

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

January 24, 2020

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, JANUARY 24, 2020, BEGINNING AT 9:03 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular meeting come to order of January 24, 2020. It is now 9:03.

Okay. Roll call, Mr. Clerk.

ROLL CALL

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

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

CHAIR LEE: Thank you. Okay, we have a quorum. And opening remarks is me, which I, I jotted down and I was working on this morning and didn't have a chance to finish. So, I'll give you half of it. Okay.

OPENING REMARKS

The opening remarks were offered by Council Chair Alice L. Lee.

CHAIR LEE: And for all of those who would like to join us, stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Before we proceed with today's agenda, may I please request that everyone silence their cellphones or other noisemaking devices. Decorum in these chambers shall be maintained at all times.

Presentation of written or oral testimony, Mr. Clerk.

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

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

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

Currently, we have one testifier signed up to testify in the Council chamber; Lynn Britton, testifying on Committee Report 20-9.

CHAIR LEE: Lynn, are you ready? Not really? Okay, we'll give you 30 seconds to prepare. Lynn is a veteran. She was a former Councilmember. We served together about 500 years ago. Good morning, Lynn.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. LYNN BRITTON, MA'ALAEA VILLAGE ASSOCIATION (testifying on Committee Report 20-9):

Good morning, Chair Lee. Thank you so much. This morning, as we speak, Lucienne deNaie is leading a hike to the petroglyphs in Ma`alaea this morning. And, oh, excuse me. I'm Lynn Britton, President of the Ma`alaea Village Association. Thank you. So,

this morning, she's leading a hike up into the petroglyphs and she recently made a presentation to our MVA members. And even though I've been a, an owner in Ma`alaea for over 35 years and knew how special the area was, I didn't know all the history that was going along with the area. I mean, it is a cultural resource. And we're going to be working with her on developing the history and doing a book this year perhaps.

So, one of the things that I wanted to say is I wanted to thank the Planning and Sustainable Land Use Committee for their deliberations. I think you ended up with 16 conditions. And, sorry, I'm very nervous. I'm used to being on that side, you know. So, when I was getting ready for today, I thought, we have 16 conditions of wanting to make this happen. We all know the Spencer's commitment to Maui. Jesse and Doug and Mark; we know that their hearts are in the right place. It's just that this is the wrong place. So, we have 16 conditions that would make it very difficult for any individual owner to try to meet the conditions that are imposed in your, I think your Exhibit "C" is your list of conditions. So, these are 16 conditions, but actually there's 16 reasons why you shouldn't be approving this parcel.

And I had a chance to look at the Pohakea study yesterday. And my written testimony, I think you have, there's a major emphasis on the fact that the solution to the sedimentation and the runoff issues from above the Spencer parcel are to keep the whole parcel whole and not to break it up into individual units. And I think if you had a chance to read the Pohakea study, you would see what they're recommending. Specifically, on page 69, he says, "This land is ideally situated for the implementation of a suite of projects that would benefit the Pohakea Watershed."

And when I was researching this recently, and you may already know about, about the Legacy Land Programs. They approved over \$2 million for Ma`alaea purchases, not for Ma`alaea, for Maui purchases; Molokai and East Maui. And the requirements that they had for those two parcels are very similar to the history of Ma`alaea. So, I really ask you to give this some thorough consideration, work with the Spencer's to try to purchase at least part of it. Perhaps State funding is available through the Legacy Land Program. And really give it, give it the time that it needs before you make any final decisions. Thank you so much.

CHAIR LEE: Thank you, Ms. Britton.

Any questions? Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Britton, for being here. I just was wondering, in the study, did you come across the boundaries of what the watershed was? The Pohakea Watershed?

MS. BRITTON: Well, I think in his presentation, Michael Reyes said that there are four different streams that come down. So, there are four major thoroughfares through the Spencer parcel. In the Pohakea presentation, it's pretty much the whole area. And, and they do caution against piecing the individually. I mean, one of the, one of the conditions was that 10 percent of the homeowner fees would go toward the Pohakea Watershed. But you're asking 22, 21, 22, individual owners to be responsible for the entire watershed. And they'll be doing piecemeal individually, and they may not be able to. If you really want to provide the housing, they won't be able to perpetually commit to doing that. So, that's, anyway, I don't know if I'm answering your question.

COUNCILMEMBER PALTIN: Thank you.

MS. BRITTON: Thank you.

CHAIR LEE: Any other questions? If not, thank you very much.

MS. BRITTON: Thank you.

CHAIR LEE: Anymore testifiers? Oh, I see one coming down the ramp there.

MR. JASEE LAU (testifying on County Communication No. 20-50):

Hi everybody. Aloha kakahiaka. My name is Jasee Lau from Kula. County Communications 20-50 for the landfill. I know you guys, we need somewhere to put all the rubbish, but I'd rather not put more plastic and, and televisions, and microwaves and stuff that's not pono for the aina. Mahalo for your time.

Oh, I'm sorry, Alice. And, yea, and put the money towards the gasification device that Shane wants. Thank you.

CHAIR LEE: Okay. We'll do that. Thank you. Other requests today?

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

CHAIR LEE: Any objections to closing testimony and accepting the written testimony?

MEMBERS VOICED NO OBJECTION.

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

1. Lynn Britton, Ma`alaea Village Association; and
2. Randy Perreira, Hawaii Government Employees Association.

CHAIR LEE: Okay. Very good.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with the minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of October 18, 2019, special meeting of October 22, 2019, and regular meeting November 8, 2019, were presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ACCEPT THE MINUTES AS READ BY THE COUNTY CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Ms. Sugimura, to approve the minutes.

Any discussion? If not, do you have discussion? Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, my motion was to approve the minutes. Mahalo. I said accept, so I just wanted to correct that.

CHAIR LEE: Oh, okay. Okay, so we, she said accept but it's approved, right? Okay. So, we got that right. So, any other corrections?

If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 20-26 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 9, 2020)

Transmitting 166 contracts/grants for December 2019.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I move to file county communications, oh sorry, may I request that the Clerk also call up County Communications 20-27?

CHAIR LEE: Okay. Any objections?

COUNCILMEMBER KING: No. I just--

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I had some contracts I wanted to pull out of the contracts.

CHAIR LEE: Of which one?

COUNCILMEMBER KING: C6027, C6397, and G48--

CHAIR LEE: Okay. Why don't we do that during discussion?

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay.

COUNCILMEMBER KING: We could, I can still do that if you lump them all together, the items together? Okay.

CHAIR LEE: Okay. So, Mr. Clerk. You called up 20-26, 20-27.

NO. 20-27 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 3, 2020)

Transmitting the annual report of all acquisitions made, and conveyances accepted for calendar year 2019.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This communication is informational, and no further action is required by the Council. But if Members would like to request contracts pulled out, they can do so at this time. I have two; C6969 and C6659-1.

CHAIR LEE: Could you repeat those numbers again please?

VICE-CHAIR RAWLINS-FERNANDEZ: C6969 and C6659-1.

CHAIR LEE: Okay. Any other contracts?

Ms. King.

COUNCILMEMBER KING: Yes. C6027-1, which I would like referred to the WIT Committee. And then C6397-2, and G4876-1, which would be under, since they're both related to Parks, under the HFC Committee.

CHAIR LEE: Okay. So, the first two would be under EDB?

COUNCILMEMBER KING: No. The first one--

CHAIR LEE: No, no, no.

COUNCILMEMBER KING: Oh, I'm sorry.

CHAIR LEE: I meant yours; yours.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo.

CHAIR LEE: Okay. And the second to HFC.

COUNCILMEMBER KING: Well, I had three. So, I had one that would, that's an infrastructure item for South Maui--

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: --that I would like referred to WIT.

CHAIR LEE: Oh, okay. Any others?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. These would be for the, your Committee on Healthy Communities; Contract C6909 on page 1. On page 2, it would be Contract C6934. On page 3, it would be Contract C6975. Page 4 would be Contract 5713-4. And page 6 would be Contract C6407-2. On page 7 would be Contract C6562-2. And then on the last two would be on page 8, Chair. And this would be just a quick review, would be Contract C6924 and Contract C6931. And that will be all for--

CHAIR LEE: Alright. Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Referrals to my Committee, if I could? C6961, C6566-1, C6701-01. Thank you.

CHAIR LEE: Do we have anything to file?

Okay, Mr. Clerk, did you get all those contracts?

COUNTY CLERK: Yes, Madam Chair. We still do need a motion and a second for action on these two communications.

CHAIR LEE: Okay. But, but if you have all the information, it doesn't have to be repeated, right?

COUNTY CLERK: Yea.

COUNCILMEMBER KING: Oh, I think she moved. I'll second, if there wasn't a second.

CHAIR LEE: Okay. It wasn't clear.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATIONS 20-26.

CHAIR LEE: No. You don't have to repeat it.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR LEE: Cause it's everybody's yea.

COUNCILMEMBER SUGIMURA: Yea, for the communications.

CHAIR LEE: So, we, you said we need a second?

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATION 20-26,
EXCLUDING ALL THE CONTRACTS PULLED BY THE
MEMBERS; AND FILE COUNTY COMMUNICATION 20-27.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. It's been moved by and seconded. Moved by Vice-Chair Rawlins-Fernandez, seconded by Ms. King, to exclude the items that were--

COUNCILMEMBER KAMA: Were mentioned.

CHAIR LEE: Yea, that were requested by all the Members, and to file the rest. Any discussion? If not, okay, all in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries. And now we're on item number 3.

NO. 20-28 - MICHAEL P. VICTORINO, MAYOR,
(dated January 17, 2020)

Relating to a legislative proposal to the Hawaii State Legislature on General Excise and Use Tax Surcharge.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 20-28.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay. Moved by Member Rawlins-Fernandez, seconded by Member Hokama, to file County Communication 20-28. Discussion?

Do you have, okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to quickly mahalo the Mayor for making this one of his top priority. And this is also one of the Council's priority. And I hope that we can also get on board in making sure that those that would be most disenfranchised by the regressive nature of the GE tax will also allow for a tax waiver on this. Mahalo, Chair.

CHAIR LEE: Thank you. Further discussion? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

(ACTION ON COUNTY COMMUNICATION NO. 20-28 WAS
LATER RECONSIDERED. UPON RECONSIDERATION,
COUNTY COMMUNICATION NO. 20-28 WAS REFERRED TO
THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE.
See pages 13 and 14.)

CHAIR LEE: Mr. Clerk.

NO. 20-29 - MICHAEL P. VICTORINO, MAYOR,
(dated January 10, 2020)

Informing of a vacancy on the Liquor Control Commission due to the resignation of
Alberta de Jetley, effective January 31, 2020.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. May I request, if there
are no objections, to have the Clerk also call up County Communication No. 20-30?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk.

NO. 20-30 - MICHAEL P. VICTORINO, MAYOR,
(dated January 10, 2020)

Informing of a vacancy on the Board of Ethics due to the resignation of David Courson,
effective January 1, 2020.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATIONS 20-29 AND
20-30.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: It's been moved by Member Molina, seconded by Member Sugimura, to file
County Communications 20-29 and 20-30. Discussion?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. The Mayor
received notice of Ms. de Jetley's resignation from the Liquor Control Commission on
January 8, 2020, with an effective date of January 31, 2020.

