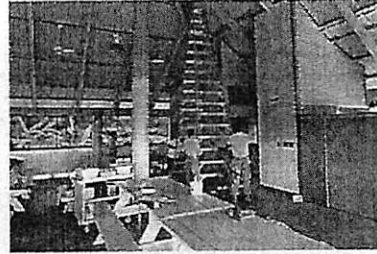
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Ophthalmic tests helped many residents.



The Pavilion at Manele was also spruced up.

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Island Images Salon Cell 554-5991

Eye brow threading a specialty



TropiCare crews fanned out over the island.



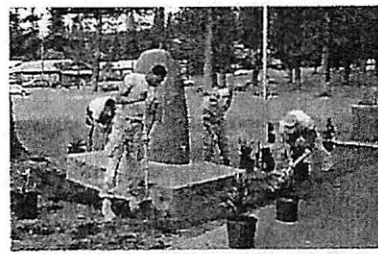
Multiple presentations helped educate and prepare island support volunteers.



TropiCare crews labored hard to clean up long-overdue areas of junk, heavy debris and overgrowth.



Questions Answered & Help with Applications for Social Security and SSI Disability Benefits
Diane C. Haar
Hawaii Disability Legal Services
Lanai Senior Center April 18, 2013
9:00 a.m. to 2:30 p.m.
We visit Lanai monthly, call us for our May or June dates!
For more information, call 808-536-8074



The Veteran's Memorials were steam-cleaned and beautified with new plants.



Dr. Nora Harmsen, DDS helped coordinate with TropiCare dental professionals.

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Congresswoman Tulsi Gabbard met with TropiCare and Lanai coordinators.



TropiCare 2013 filled the Expedition's Ferry!

TropiCare Lanai 2013 made a huge difference, providing Optometry, Dental, Physical Therapy, Medical, Veterinarian, and computer repair services, plus Civil Engineering Projects for over 30 Senior Citizens and the disabled; repairing stairs, walls, railings, trimming trees and yard work, painting and much more! Community projects included: Mau-na-lei ahupua'a Project, Trilogy Pavilion, County Affordable Housing Project, State of Hawaii, Department of Forestry & Wildlife, Lanai Cat Sanctuary, Lanai High & Elementary School and more!