The Mayor also received notice of Mr. Courson's resignation from the Board of Ethics
on January 6, 2020, with an effective date of January 1, 2020. I want to thank both of
them for their service to our community. Thank you, Madam Chair.

CHAIR LEE: Further discussion?

Member Rawlins-Fernandez. Oh, no. Okay, scratch that one.

Any other questions? If not, all in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

RECONSIDERATION OF ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-28

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, can I move for a reconsideration on my motion to file County Communication 20-28 and instead have it referred to my Committee?

CHAIR LEE: Any, well, do we have to vote, or can I just do a no objections?

VICE-CHAIR RAWLINS-FERNANDEZ:

CAN I MOVE FOR A RECONSIDERATION?

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay. Moved for a reconsideration on 20-28 by Vice-Chair Rawlins-Fernandez. Is there a second? Seconded by Member King, to reconsider. Any discussion on that?

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That was my mistake. It was meant to come to my Committee for further discussion.

CHAIR LEE: Okay. Any further discussion? If not, all those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. Mr. Clerk, does that take care of it, or we have to do anything else on that?

COUNTY CLERK: No, Madam Chair. If we can just get some direction. I know that Council Vice-Chair Rawlins-Fernandez indicated she wishes it to go to EDB, but if we could get some direction from the Council on that whether via a unanimous consent or through a motion.

CHAIR LEE: Any objections for this matter to be sent to EDB?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Next.

NO. 20-31 - MICHAEL P. VICTORINO, MAYOR,
(dated January 10, 2020)

Informing of the appointments of Sandy Baz (Managing Director), Rowena Dagdag-Andaya (Public Works), Jordan Hart (Planning), David Yamashita (Parks and Recreation); and Ex-Officio Non-Voting Members Scott Fretz (Department of Land and Natural Resources), Tim Botkin (Sustainable Science Management at University of Hawaii Maui College), and Jacob Verkerke (ITSD), to the Conservation Planning Committee.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 20-31.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Mr., Member Sinenci, to file County Communication 20-31. Okay. Discussion?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. In accordance with Section 2.82.040 of the Maui County Code, the Conservation Planning Committee consists of nine voting members with three ex-officio non-voting members. Via correspondence dated January 10, 2020 from the Mayor, it identifies the four department representatives, which was just explained by the Clerk, with terms expiring on January 2, 2023 with three ex-officio non-voting members to the committee. These appointments do not require Council approval. I want to thank all of them for their upcoming service to the community on this Conservation Planning Committee. Thank you, Madam Chair.

CHAIR LEE: Any, thank you. Any further discussion? If not, all in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-32 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated January 8, 2020)

Transmitting the 2019 Annual Status Report on the Implementation of the Maui County Community Plans.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. May I request the Clerk to bring up County Communication 20-33 and 34.

CHAIR LEE: Mr. Clerk.

NO. 20-33 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated January 8, 2020)

Transmitting the 2019 Annual Status Report on the Implementation of the Countywide Policy and Maui Island Plans.

NO. 20-34 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated January 7, 2020)

Relating to the status of all active conditional permits.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: If there's no objection, I'd ask that these communications be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Wait, do we need a motion, or can we just go by no objections?

COUNTY CLERK: A unanimous consent is okay.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

The recommended action is that County Communications 20-32, 20-33, and 20-34 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-35 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 6, 2020)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 4-C, Boteilho Subdivision, TMK: (2) 2-3-007:003 POR.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Madam Chair. If there are no objections, I'd like to ask the Clerk to also call up County Communications 20-36 through 20-38.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

NO. 20-36 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 6, 2020)

Informing of the acceptance of a Warranty Deed for Roadway Lot 128-B-8, and Road Widening Lot 128-B-9, Pueo Hills Subdivision, TMK: (2) 2-3-022:007 POR.

NO. 20-37 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated January 7, 2020)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for November 2019 for all registered well reporters in the County of Maui.

NO. 20-38 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated January 14, 2020)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2019.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-35
THROUGH 20-38.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: It's been moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file those 20-35 through 20-38. Discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. These communications are informational, and no further action is required by the Council. Thank you, Chair.

CHAIR LEE: Further discussion? If not, all in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

NO. 20-39 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF MANAGEMENT – INFORMATION TECHNOLOGY DATA CENTER IMPROVEMENTS)".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT STATED IN RULE 7(G) OF THE RULES OF THE COUNCIL AS IT PERTAINS TO THE BILL ATTACHED TO COUNTY COMMUNICATION 20-39.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura to waive the Rules of the Council. Any discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: What's the rush?

CHAIR LEE: Discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this was a filing that we, so we passed this item at the last meeting, at the last Council meeting on first reading. And this was an item that we missed with the filing in the motion. So, it goes along with another item that we have in the agenda.

CHAIR LEE: Okay. So, it's just a matter of missing the filing part of it?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. Do you have further questions, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yea, and I'm just trying to recollect what Chair Rawlins just shared. So, this is something that we added, but we didn't include this 350,000, Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. So, I, I guess . . . So, at the Council's last meeting, we passed on first reading Bill 5 and Bill 6, budget amendment bills for the Department of Management IT Data Center Improvement Project. However, the project cannot proceed without the third bill to add the project to the FY 2020 General Obligation Bond authorization ordinance.

And that was Mr. Verkerke testified to getting, initially there was \$200,000 that was allocated and that was going to be insufficient to complete the project and the bid came in higher. And so, he requested 300 and a buffer.

CHAIR LEE: Okay. Further questions?

COUNCILMEMBER HOKAMA: Chair, no. Thank you. I appreciate my neighbor making me recall that discussion. I do recall it and I guess I still was not happy that day, and I'm still not happy today.

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: And so, at the appropriate time, yea, we'll review this later.
But I'll support the Committee Chair. Thank you.

CHAIR LEE: Thank you.

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

CHAIR LEE: You're, you're very persuasive.

COUNCILMEMBER HOKAMA: It's just another day to fry someone.

CHAIR LEE: Ooh, okay. All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries. Thank you.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Oh, I'm sorry. Oh, yea, that was just the waiver.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE BILL ATTACHED TO COUNTY
COMMUNICATION 20-39 ON FIRST READING,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
TO FILE COUNTY COMMUNICATION 20-39.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King to pass the bill on first reading. Discussion? Any more discussion or that, we had enough discussion?

Okay. All in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 9 (2020).

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

NO. 20-40 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Housing Division, Department of Housing and Human Concerns.

The recommended action is that County Communication No. 20-40 be referred to the Affordable Housing Committee.

NO. 20-41 - TAMARA PALTIN, COUNCILMEMBER,
(dated January 17, 2020)

Relating to referral of County Communication No. 19-521 (Requesting recommendations of individuals to serve as Community Plan District Liaisons for the 2020 Maui County Hazard Mitigation Plan Update), pending before the Planning and Sustainable Land Use Committee. .

The recommended action is that County Communication 20-41 be referred to the Climate Action Resilience Committee.

(COUNTY COMMUNICATION NO. 19-251 WAS LATER REFERRED TO THE CLIMATE ACTION AND RESILIENCE COMMITTEE, AND COUNTY COMMUNICATION No. 20-41 WAS THEN FILED. See pages 109 through 111 for discussion.)

NO. 20-42 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated January 6, 2020)

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 OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII".

The recommended action is that County Communication 20-42 be referred to the Economic Development and Budget Committee.

NO. 20-43 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 14, 2020)

Transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2019 and 2018, submitted by N&K CPAs, Inc.

The recommended action is that County Communication 20-43 be referred to the Economic Development and Budget Committee.

NO. 20-44 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated January 14, 2020)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2019, submitted by N&K CPAs, Inc.

The recommended action is that County Communication 20-44 be referred to the Economic Development and Budget Committee.

NO. 20-45 - MICHAEL P. VICTORINO, MAYOR,
(dated January 16, 2020)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 03, INCLUDED EMPLOYEES".

The recommended action is that County Communication 20-45 be referred to the Economic Development and Budget Committee.

NO. 20-46 - MICHAEL P. VICTORINO, MAYOR,
(dated January 16, 2020)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 03, EXCLUDED EMPLOYEES".

The recommended action is that County Communication 20-46 be referred to the Economic Development and Budget Committee.

NO. 20-47 - KAY S. FUKUMOTO, ECONOMIC DEVELOPMENT DIRECTOR,
(dated January 16, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO REQUEST THE GOVERNOR OF HAWAII TO RE-DESIGNATE THE ISLAND OF LANAI AS AN ENTERPRISE ZONE FOR TWENTY YEARS DUE TO EXPIRATION OF THE PRIOR ENTERPRISE ZONE DESIGNATION, PURSUANT TO SECTION 3.80.030, MAUI COUNTY CODE".

The recommended action is that County Communication 20-47 be referred to the Economic Development and Budget Committee.

NO. 20-48 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 16, 2020)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM (WAIERU GOLF COURSE); TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS); and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2020".

The recommended action is that County Communication 20-48 be referred to the Economic Development and Budget Committee.

THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 20-48 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 10 (2020). COUNTY COMMUNICATION NO. 20-48 WAS THEN FILED. See pages 47 through 51 for discussion and action.

NO. 20-49 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 16, 2020)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI RELIABLE CAPACITY, FISCAL YEAR 2020 BUDGET ORDINANCE";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA, WATER SUPPLY, WATER FUND – RESTRICTED, WEST MAUI RELIABLE CAPACITY; STATE REVOLVING

LOAN FUNDS, WEST MAUI RELIABLE CAPACITY; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, WEST MAUI COMMUNITY PLAN AREA (WEST MAUI RELIABLE CAPACITY)"; and
4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2020".

The recommended action is that County Communication 20-49 be referred to the Economic Development and Budget Committee.

NO. 20-50 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CENTRAL MAUI LANDFILL LAND EXPANSION)".

The recommended action is that County Communication 20-50 be referred to the Economic Development and Budget Committee.

NO. 20-51 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CENTRAL MAUI LANDFILL LAND PURCHASE)".

The recommended action is that County Communication 20-51 be referred to the Economic Development and Budget Committee.

NO. 20-52 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CML PHASE VB EXTENSION LEACHATE RECIRCULATION SYSTEM)".

The recommended action is that County Communication 20-52 be referred to the Economic Development and Budget Committee.

NO. 20-53 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CML EXTENSION OF PRIMARY LITTER SCREEN AND DRAINAGE IMPROVEMENTS)".

The recommended action is that County Communication 20-53 be referred to the Economic Development and Budget Committee.

NO. 20-54 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM (MOLOKAI CLIMATE CHANGE AND SEA LEVEL RISE ADAPTATION AND RESILIENCY MASTER PLAN)".

The recommended action is that County Communication 20-54 be referred to the Economic Development and Budget Committee.

THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION NO. 20-54 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 11 (2020). COUNTY COMMUNICATION NO. 20-54 WAS THEN FILED. See pages 53 through 56, and 59 through 63 for discussion and action.

NO. 20-55 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to fiscal monitoring of grants and grant reporting.

The recommended action is that County Communication 20-55 be referred to the Economic Development and Budget Committee.

NO. 20-56 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to the Fiscal Year 2021 Budget.

The recommended action is that County Communication 20-56 be referred to the Economic Development and Budget Committee.

NO. 20-57 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Finance.

The recommended action is that County Communication 20-57 be referred to the Economic Development and Budget Committee.

NO. 20-58 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Office of Economic Development.

The recommended action is that County Communication 20-58 be referred to the Economic Development and Budget Committee.

NO. 20-59 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Community Development Block Grant Program.

The recommended action is that County Communication 20-59 be referred to the Economic Development and Budget Committee.

NO. 20-60 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Office of the County Auditor.

The recommended action is that County Communication 20-60 be referred to the Economic Development and Budget Committee.

NO. 20-61 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated January 7, 2020)

Relating to Abandoned Vehicles and Tires.

The recommended action is that County Communication 20-61 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-62 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated January 17, 2020)

Relating to protection of historic properties, including managing development areas with iwi kupuna.

The recommended action is that County Communication 20-62 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-63 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated January 17, 2020)

Relating to environmental, cultural, and social impacts of activities by Imperium companies and affiliates in East Maui.

The recommended action is that County Communication 20-63 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-64 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Environmental Protection and Sustainability Division, Department of Environmental Management.

The recommended action is that County Communication 20-64 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 20-65 - SHANE M. SINENCI, COUNCILMEMBER,
(dated January 13, 2020)

Relating to the report entitled "BOARD OF WATER SUPPLY TEMPORARY INVESTIGATIVE GROUP OCTOBER 17, 2019, AS AMENDED & APPROVED DECEMBER 19, 2019: FEASIBILITY OF PURCHASING AND MAINTAINING THE EMI WATER DELIVERY SYSTEM".

The recommended action is that County Communication 20-65 be referred to the Environmental, Agricultural, and Cultural Preservation Committee; and the subject matter be referred to the Water, Infrastructure, and Transportation Committee.

(See page 46 for additional discussion.)

NO. 20-66 - SHANE M. SINENCI, COUNCILMEMBER,
(dated January 13, 2020)

Relating to the Kula Agricultural Park overview and expansion plans.

The recommended action is that County Communication 20-66 be referred to the Environmental, Agricultural, and Cultural Preservation Committee; and the subject matter be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-67 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated January 9, 2020)

Relating to the January 2020 Sex Trafficking in Hawai'i: Part III – Sex Trafficking Experiences Across Hawai'i – Maui Report.

The recommended action is that County Communication 20-67 be referred to the Governance, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-67 WAS LATER REFERRED TO THE HEALTHY FAMILIES AND COMMUNITIES COMMITTEE. See page 36 for discussion.)

NO. 20-68 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated January 16, 2020)

Transmitting a proposed resolution entitled "RESTORATION OF THE MAUI COUNTY SEAL TAPESTRY IN THE COUNCIL CHAMBER".

The recommended action is that County Communication 20-68 be referred to the Governance, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-68 WAS LATER REFERRED TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE. See pages 38 through 46 for discussion.)

NO. 20-69 - MICHAEL J. MOLINA, COUNCILMEMBER,
(dated January 16, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.040, MAUI COUNTY CODE, RELATING TO CONSERVATION PLANNING COMMITTEE".

The recommended action is that County Communication 20-69 be referred to the Governance, Ethics, and Transparency Committee.

NO. 20-70 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Management.

(COUNTY COMMUNICATION NO. 20-70 WAS LATER
REFERRED TO THE ECONOMIC DEVELOPMENT AND
BUDGET COMMITTEE. See pages 37 and 38 for discussion.)

NO. 20-71 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of the Corporation
Counsel.

The recommended action is that County Communication 20-71 be referred to the Governance
Ethics, and Transparency Committee.

NO. 20-72 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Fire and Public
Safety.

The recommended action is that County Communication 20-72 be referred to the Governance
Ethics, and Transparency Committee.

NO. 20-73 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Personnel Services.

The recommended action is that County Communication 20-73 be referred to the Governance
Ethics, and Transparency Committee.

NO. 20-74 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Police.

The recommended action is that County Communication 20-74 be referred to the Governance Ethics, and Transparency Committee.

NO. 20-75 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Liquor Control.

The recommended action is that County Communication 20-75 be referred to the Governance Ethics, and Transparency Committee.

NO. 20-76 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Maui County Emergency Management Agency.

The recommended action is that County Communication 20-76 be referred to the Governance Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-76 WAS LATER REFERRED TO THE CLIMATE ACTION AND RESILIENCE COMMITTEE. See pages 36 and 37 for discussion.)

NO. 20-77 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Office of the County Clerk.

The recommended action is that County Communication 20-77 be referred to the Governance Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-77 WAS LATER REFERRED TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE. See pages 37 and 38 for discussion.)

NO. 20-78 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Office of the Council Services.

The recommended action is that County Communication 20-78 be referred to the Governance Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-78 WAS LATER REFERRED TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE. See pages 37 and 38 for discussion.)

NO. 20-79 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Office of the Mayor, excluding the Office of Economic Development and the Community Development Block Program.

The recommended action is that County Communication 20-79 be referred to the Governance Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 20-79 WAS LATER REFERRED TO THE ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE. See pages 37 and 38 for discussion.)

NO. 20-80 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,
(dated January 16, 2020)

Relating to the "Continuum of Support Process for Maui County".

The recommended action is that County Communication 20-80 be referred to the Healthy Families and Communities Committee.

NO. 20-81 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Parks and Recreation.

The recommended action is that County Communication 20-81 be referred to the Healthy Families and Communities Committee.

NO. 20-82 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Housing and Human Concerns, excluding the Housing Division.

The recommended action is that County Communication 20-82 be referred to the Healthy Families and Communities Committee.

NO. 20-83 - MICHELE CHOUTEAU MCLEAN, PLANNING DIRECTOR,
(dated January 6, 2020)

Transmitting a proposed resolution entitled "ADOPTING THE LANA'I CITY COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES AND STANDARDS", and the new proposed Design Guidelines and Standards for the Country Town Business District in Lana'i City (2019).

The recommended action is that County Communication 20-83 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-84 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Planning.

The recommended action is that County Communication 20-84 be referred to the Planning and Sustainable Land Use Committee.

NO. 20-85 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Public Works.

The recommended action is that County Communication 20-85 be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-86 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Water Supply.

The recommended action is that County Communication 20-86 be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-87 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Transportation.

The recommended action is that County Communication 20-87 be referred to the Water, Infrastructure, and Transportation Committee.

NO. 20-88 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated January 17, 2020)

Relating to operational and budgetary review of the Department of Environmental Management, excluding the Environmental Protection and Sustainability Division.

The recommended action is that County Communication 20-88 be referred to the Water, Infrastructure, and Transportation Committee.

COUNCILMEMBER SUGIMURA: Wow.

CHAIR LEE: Mr. Clerk, Mr. Clerk, I seem to have missed a couple of your county communications. Could you repeat what you just said? This is his last day as our County Clerk and we're going to miss you very, very much; you and Maggie. And you've done a stellar job and we thank you so much.

Are there any questions?

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-67

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Yes, I'd like to first of all thank Member Rawlins-Fernandez for, Vice-Chair Rawlins-Fernandez for all of these reviews. We talk about them every year, but actually putting them into the agenda, I think really hits home how important they are.

I have two items that I would like to get, just kind of move the, to a different Committee. The intention of 20, County Communication 20-67 was to send it to the Healthy Families and Communities Committee, because that's a, a relevant issue to what they deal with and I had already talked to Mr. Hokama about that.

CHAIR LEE: Wait. Okay, so what is your, your request? Moving it to--

COUNCILMEMBER KING: So, the first one, yea, so referring it to the Healthy Families and, the HFC Committee rather than GET.

CHAIR LEE: Well, did you speak with Mr. Molina about that?

COUNCILMEMBER KING: I did.

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: And he has a rather full agenda, so I'm trying to help him out here.

CHAIR LEE: Okay.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-76

COUNCILMEMBER KING: And the other one is 20-76. Moving that to the Climate Action and Resilience Committee.

CHAIR LEE: 20?

COUNCILMEMBER KING: Yea, 20-76.

CHAIR LEE: 76.

COUNCILMEMBER KING: Is relating to the Maui County Emergency Management Agency.

CHAIR LEE: Okay.

COUNCILMEMBER KING: And we actually already have them scheduled for the next meeting to do—

CHAIR LEE: The Climate Action Committee.

COUNCILMEMBER KING: Yea, to do their Hazard Mitigation Plan Review.

CHAIR LEE: Okay. Any objections to those requests?

MEMBERS VOICED NO OBJECTION.

DISCUSSION RELATING TO COUNTY
COMMUNICATION NOS. 20-70, 20-77, 20-78, AND 20-79

CHAIR LEE: Okay. Anymore?

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you. I want to thank Council Vice-Chair Rawlins-Fernandez for, you know, being so generous. But, thank you. I don't know if it was mentioned in, from the Clerk. Also, my understanding is I'd like to offer Vice-Chair Rawlins-Fernandez, County Communications 20-70, and 20-77, 20-78, and 20-79, that was mentioned.

VICE-CHAIR RAWLINS-FERNANDEZ: I would be happy to accept that, Chair.

CHAIR LEE: Okay. Did the Clerk get those numbers? Okay.

COUNCILMEMBER MOLINA: 20-70, 20-77, 20-78, 20-79 to the EDB Committee instead of GET. I would be very grateful.

CHAIR LEE: Okay. Any other changes?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, and I would like to echo our Members appreciation to Keani Rawlins-Fernandez. So, I would--

CHAIR LEE: Oh, wait, wait, wait. Now, you folks better show up at the meeting, okay. I mean, you know, don't just give her all this, add to her agenda and then no quorum. Okay.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-68

COUNCILMEMBER SUGIMURA: County Communication 20-68, I would like to waive committee referral and discuss.

CHAIR LEE: 20-60?

COUNCILMEMBER SUGIMURA: 8.

CHAIR LEE: 8, 68.

COUNCILMEMBER KING: Is that a motion?

CHAIR LEE: Okay. I guess we need a motion to waive Committee rules.

COUNCILMEMBER SUGIMURA: Okay. I thought maybe the Clerk had to read the item first, so. County, this item is transmitting a proposed resolution entitled "RESTORATION OF THE MAUI COUNTY SEAL TAPESTRY IN THE COUNCIL CHAMBERS.

CHAIR LEE: Member, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: I think we have to vote on waiving. You wanted action today.

COUNCILMEMBER SUGIMURA: Yea, so I'm getting there.

I MOVE TO WAIVE THE RULES OF THE COUNCIL WITH
RESPECT TO THE RESOLUTION ATTACHED TO COUNTY

COMMUNICATION 20-68. APPROVAL OF MY MOTION BY A TWO-THIRDS VOTE OF THE ENTIRE MEMBERSHIP OF THE COUNCIL WILL ENABLE THE COUNCIL TO CONSIDER THE PROPOSED RESOLUTION TODAY.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay. Moved by Member Sugimura, seconded by Member Kama, to waive the Rules of the Council in order for us to deal with this matter on the floor.

All those in favor, say, oh, yes, discussion?

COUNCILMEMBER KING: Discussion.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Yea, I'd like to see this actually go to Committee because there are expenses involved in getting that tapestry cleaned and they're in the thousands. So, and I know that at one point Mr. Hokama was working with the Artists' family to possibly donate that. So, I think it's a larger discussion.

COUNCILMEMBER SUGIMURA: Chair.

COUNCILMEMBER KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I checked with the Clerk's Office and they have got an approval from then Chair King's office for the expenses to have the tapestry cleaned. The person who is able to do the cleaning of the tapestry, I think was scheduled to come sometime last week or this week; I'm not sure. Maybe Clerk's Office can confirm. I, I was in communication with the Bishop Museum just to find out how to get the tapestry cleaned.

CHAIR LEE: Okay. Let's just go back to whether we're going to waive the Rule.

COUNCILMEMBER SUGIMURA: Okay. We can talk about it further.

CHAIR LEE: Okay. Yea. Anybody else have any objections to this matter of coming up before the, on the floor today?

Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It, it sounds like there's more to this matter that perhaps should be discussed in Committee, so I'll be voting for it to go to the Committee.

CHAIR LEE: Anybody else? Okay, you want us to take a vote or you want us to refer the matter?

COUNCILMEMBER SUGIMURA: We can take a vote. We can take a vote. I think my resolution speaks to, you know, some of the concerns.

CHAIR LEE: Okay. All those in favor of waiving the Rules, say "aye".

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER KAMA: Aye.

CHAIR LEE: Opposed, nay.

COUNCILMEMBER KING: Nay.

COUNCILMEMBER PALTIN: Nay.

CHAIR LEE: Roll call, Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NAY.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NAY.

COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: NAY.
COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
COUNTY CLERK: Presiding Officer Pro Tem Tasha Kama.
COUNCILMEMBER KAMA: YES.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: NO.
COUNTY CLERK: Chair Alice L. Lee.
CHAIR LEE: AYE.

AYES: COUNCILMEMBERS HOKAMA, KAMA, MOLINA,
SUGIMURA, AND CHAIR LEE.

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

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

CHAIR LEE: Okay. We'll refer this matter then, yea.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay. Alright. Are there any other items?

Yes, Mr. Sinenci

COUNCILMEMBER SUGIMURA: Can I ask a--

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Oh, I'm sorry, I'm sorry. You weren't finished talking.

COUNCILMEMBER SUGIMURA: Yea. Could this go to Healthy Families to discuss, since some of the other Committees are pretty booked? I didn't ask Mr. Hokama.

CHAIR LEE: Any objections to this matter being referred to Healthy Families?

Ms. Paltin.

COUNCILMEMBER PALTIN: I just think, you know, that it's an issue about more than the tapestry. And so, all nine of us should be involved in the discussion for, you know, the things that affect all nine of us. And Healthy Families Communities is a seven Member Committee.

CHAIR LEE: Okay. Which Committee are you suggesting?

COUNCILMEMBER PALTIN: The one on the paper, GET.

CHAIR LEE: On GET?

COUNCILMEMBER MOLINA: Madam Chair, I'm open to either.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER MOLINA: Whatever the body decides.

CHAIR LEE: Alright.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I guess I'm the catch Committee, right? I catch everything. So, if the Members want, that's fine, cause I have room on my calendar; I can post quickly. And I appreciate my colleague from West Maui's concern. It's only a seven Member Committee. But Planning is the life blood of this County. We choose to only go with seven Members, okay, Planning.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I'm not suggesting it go to Planning. It's a seven Member Committee.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: She's suggesting GET.

COUNCILMEMBER KING: Chair.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR LEE: Yea, Ms. Sugimura and then Ms. King.

COUNCILMEMBER SUGIMURA: Yea, so everyone's welcome to attend any Committee, right? It's not exclusive. And discussion can happen. I appreciate Member Hokama being open to this, because I think it's something that deserves some discussion soon.

CHAIR LEE: Okay. Members, I know this is an important issue, but we have other important issues to deal with. So, unless you have something really urgent to say, I'm going to refer this to the GET.

COUNCILMEMBER KING: No objections.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Member Kama, did you have something to say?

COUNCILMEMBER KAMA: Yes, I do. I think that, I was just going to echo what Ms. Sugimura said; that we do have Committees and then we have Council. And the purpose of the numbers on the Committee was if you wanted to sit on the Committee, you could sit on the Committee, but you had to know that upfront. But you can still attend the Committee meetings. You can still participate. You just have to wait until the voting members have their say and you wait. But my sense is that I'd like to see it come to a Committee that can address it sooner than later, and we are moving into budget.

CHAIR LEE: Well, let's ask Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know, I'm open to moving it. As, you know, you guys know, GET, we're going to be inundated with the mass vacancies for boards and commissions that's coming up, Charter amendments. I'm even looking at off-week meetings. So, not to pass off any work, but if anybody wants

this matter, like if Mr. Hokama would like to take it into this Committee, I have no objections.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any objections to referring this matter to Mr. Hokama's Committee?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: I would just vote against it.

CHAIR LEE: Okay. One objection. Anymore objections?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: I just wanted to correct the record that I did not approve this expense as Chair. I looked into it, but we didn't sign off on it because of that Council Rule that changed that said that anything with an expense had to come before the Chair's meeting. So, it was not signed off on. And to my knowledge, there was no, I didn't make any appointments for anyone to come over--

CHAIR LEE: Okay.

COUNCILMEMBER KING: --because it was in the thousands.

CHAIR LEE: But we're not talking about the substance right now, yea.

COUNCILMEMBER KING: But I just wanted to correct the record, because that was said, and it wasn't part of my--

CHAIR LEE: Okay. Ms. Paltin.

COUNCILMEMBER PALTIN: Chair, I was wondering if maybe at your Chair's meeting, being a nine Member meeting, it could be addressed?

CHAIR LEE: It is actually on our agenda. But I, I would think this matter is significant enough that it would probably require a Committee discussion, and--

COUNCILMEMBER PALTIN: Oh, it's on the agenda, but we're not going to discuss it?

CHAIR LEE: The, the Chair's meeting, yea, the Chair's meetings are primarily for routine operational matters. You know, not something, not something as significant as something historical, having to do with the décor of the chamber, etc. So, that's the reason why I wouldn't suggest that we put it, I mean that we make a decision on this matter, cause it really deserves a Committee discussion, yea.

COUNCILMEMBER PALTIN: But we're, we are going to discuss it in the Chair's meeting?

CHAIR LEE: Yea, probably may because of the cost. You know, because, you know, we all decided previously that the Councilmembers need to approve expenses associated with, you know, with the, any Council expenses. That doesn't mean that we're going to be deciding whether or not to have something constructed in the chamber today. That's the Chair's meeting, not the Council meeting, yea. We're having a Chair's meeting after the Council meeting today.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My staff will probably hate me for saying this, but I will, I can be open to taking this item since it's a nine Member Committee and it involves finances, and I can, I can expedite it.

COUNCILMEMBER SUGIMURA: Till when?

CHAIR LEE: Any, any problems with that? Any objections?

COUNCILMEMBER KING: No objections.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Oh, no. No objections. I mean, either way. But I just wanted to state that whoever takes it up, if they could take it up asap, so we can just deal with it and move, move forward. So, whether it go to Budget or Mr. Hokama's Committee, next month at either one of their regularly schedule Committee meetings would be preferable if possible. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez is smiling because her staff is probably texting her right now.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sure they're cringing. I'm sorry. I'm not checking my phone.

CHAIR LEE: Any other comments? Any objections to referring this matter to the EDB Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Okay, now that we lost our place, Mr. Clerk. Any other questions, comments?

Mr. Sinenci.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-65**

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to ask consideration of the Chair of the handout of the DWS report that was distributed by the staff, so that this report is part of the County Communication 20-65.

CHAIR LEE: Okay. Any objection to accepting the handout to County Communication?

COUNCILMEMBER SINENCI: 20-65.

CHAIR LEE: 20-65.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Next. Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Are you calling? Oh, okay. Vice-Chair Rawlins-Fernandez, did you change your mind?

VICE-CHAIR RAWLINS-FERNANDEZ: No. No.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I haven't been threatened or anything, although, we have a load, a lot going on. I, I'd be happy to help the Council out in this one.

CHAIR LEE: Thank you.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-48

VICE-CHAIR RAWLINS-FERNANDEZ: No, I'd actually like to take action on County Communication 20-48.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT STATED IN RULE 7(G) ON THE
RULES OF THE COUNCIL AT IT PERTAINS TO THE BILL
ATTACHED TO COUNTY COMMUNICATION 20-48.

This has to do with amending the proviso. Oh, sorry, I'm sorry. This is the Waiehu Golf Course.

CHAIR LEE: Alright, you just moved to waive the Rules. Moved by Vice-Chair--

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: --Rawlins-Fernandez, seconded by Member King. Any discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I guess I'll wait to hear what, what--

CHAIR LEE: Okay, we're just doing the Rule now. Discuss, you have any discussion on the Rule?

VICE-CHAIR RAWLINS-FERNANDEZ: Just that it requires six, six votes.

CHAIR LEE: Okay. Any objections?

COUNCILMEMBER SUGIMURA: Okay, then I want to know why she wants--

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I would like to know why you want to take it up today and not send it to Committee. Just curious.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, it, it's a housekeeping item. We, so we dissolved the Golf Course Special Fund and transferred all, okay, Ordinance 4952, effective July 1, 2019, dissolves the Golf Course Special Fund and transfers, transferred all encumbrances and any balance remaining in that fund to the General Fund. This bill will recognize that transfer in FY 2020 Budget.

And Budget Director Yoshimura is also in the gallery if anyone has questions. But basically, we dissolved the fund. It was zeroed out in our, in this last budget. And there, there were, any outstanding balances from us dissolving the fund came in this year, and so, we'll, we're just handling that. And so, it, it doesn't change the budget in anyway. It just recognizes the fund going into General Fund.

And the reason that I would like to take action on it today is so, you know, I can, it, it's a matter of housekeeping and then I can kind of clear my master agenda, so I can take up--

COUNCILMEMBER SUGIMURA: Tapestry.

VICE-CHAIR RAWLINS-FERNANDEZ: --items like yours. Yea.

COUNCILMEMBER KAMA: So, question.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: So, to EDB. So, this is the way to dispose of this particular fund by taking this up today?

VICE-CHAIR RAWLINS-FERNANDEZ: We, we, oh, Chair. We already dissolved the fund.

COUNCILMEMBER KAMA: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: This is the last housekeeping item to transfer the remaining balances.

COUNCILMEMBER KAMA: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: That occurred in this fiscal year from dissolving it in the last fiscal year.

COUNCILMEMBER KAMA: Okay. I vote to waive.

CHAIR LEE: Okay, wait one second. Ms. Yoshimura, you want to add anything to that? No? Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: So, I expect a new budget next month, so why wouldn't this be part of the carryover for next year's budget instead of putting it into this year's budget?

CHAIR LEE: Okay, why don't we vote on the rule waiver and then discuss this real quickly. Come, Michele.

All in favor of waiving the rule, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Now, we can discuss the issue. And we have the Budget Director Michele Yoshimura here. Good morning, Michele. Would you like to enlighten us on this subject?

BUDGET DIRECTOR MICHELE YOSHIMURA: Good morning, Chair. So, the fund, or Ordinance 4952, takes effect on July 1, 2019. There were outstanding purchase orders and contracts that still exists beyond the June 30 end of Fiscal Year 2019. So, in order to carry those contracts over, we needed to recognize the carryover savings from the encumbrances as carryover savings and then appropriate it into the Fiscal Year 2020 Budget.

COUNCILMEMBER HOKAMA: So, that's all encumbered money then?

BUDGET DIRECTOR: So, it's all encumbered money. So, rather than cancelling the contracts and then reentering into a contract in order to carry it over, we're just recognizing it as carryover savings and then appropriating it in Parks, so we don't exceed the appropriation that's in the Parks Department.

CHAIR LEE: Any questions?

COUNCILMEMBER HOKAMA: Okay, so we get the carryover component in the rev side. But this, the expenses side is still the same with the?

BUDGET DIRECTOR: Yea, so what we did was take a look at all the outstanding purchase orders and contracts, total that up, and then appropriated appropriately for, I think it was operations and equipment, and recognize that in the Parks Department. So, in revenues, we had a increase in carryover savings. And then we had a increase in operations and equipment to offset.

COUNCILMEMBER HOKAMA: Okay. I got it. Thank you.

CHAIR LEE: Any further questions? So, I believe we need a motion from you, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to, okay, wait, did we take a, okay.

I MOVE TO PASS THE BILL ATTACHED TO COUNTY COMMUNICATION 20-48 ON FIRST READING, INCORPORATING ANY NONSUBSTANTIVE REVISIONS; AND TO FILE COUNTY COMMUNICATION 20-48.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama. Was it Kama? Was it you? Okay. To approve of County Communication CC 20-48.

All those in favor, any discussion? Any further discussion? All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries. Thank you.

Any other? Oh, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just want, like, clarification. In the referrals, I see that there's double Committee referrals, and I wonder if you could explain how we handle double Committee referrals?

CHAIR LEE: Well, if you're talking about the EMI TIG report--

COUNCILMEMBER SUGIMURA: Right. There's two for my Committee and Mr. Sinenci.

CHAIR LEE: Yeah, okay. I'm sure Mr. Sinenci realizes that you as the Chair of the Water, Infrastructure and Transportation Committee, you are, you have the overarching Committee with regard to water. But Mr. Sinenci would like to review a particular item dealing with the EMI Water. So, and so, that is the reason why there's the dual referral.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: And so, if, oh I guess his Committee is first. So, I'm thinking like how Legislature does this; first Committee hears it, then it's referred to the second Committee?

CHAIR LEE: Yea and--

COUNCILMEMBER SUGIMURA: Is that how it works?

CHAIR LEE: Yea, that's how it works.

COUNCILMEMBER SUGIMURA: And then to you?

CHAIR LEE: Right. But you don't necessarily have to act on it.

COUNCILMEMBER SUGIMURA: Right.

CHAIR LEE: You know, he's the one that wants to review it, right?

COUNCILMEMBER SUGIMURA: Right.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: So, yea, the other way that the Legislature does it is they have both Committees at once and then they'll have both Chairs sitting up there, I guess. But I just also wanted to point out that when we did the, the review of the Committees, we have ag, water for agriculture to Mr. Sinenci's Committee. So, I think that's what EMI is, mostly water for agriculture.

CHAIR LEE: Yea, but again, the WIT Committee is the overarching Committee.

COUNCILMEMBER KING: Right.

CHAIR LEE: You're going to have, from time to time, overlaps with different Committees, especially yours; yours and environment.

COUNCILMEMBER KING: Yea, there's a lot of overlap.

CHAIR LEE: You know, there will be overlaps, so, you know, we need to work together on this. And, and one is usually the overarching Committee and one is another Committee that's interested in an aspect of the overarching Committee. So, we can do this in a friendly way. And the way we're going to do it I think is going to work. Okay?

COUNCILMEMBER SUGIMURA: Yea, thank you. Thanks for the explanation.

CHAIR LEE: Of course.

Member Kama.

COUNCILMEMBER KAMA: So, are the Committee Chairs supportive of doing a joint Committee when they both are working on the same?

CHAIR LEE: No. I, I'm not suggesting that there be a joint Committee, because one Committee Chair is interested in a particular aspect of her Committee, which she may not be interested in. So, why have a dual, you know.

COUNCILMEMBER KAMA: Well, where they are talking about the same subject and the same topic, and trying to elicit the same responses, could that not occur?

CHAIR LEE: No. As I said, okay--

COUNCILMEMBER KAMA: Just inquiring.

CHAIR LEE: There, no, they are interested in a particular report from the Water Department Advisory Board. She may not be interested in that particular, but it is her subject matter. So, that's the reason for the dual. So, once he comes up with his recommendations, he refers it to her.

COUNCILMEMBER SUGIMURA: Thank you for that explanation.

CHAIR LEE: Yea.

COUNCILMEMBER SINENCI: Thank you, Chair. Specifically just water use for agriculture.

CHAIR LEE: Yea.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Okay. Anything else you want to pull up?

Yes, Ms. Rawlins-Fernandez.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-54

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. County Communication 20-54, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM (MOLOKAI CLIMATE CHANGE AND SEA LEVEL RISE ADAPTATION AND RESILIENCY MASTER PLAN)".

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT STATED IN RULE 7(G) OF THE RULES OF THE COUNCIL AS IT PERTAINS TO THE BILL ATTACHED TO THE COUNTY COMMUNICATION 20-54.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, and seconded by Member King, to waive the Rules of the Council to bring up item 20-54.

Discussion? Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. All this is, is an amendment to the title.

CHAIR LEE: To the title?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. It was originally sea level rise, no, coast, coastline retreat.

COUNCILMEMBER KING: Shoreline retreat.

VICE-CHAIR RAWLINS-FERNANDEZ: Shoreline retreat. And so, it's being amended to Molokai Climate Change and Sea Level Rise Adaptation and Resiliency Master Plan. That's all it is. And then I can explain more after the motion.

CHAIR LEE: Okay. Any further questions or comments? If not, all those in favor of the waiver, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, in our FY 2020 Budget, we included a proviso to reserve 500,000 intended for the first phase of the Countywide Master Plan to manage and mitigate impacts relating to climate change, like sea level rise, and if necessary, shoreline retreat. However, the language of the proviso itself does not quite capture the intent of the plan, therefore, I am proposing this amendment to clarify that 500,000 is the first phase of the Countywide Climate Change and Sea Level Rise Adaptation and Resiliency Master Plan beginning with Molokai.

I have distributed an amendment summary form to swap out the bill with a signed version from Corporation Counsel. Non-substantive revisions were incorporated to the version, meaning the letter "b" to "a". That was the non-substantive revision.

COUNCILMEMBER KING: Did you make a motion?

CHAIR LEE: Okay. I wasn't following you word for word, but it sounded more than a, like a title change.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, it's just--

CHAIR LEE: There's no substantive change.

VICE-CHAIR RAWLINS-FERNANDEZ: No substantive change.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. And the reason for the rush is so that we can get the RFP out as quickly as possible. It's already been drafted and it's--

CHAIR LEE: Discussion? Further discussion?

Member King.

COUNCILMEMBER KING: I just want to say I wholeheartedly support this, because I think this is where we need to go with this type of plan and I'm excited to see what Molokai comes up with. And I think we need to do this as soon as possible cause we need to get going. We have an emergency, you know, that we recognize. Thank you.

CHAIR LEE: Further discussions?

All those in favor of the motion, say--

COUNTY CLERK: I apologize, Madam Chair, if it was stated. But just to make clear, Council Vice-Chair Keani Rawlins-Fernandez made a motion to pass the bill attached to County Communication 20-54 and to file the County Communication, and.

VICE-CHAIR RAWLINS-FERNANDEZ:

IN CASE I DIDN'T, I MOVE TO PASS THE BILL ATTACHED TO
COUNTY COMMUNICATION 20-54 ON FIRST READING, AND
TO FILE COUNTY COMMUNICATION 20-54.

COUNCILMEMBER KING:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Clerk.

CHAIR LEE: Are we okay, Mr. Clerk?

All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Last one.

CHAIR LEE: One more?

VICE-CHAIR RAWLINS-FERNANDEZ: Last one. I promise.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, this is County Communication 20-, 20-40, 57 through 60, 64, 70 through 79, 80 through 82, and 84 through 88.

Members, I've transmitted a number of county communication for referral to the appropriate standing committee regarding the operational and budgetary review of the corresponding departments under each committee's specific purview.

Chair, if you don't mind, I would like to say a brief a word about the intention of these umbrella items as we approach our budget review for FY '21. And I appreciate all the Members' support and eagerness to schedule these items.

The purpose of each of these new agenda items is to create a vehicle for each Committee Chair to conduct pre-budget session review of the departments as defined for each of the standing committee. Like last budget session, there was a conscious effort made to reduce hours spent with departments on the floor. Through the exercise, we learned that the majority of the questions sent in writing, as well as those asked on the floor, had to do with the previous year's adopted budget and the desire to hear updates on those CIP projects and operational questions from the current fiscal year.

My hope is that we can streamline the pre-budget session review process through the use of these new agenda items in each committee to agendize the FY 2020 adopted budget and review the operations and budget review for each of those sections within the adopted budget ahead of time, thusly, accomplishing the bulk of that work before we begin our review of the Mayor's FY '21 Budget proposal, as Member King mentioned earlier in her comments.

Also, at this time, if there are any other amendments the Committee Chairs would like to request, it can be made. For now, the, I will be happy to lighten the load anymore if anyone else would like to refer them to EDB. But I think, I think we're, I think we're all good. But in case we're not, last chance. Mahalo, Chair.

CHAIR LEE: Member Sugimura, last chance.

COUNCILMEMBER SUGIMURA: Last chance. I just have a question.

CHAIR LEE: That's a parliamentary term.

COUNCILMEMBER SUGIMURA: Yes, last chance. So, on your 20-80, Ms. Rawlins-Fernandez; "Continuum of Support Process for Maui County". So, what department is Maui County, or what, what does that refer; 20-80?

COUNCILMEMBER KING: That was Member Kama.

COUNCILMEMBER KAMA: Mine.

COUNCILMEMBER SUGIMURA: Oh, I'm sorry. I'm sorry.

CHAIR LEE: Which, which number are we talking about?

COUNCILMEMBER SUGIMURA: 20-80.

COUNCILMEMBER KAMA: 20-80.

COUNCILMEMBER PALTIN: That's not one of hers.

COUNCILMEMBER SUGIMURA: That's not Keani. Sorry.

COUNCILMEMBER KAMA: No, it's not.

CHAIR LEE: Okay. Miscue?

COUNCILMEMBER SUGIMURA: Miscue.

CHAIR LEE: Okay, forget that one.

Any other questions? Ms. Paltin.

COUNCILMEMBER PALTIN: I just wanted to thank Council Vice-Chair Rawlins-Fernandez and I'll happily accept 20-84.

CHAIR LEE: Okay. Any other happy comments? If not, Mr. Clerk, where are we?

COUNTY CLERK: Madam Chair, it's just if there's any further objections to the referrals as read. And I believe, if we could just get, go back to Council Vice-Chair Rawlins-Fernandez.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

**DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 20-54**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm sorry for monopolizing the agenda and the time. I was a little eager to allow everyone else to speak and I missed a motion to amend, as I had alluded to. And so, I think I have to move for reconsideration first?

CHAIR LEE: Which item are you talking about?

VICE-CHAIR RAWLINS-FERNANDEZ: County Communication 20-54, which is the Molokai Climate Change and Sea Level Rise Adaptation and Resiliency Master Plan.

The amendment summary form was distributed to make non-substantive changes and to swap out the signed bill.

CHAIR LEE: Yea, I thought we did that one. You have more changes on that?

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO PASS THE BILL ATTACHED TO COUNTY COMMUNICATION 20-54 ON FIRST READING, AND TO FILE COUNTY COMMUNICATION 20-54 WITHOUT ASKING, WITHOUT MOVING TO AMEND THE BILL TO INCLUDE THE NONSUBSTANTIVE CHANGES THAT WAS DISTRIBUTED EARLIER. SORRY.

CHAIR LEE: Okay. Second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Rawlins-Fernandez, and Member Sinenci seconded, to pass the information attached to County Communication 20-54, right?

COUNTY CLERK: Madam Chair, I believe she's asking for a reconsideration to, to take up the--

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO RECONSIDER.

CHAIR LEE: Oh, reconsider? Oh, I'm sorry. I didn't hear that word.

VICE-CHAIR RAWLINS-FERNANDEZ: Today has been an exercise of Parliamentary Procedure.

CHAIR LEE: Yea. And, and trying my patience as well. Nah, just kidding. Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: I need a second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: I thought he seconded. Okay, we got a first and a second.

COUNCILMEMBER KING: I'm just, I'm just confused about what we're doing.

CHAIR LEE: Discussion? Do you want to discuss it any further?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I just need to reconsider so that I can amend and swap out the, the unsigned bill by Corporation Counsel for the signed bill by Corporation Counsel.

CHAIR LEE: Okay. All those in favor of reconsidering the bill, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE BILL ATTACHED TO COUNTY
COMMUNICATION 20-54 ON FIRST AND, FIRST READING,
AND TO FILE COUNTY COMMUNICATION 20-54.

And then I'll amend it.

COUNCILMEMBER KING:

SECOND. SECOND.

CHAIR LEE: Okay. It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to approve of the, a bill attached to County Communication 20-54. Discussion? Do we need anymore?

VICE-CHAIR RAWLINS-FERNANDEZ:

CHAIR, I MOVE TO, I MOVE TO AMEND THE BILL AS STATED
IN THE AMENDMENT SUMMARY FORM. SUBSTITUTE--

CHAIR LEE: Did everyone get the summary form?

VICE-CHAIR RAWLINS-FERNANDEZ:

--TO SUBSTITUTE THE PROPOSED BILL ATTACHED TO
COUNTY COMMUNICATION 20-54.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Well, no we were in discussion already. We had the first and the second. Okay. Any further discussion, or comments, or questions?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: If not, all those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

VICE-CHAIR RAWLINS-FERNANDEZ: For the amendment.

COUNCILMEMBER KING: That was the amendment.

CHAIR LEE: Oh, the amendment. Okay, main motion, as amended.

VICE-CHAIR RAWLINS-FERNANDEZ: No discussion.

CHAIR LEE: No dis, any other discussion? Any other comments from anybody? Okay. All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for all your patience, Chair.

CHAIR LEE: Oh, you're welcome. It's not only mine, it's everybody else's. Okay, are you sure you don't have anymore?

VICE-CHAIR RAWLINS-FERNANDEZ: . . .

CHAIR LEE: Okay. Mr. Clerk.

COUNTY CLERK: Madam Chair, if we can just receive direction from the Members if there's any other objections to the referrals as read by the Clerk.

CHAIR LEE: No objections, alright, to any of the other referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. No objections.

Mr. Clerk.

COUNTY CLERK: Madam Chair, for the record, relative to County Communication 20-48, BILL 10 (2020). Relative to County Communication 20-54, for the record, BILL 11 (2020).

Madam Chair, proceeding with general communications.

GENERAL COMMUNICATIONS

NO. 20-1 - ERIN MUKAI, MUNEKIYO HIRAGA,
(dated January 3, 2020)

Submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 3, 2020" in accordance with Condition 22 of Ordinance 3613.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. If there's no objection, I'd ask that this communication be referred to the Planning and Sustainable Land Use Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

The recommended action is that General Communication No. 20-1 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 20-1 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Resolution 20-3, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, INCLUDED PROFESSIONAL AND SCIENTIFIC EMPLOYEES," be ADOPTED;
2. That Resolution 20-4, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, EXCLUDED PROFESSIONAL AND SCIENTIFIC EMPLOYEES," be ADOPTED;
3. That Resolution 20-5, entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 02, SUPERVISORY, BLUE-COLLAR EMPLOYEES," be ADOPTED;
4. That County Communication 19-441, from the Mayor, be FILED;
5. That County Communication 19-442, from the Mayor, be FILED; and
6. That County Communication 19-443, from the Mayor, be FILED.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I ask the Clerk to also call up Committee Report 20-2 and 20-3.

COUNCILMEMBER KING: No objections.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 20-2 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 12 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (HAWAII EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF DEFENSE, STATE OF HAWAII, PRE-DISASTER MITIGATION GRANT)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 13 (2020), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF DEFENSE, STATE OF HAWAII FOR PRE-DISASTER MITIGATION GRANT FUNDS (DEPARTMENT PUBLIC WORKS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNTY CLERK: Oh, I apologize. Also, Committee Report 20-3.

COMMITTEE REPORT

NO. 20-3 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. That Bill 14 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2020, ALARM SYSTEM REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-518, from the Budget Director, be FILED.

CHAIR LEE: Ms. Rawlins-Fernandez.

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

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORTS 20-1, 20-2, AND 20-3.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the committee reports as read. Discussion?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: And I think, I think and the filing of those communications was--

VICE-CHAIR RAWLINS-FERNANDEZ: The recommendations from the committee report include the filing.

CHAIR LEE: Yea. Any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Me.

CHAIR LEE: Oh, Vice-Chair Rawlins-Fernandez. I was wondering, is that a new dance, or? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, Members, Committee Report 20-1 recommends adoption of resolution to approve cost items for Bargaining Unit 13, included and excluded employees, and employees included in Bargaining Unit 02. HGEA and employees' representative submitted written testimony to the Council expressing their strong support for these resolutions. I invited them to come attend today's meeting in case Members had questions, but they were unable to make it.

Committee Report 20-2 pertains to bills that would allow Department of Public Works to accept a grant of \$112, \$112,500 for Pre-Disaster Mitigation. The grant does not require the County to provide matching funds of, does provide the County to provide matching funds of \$45,547.40.

And finally, Committee Report 20-3 will increase the amount allotted from the Alarm System Revolving Fund for contractual services for alarm system registration by \$45,000. The new total is \$75,000.

All legislation referenced in these committee reports passed out of Committee unanimously. Mahalo, Chair.

CHAIR LEE: Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, thank you. I am, I have comments only for Report 20-1. I thank the Budget Chair for bringing this forward. Budget Committee Report 20-1, I'll support with reservations, Chair. I still believe there are our employers team approached lump sum bonus or adjustments in a poor manner. I disagree with how their, came up with their analysis. I'm disappointed our Committee staff did not appropriate state the discussion in Committee of the Committee's concern in this area. And other than that, though, I understand and support how Bargaining Unit 02, under Supervised Blue Collar Employees. Their agent did a great job in representing that group of employees. So, I'm pleased with that. Thank you very much, Chair.

CHAIR LEE: Further comments or questions?

Member King.

COUNCILMEMBER KING: Thank you. Thank you, Chair. Just a question, because I thought I heard the Clerk read a 5 and a 6 for 20, Report 20-1. It's not on any of our paperwork here. But can you just reread those?

CHAIR LEE: Mr. Clerk.

COUNTY CLERK: Madam Chair, just for clarification for the Members, in the advanced listing that's posted, it just indicates filing of the communications. And what we read for the record is the actual communications to be filed. So, that's why there's a few more numbers.

COUNCILMEMBER KING: Oh, okay. Cause I, I, I, there's four items. I thought I heard you say 5 and 6, so thanks for that explanation.

CHAIR LEE: Any further questions or comments?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just wanted to thank Committee Chair. And during our discussion with, at the Committee level, we had asked for a representation from HGEA to appear. And I, I think they represent a lot of our employees and I wish they would have given them the courtesy to come. I'm disappointed with HGEA for not showing, you know, showing up. But I guess Mr. Perreira, Randy Perreira, Executive Director for HGEA, sent this letter. But I thank you. I'm going to support this, but I wish HGEA would show up and speak in behalf of their many employees that represent them.

CHAIR LEE: Further comments or questions? If not, all those in favor of approving Committee Reports 20-1, 20-2, and 20-3, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

COUNTY CLERK: For the record, relative to Committee Report 20-1, RESOLUTIONS 20-3, 20-4, 20-5, respectively. Relative to Committee Report 20-2, for the record, BILLS 12 and 13 (2020), respectively. For the record, relative to Committee Report 20-3, BILL 14 (2020).

COMMITTEE REPORT

NO. 20-4 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Bill 15 (2020), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-446, from the Chief of Police, be FILED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT NO. 20-4.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms., Member King, to approve the recommendations in Committee Report 20-4.

Discussion?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Council's GET Committee met on January 7, 2020, to discuss the proposed bill, which authorizes the Mayor through the Chief of Police, to enter into an intergovernmental agreement with the State Department of Health to conduct a study that involves collecting and analyzing police reports of suicide to identify common risk factors, identify gaps in service, and provide guidance for prevention for the project period October 1, 2019, through October 1, 2023.

Your Committee voted 6-2 to recommend passage of the revised proposed bill incorporating non-substantive revisions and filing of the communication.

And just now, the staff distributed a copy of a correspondence dated January 21, 2020, from the Police Department regarding a cost and fee analysis for the project, as the Committee had requested. And looking back into the gallery, Madam Chair, I see representatives of the Police and Department of Health available to answer any additional questions should the Members have. Thank you.

CHAIR LEE: Any further discussion? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Next, Mr. Clerk.

COUNTY CLERK: For the record, BILL 15 (2020).

COMMITTEE REPORT

NO. 20-5 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution _____, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO CLIMATE CHANGE LITIGATION," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I have an unusual request, which normally doesn't occur; a lot like Halley's Comet. I'm going to ask for consideration of this matter being sent back to Committee. Something's been brought to my attention related, it's a cost matter, related to the proposed, I guess special counsel for this litigation that I think merits discussion in executive session in Committee and which I would like to certainly have Corporation Counsel join us. It was brought to my attention, as well to Member Hokama's. So, I think in my opinion, it's imperative that we have this discussion in Committee.

I'll yield the floor to, for any comments from the Members about this request.

CHAIR LEE: Okay. So, you're requesting recommitment of this?

COUNCILMEMBER MOLINA: That is correct, Madam Chair. And I will bring this to my docket as soon as possible, so we can have this discussion, so we can have--

CHAIR LEE: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. Matter shall be recommitted; 20-5.

Mr. Clerk.

COMMITTEE REPORT
NO. 20-6 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-6, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. B811500564-0004-01 OF THE HARTFORD UNDERWRITERS INSURANCE COMPANY, ON BEHALF OF GORDON AND RAMONA COCKETT," be ADOPTED.

CHAIR LEE: Mr. Molina.

(Councilmember Kama was excused from the meeting at 10:32 a.m.)

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-6.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Mr. Sinenci, to adopt the recommendations in Committee Report 20-6.

Discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Council's GET Committee met on January 7, 2020, to discuss this matter, which proposed resolution to authorize settlement of this claim. Claim alleges damages to Gordon and Ramona Cockett's vehicle resulting from a collision involving a Maui County fleet vehicle on April 24, 2018. Your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Thank you.

CHAIR LEE: Further discussion? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Motion carries.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 20-6.

COMMITTEE REPORT

NO. 20-7 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending that the Miscellaneous Communication, from the County Clerk, referring the matter relating to establishing a Kihei advisory committee to the Maui Planning Commission, be FILED.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 20-7.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to adopt the recommendations in Committee Report 20-8, I mean, 7.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. The Planning and Sustainable Land Use Committee has another item under which it intends to discuss Advisory Committees to

the Maui Planning Commission, therefore, the Miscellaneous Communication referenced in the Committee Report may be filed. Thank you, Chair.

CHAIR LEE: Further discussion? If not, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Motion carries.

Mr. Clerk.

COMMITTEE REPORT
NO. 20-8 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 16 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-290, from the Planning Director, be FILED.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-8.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Ms., Member Sugimura, to adopt the recommendations in Committee Report 20-8.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. The PSLU Committee discussed the Department of Planning's current enforcement process, which includes suspending land use permit applications for properties that have outstanding violations. Properties are required to cure their violation before permit processing will continue. This bill would codify this enforcement procedure that's currently ongoing. I ask for the Members support for my motion. Thank you, Chair.

CHAIR LEE: Further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Just a question. So, I appreciate the Committee's good work, codifying the Department's practice. But the way I read it is, that's one incomplete application, yea? So, if it's incomplete, it still has a status with the Department? We just don't tell the applicant it's incomplete, therefore, it has no standing with us and you resubmit once you get all your documents lined up, while we still hold the incomplete application?

CHAIR LEE: Ms. Lutey.

COUNCILMEMBER HOKAMA: Cause there's nothing to process, process.

CORPORATION COUNSEL MOANA LUTEY: Correct. I'm not certain on that, but I can check if we take a short break.

CHAIR LEE: Unless Ms. Paltin can answer the question.

COUNCILMEMBER HOKAMA: Yea, if the Committee Chair maybe can respond, Madam Chair.

COUNCILMEMBER PALTIN: Yea, so, the intention of this is, you know, if it's something that the action and the payment of a fine would resolve, then it would go forward. If not, it wouldn't go forward until they resolve the issue. So, once they resolve the issue, then it can continue to process. It's incomplete.

(Councilmember Kama returned to the meeting at 10:36 a.m.)

COUNCILMEMBER HOKAMA: They wouldn't be required to resubmit a new application, since the old one was deemed incomplete? Therefore, it doesn't exist, yea?

COUNCILMEMBER PALTIN: Oh, that part. Maybe, possibly, but.

COUNCILMEMBER HOKAMA: So, I just want it clear for those that are in potential predicament now, cause my position would be you don't have a valid application so there's nothing in the files. You start all over again.

COUNCILMEMBER PALTIN: My, my understanding is that the Department of Planning would be in communication with the applicant, whatever the process is. Like, oh, you need to resolve this first and then you need to resubmit an application or vice a versa, you need to do it and then. I would imagine they would be in communication with the applicant on the situation because they want the violation to be resolved.

CHAIR LEE: Mr. Hokama, do you want us to bring someone from Planning?

COUNCILMEMBER HOKAMA: Yea, if they could give us some clarification, because for me, the, that applicant has no standing. So, who, if it's, if it's a developer, too bad, you start from ground zero. We don't do the developer's work; too bad.

CHAIR LEE: Okay. What we could do, Mr. Clerk, could you have someone call a planning, the Planning Director to send somebody over to answer this question? Meanwhile, why don't we skip over that and go to the next one and then take a break. Okay.

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER KING: Chair, can we take a break now?

CHAIR LEE: You want the break now? We're almost finished with her part. Then Keani has the long part.

COUNCILMEMBER KING: Yea, it's a, well, just because I think the next issue is going to be quite a bit of discussion.

CHAIR LEE: You think there'll be a lot of discussion? Okay. Let's see. We'll take a break till 10:45. Is that okay with everybody? No objections. So, ordered.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:37 A.M., AND WAS RECONVENED AT 10:54 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the Council meeting please reconvene. Apologize for being late. I was, somehow, I get caught in traffic downstairs.

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. I believe we had taken a recess to wait for representatives from the Department of Planning, and I believe that they're here now.

CHAIR LEE: Mr. Hart. Mr. Hopper. Mr. Hopper, are you here for Planning too? Oh, okay. Just keeping him company. Alright. We have Jordan Hart here from Planning.

Mr. Hart, we have a question from Mr. Hokama, regarding, do you know which item we're talking about?

DEPUTY PLANNING DIRECTOR JORDAN HART: Chair, yes, thank you.

CHAIR LEE: You do? Okay.

Mr. Hokama, you want to repeat your question?

(Vice-Chair Rawlins-Fernandez returned to the meeting at 10:55 a.m.)

COUNCILMEMBER HOKAMA: Thank you, Chair. Mr. Hart, thank you for joining us as our Director of Planning, Deputy. My question is as it relates to Committee Report 20-8, where the Council's Committee is supporting your Department's practice and codifying how you dealing with some of these land use violations.

So, my question was if the application is then deemed incomplete because of outstanding violations or missing information, what kind of status does it have? Cause for me then, it doesn't exist. An incomplete application has no status or standing, cause you cannot process. It doesn't provide your clerks the requirements to forward for referral or anything else. So, I'm just trying to understand what happens when it's considered incomplete.

DEPUTY PLANNING DIRECTOR: Chair, in that situation, the, the application just wouldn't move anywhere. But in general, we would be in communication with the applicant, discussing the issues at hand, and basically establishing a course on how they're going to resolve any situations they have.

COUNCILMEMBER HOKAMA: So, I understand that this legislation allows if there's a penalty to pay that, or violation of, especially if it resolves the enforcement component. Okay,

so I understand that's your practice and I get it. I'm just still curious then why would you call it an incomplete? Why wouldn't you just say pending?

DEPUTY PLANNING DIRECTOR: I don't think the Department necessarily has any sort of objection to, to the difference between the term incomplete or pending.

COUNCILMEMBER HOKAMA: Because for me, if it's incomplete, they come back and resubmit a brand new application. Why would we keep holding an incomplete application for a applicant? That's their job. That's not your job.

DEPUTY PLANNING DIRECTOR: You know, that can be true, but it also can result in more, you know, more repetitious work for staff involved. If the applicant has prepared a set of documents and there's a single issue that we're identifying and working on with them to, to resolve--

COUNCILMEMBER HOKAMA: Yea, but most of the applicants are not brand new. They've been doing this for a while.

DEPUTY PLANNING DIRECTOR: Well, it is, you know, it's everyone. There is, there is, you know, what people typically call mom and pop applicants and then there's professional applicants. I mean, obviously professionals know what they're doing, have done it many times, have professional consultants assisting them. But there are also people who have never filed.

COUNCILMEMBER HOKAMA: You regard them in higher esteem than I do.

DEPUTY PLANNING DIRECTOR: But what I wanted to go on to say is that there is also people who may have never filed an application or may not even understand that, you know, what they did was a violation. They come to learn that they couldn't do what they've done. The Department is citing them, meanwhile, they're filing for something else.

But nevertheless, I think that it is more efficient for the County rather than to continue to hand material back and then the applicant hands it back which goes through our process. We retain records of everything. If we're allowed to basically keep an application that we consider to be deficient in one way and then resolve that and then move that application forward it would be better I think overall for everyone involved, rather than continue to return their material, they give it back to us. Cause like I said, we still save the records of their, of their, you know--

COUNCILMEMBER HOKAMA: Unapproved--

DEPUTY PLANNING DIRECTOR: Well, completely rejected applications we'll, we'll outright just return. But I do think it's more, more efficient and effective to allow them to have a file. It doesn't move anywhere with the Department as far as we're concerned, unless they resolve their situation. And then once that is resolved, then we can advance it.

COUNCILMEMBER HOKAMA: Can we put clocks on it? I mean, how long do you sit on these damn applications?

DEPUTY PLANNING DIRECTOR: You can put a clock on it. In general, we do, we do return applications if they become stale; if it's obvious that nobody is doing anything. In the situation where there's a violation involved though, there's, you know, there's a different sort of motivation that's going on there. But there--

COUNCILMEMBER HOKAMA: If you're just waiting for a response to a redline from your Planner or something, you give them what, 3 months, 12 months, before you consider no action and then it goes dead file?

DEPUTY PLANNING DIRECTOR: I think that that can become a case by case basis; you know, the complexity of some projects. I mean, let's, let's use for example, let's say it's a change in zoning and it's a regional project and something has happened. Sometimes those projects sit for a longer period of time because of, of things that go on. I mean, if the Council wants to propose some sort of hard timeline, you know, that can be done.

COUNCILMEMBER HOKAMA: I'm just trying to see if it makes sense how we, how we doing it. That's all. Or, again, maybe, maybe I need to recommend to Budget Chair Rawlins-Fernandez higher fees for these type of applications. Thank you, Chair.

CHAIR LEE: Any other questions?

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a, a question for Jordan. I know for some of the applications you normally have a checklist of, of things to submit. Would, would, could one of these items be something like to make sure that all of your past responsibilities are taken care of or something like that before, before submitting your application that could technically, I'm just throwing it out there. Thank you, Chair.

CHAIR LEE: Any comments, Mr. Hart.

DEPUTY PLANNING DIRECTOR: Yea, that, that could be done. You know, the short-term rental homes as an example, you know, the Department checks whether or not an

applicant is on the ban list. So, there's, there is situations where applications are checked. Basically, what we do is review for completeness and submittal, and the clerks complete that. Generally, it's, it's very effective.

However, you know, some land use applications are very large and so, it can be pretty complicated to catch all issues. So, then you can have a situation where the application does make submittal cashes, so the check is cashed. And then, you know, the planner receives the application and goes through everything, you know, reads through everything and understands everything and then concludes that something's deficient. So, I think that can be effective, but obviously, we're, we, it is a human process, and so.

CHAIR LEE: Further questions?

COUNCILMEMBER PALTIN: I'm open to an amendment if they want to change, if anyone wants to change the wording from incomplete to pending, I mean, it's cool.

CHAIR LEE: Well, no takers. So, do we have a motion on the floor? Okay.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Just a quick question for Corp. Counsel. Is that a substantive, it's not substantive enough to have it sent back to Committee if we consider that change from Member Paltin?

CHAIR LEE: Ms. Lutey.

CORPORATION COUNSEL: Thank you, Chair. I don't believe so.

COUNCILMEMBER MOLINA: Okay. Alright. Thank you.

CHAIR LEE: Alright. Mr. Hokama.

COUNCILMEMBER HOKAMA: I would just ask if we mind giving Mr. Hart and, if you choose to give a comment, you think it will help, it'll make it worse? We would need to now redefine pending versus incomplete. I mean, there comes more of an issue problem than resolution?

DEPUTY PLANNING DIRECTOR: I personally think that pending is more appropriate just because if we were talking about potentially an unrelated issue, it's not necessarily the

application that they've submitted, but another issue that's, that's causing the holdup or their inability to move forward. So, rather than saying it's incomplete, like basically you have a land use application, you have another violation on property, is that land use application incomplete or is it unable to move forward because they have another issue that needs to be addressed? So, I think pending is an appropriate term.

COUNCILMEMBER HOKAMA: Thank you.

SO, WITH NO OBJECTION, CHAIR, I WOULD MAKE THAT MOTION TO AMEND.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr. Hokama, seconded by Ms. Sugimura to amend.

COUNCILMEMBER HOKAMA: Oh, we have a comment from Corporation Counsel.

CHAIR LEE: Corporation Counsel, Mr. Hopper.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: I don't, while that may not necessarily be a substantive change, my concern would be that there might be other places in Title 19 or in the Code where there's reference to incomplete application versus pending. And I wouldn't necessarily want to have an inconsistency that would lead one to believe that this section means something different than those other sections without looking at that. This is subsection "C" of "A" of an ordinance, and I don't know if there are other sections throughout Title 19 that may refer to incomplete applications. And so, that, that's my only concern at this point with changing that wording. If there's not a substantive difference between the two, I may recommend leaving it as incomplete at this point, provided there's not a substantive difference there.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIR, HEARING ADDITIONAL ADVICE FROM OFFICE OF CORPORATION COUNSEL, I WOULD, I CHOOSE TO WITHDRAW THE MOTION TO AMEND.

And maybe if you would, under your signature, send the subject back to Planning Chair Paltin for additional review, or Mr. Molina, I tell you, we all love you. And again, Chair, maybe Mr. Molina, from another also more comprehensive perspective, Chair, is that even in my discussions yesterday in our Committee regarding the in-lieu for parks dedication, it was also brought up to me that there's terms that we currently use like improved residential; potentially categories that will not exist anymore in the Code but we're still using it for clarity and how we formulate certain assessment of fees and whatnot.

So, if maybe again under your signature, a Committee would be sent forward to Corp. Counsel and all the departments to go through the whole Code and get this thing squared away regarding old terms and revised terms and deleted terms. Cause once Council does rezoning comprehensive, once we set up whatever is going to be the new rates and structures of property tax, the Code is going to have to match up completely in all sections. So, I would just ask for your consideration, Chair.

CHAIR LEE: Okay. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Just a couple of points. You know, we had a similar issue at this same meeting about the words "shall" and "must". And it was brought up that Title 19 is going through the rewrite as per the audit recommendation. And I thank you for allowing me to schedule an additional meeting for that presentation, because the company is only in town for that one day.

But for me, so that they can go ahead with this, I would recommend, because what we did with "shall" and "must" was just go with shall knowing that the Title 19 rewrite is happening. So, in order for their work to be codified right now, then I would just move forward with incomplete and then work on it with the whole rewrite with the "shall's" and the "must's" and whatnot. Unless we want to just defer this item till the end of the calendar and possibly Mr. Hopper can see if it's going to be an inconsistency to have incomplete or pending.

Cause we had a similar issue with "shall" and "must" and we've been moving towards using "must", but the, the comment was we can't have "shall" some places and "must" some places throughout the chapter because they're going to think they have different meanings. So, for that case, we decided to just, you know, know that the rewrite is right around the corner and take it all up at one time; at least for Chapter 19. But I do agree that the whole Code should probably be gone through for form and consistency. I'm just not sure it would be done under this item.

CHAIR LEE: Okay. Mr. Hart.

DEPUTY PLANNING DIRECTOR: Chair, thank you. I do want to, the Code rewrite is, is you know, like it's basically started, the project has started now. But it's going to be a significant undertaking and it's going to affect everyone. So, there's going to be a lot of involved conversation about it. So, I would say if this is a feature that you want us to be able to use, that, that you move forward with it rather than waiting for the rewrite, because that's, that's going to, it's not going to come maybe as quickly, as ambitious as everybody would like to be. It's a massive change that involves a lot of, a lot of, affect of a lot of people. So, it's, it's going to take some time to go through the process.

And I also want to say that, which you'll see in the presentation that's coming up, it's, it's going to be comprehensive. So, you know, it's basically going to be a rewrite, not an amendment.

CHAIR LEE: So, Mr. Hart. Mr. Hart. So, what do you suggest for the ease of Administration, what do you suggest specifically?

DEPUTY PLANNING DIRECTOR: I would suggest that you not postpone this for the Title 19 rewrite if you want us to be able to make use of it in the next few years.

COUNCILMEMBER PALTIN: Okay. And so, then I guess, Mr. Hopper, could you look at it by the, Chair King seems to think the next item might take some time, so how long would you need to go through section to see if incomplete, changing that to "pending" would affect the rest of the legislation?

DEPUTY CORPORATION COUNSEL: I found a couple of other sections in Title 19 that used the word "incomplete" that refer to applications. I'm just saying at this point with your, with your timing involved, I don't know if, if there's not going to be a substantive difference between the two, I would not recommend making the change as part of this item. You can certainly recommit it and look at it. But at this point, there's at least a couple other circumstances in the Code, in other Code sections dealing with variances, variance applications.

It's probably also a term I would imagine the Planning Department probably uses in its application forms that it gives to people that talks about incompleteness. But if we want to say the application's pending or incomplete, if there's going to be a substantive difference between those two, then I think we would want to look at that Code wide and see that issue.

Right now, I don't see how that's a substantive difference, though, between saying "incomplete" or "pending". I think in either case, in the context of this ordinance, it means it can't be processed further until you do something. And so, I think as long as that's clear, there's not a substantive difference. But the problem is if you make a

change in one section and then there's another section, I don't want someone to argue; oh, you must have meant something different here by saying "pending" rather than "incomplete", especially since the, the title of this is "Application Completeness Review". And so, you know, looking at that.

COUNCILMEMBER PALTIN: Thank you. With that information, I'm open to the will of the body, whatever you guys want.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Let's vote.

COUNCILMEMBER KING: Chair, I just, a question, sorry.

CHAIR LEE: Mr., Ms. King.

COUNCILMEMBER KING: I, I'm agreeing we should vote. But I just have a question for the Planning Department. So, if you, if you, do you have a mechanism where you would, when someone comes to you with a plan, you first look up to see if they have any outstanding fines, so you don't waste a lot of time going, you know, further into it before you figure that out?

DEPUTY PLANNING DIRECTOR: Yes and no, basically. Yes, yes, we do. We have our KIVA system. There, there can be some lag time between what might be in effect and what might be in process. That would be the only discrepancy, I think. But in general, in general I would say yes. But when I was talking earlier about the human component of it, there can be gaps. Like, there will be gaps here and there, but in general we do have that material that can be checked by the clerks. But there is Zoning Enforcement Administration Division which is a different division. It's working with Corp. Counsel often, doing things like issuing citations and fines, which--

COUNCILMEMBER KING: Okay. Cause I'm just thinking that that should be the first thing you check and make sure that the person doesn't have any fines. And if they do, then you just, you don't spend a lot of time on it.

CHAIR LEE: Any other questions? We could, I could send a letter to the Planning Department asking them to consider, as they go through all the verbiage changes in Title 19, to consider changing "incomplete" to "pending", and the reasons why as stated today.

Mr. Hokama.

COUNCILMEMBER HOKAMA: And Chair, I appreciate that. And one of the reasons is, as I share with my colleague from Molokai, for me incomplete means you're missing something essential on the application; you didn't sign the form, you didn't put your full legal name, whatever it be. Pending, for me, is normally telling the applicant, yes, we're processing. We referred it to Water, waiting for Water's review, comments, and sign off, so therefore, it's pending. Because it's going through the process but it's not complete yet. But somebody is still in the review process. Incomplete means it doesn't move nothing cause it's not essentially ready to move to the next step. So, I don't see, you know, how one and the other is the same, cause for me, it hasn't been used in that manner as far as we've been doing things. Thank you, Chair.

CHAIR LEE: Okay, so let's proceed with the vote and knowing that we will not let this issue go. We will notify the Planning Department. All, was there a motion, Mr., yea, motion?

All those in favor, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 16 (2020).

COMMITTEE REPORT

NO. 20-9 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill ____ (2020), entitled "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PROJECT DISTRICT 12 TO AGRICULTURE FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-001:018," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill ____ (2020), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM OPEN ZONE, R-3 RESIDENTIAL DISTRICT, AND PROPOSED ROAD TO AGRICULTURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAALAEA, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-6-001:018 (POR.)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That the County Clerk RECORD the unilateral agreement; and
4. That County Communication 19-347, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-9.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Sugimura, to pass the Committee Report 20-9.

Discussion, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. The PSLU Committee considered proposed bills to grant a Community Plan Amendment and Change in Zoning for the Maalaea Agricultural Subdivision project. The Community Plan Amendment will change the property from Project District 12 to Agriculture. The Change in Zoning will change several portions of the property to Agricultural District making the property entirely zoned Agricultural District.

While the Change in Zoning impacts only a portion of the property, the ordinance and the unilateral agreement will encumber the entire property with the conditions of zoning. With these land use entitlements, the landowner intends to subdivide the property into a maximum of 21 lots.

The Committee proposed 16 conditions in zoning. I have also distributed an Amendment Summary Form pertaining to condition 11.

SO, I'M AMENDING CONDITION 11, WHICH GIVES THE COUNTY OF MAUI THE FIRST RIGHT OF REFUSAL TO PURCHASE LOT 21 FOR DRAINAGE MITIGATION PURPOSES.

And in reviewing the documentation and, and you know, working with open space and being a County employee for 17 years--

CHAIR LEE: You're making a motion right now?

COUNCILMEMBER PALTIN: Amendment.

CHAIR LEE: Amendment. Okay.

COUNCILMEMBER PALTIN: And I was just giving my reason.

CHAIR LEE: Wait, wait, wait. Wait, wait, wait. You make the motion and then we need a second on the amendment.

COUNCILMEMBER PALTIN: Oh, okay, sorry.

COUNCILMEMBER SUGIMURA:

I SECOND.

CHAIR LEE: You sec, the main motion.

COUNCILMEMBER SUGIMURA: The main motion, oh yea.

CHAIR LEE: So, now it's the amendment. So moved by Member Paltin, seconded by Member Sugimura, to amend the main motion. And now, does everybody have a copy of the Amendment Summary Form--

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: --that she's following? Okay. Further discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. You know, I just haven't seen it be realistic that the County ever complete the purchase of anything within 120 days, I mean besides paperclips and stuff.

SO, THE AMENDED CONDITION WILL READ AS FOLLOWS:
"THE COUNTY OF MAUI WILL HAVE THE RIGHT OF FIRST REFUSAL TO PURCHASE FOR DRAINAGE MITIGATION PURPOSES LOT 21 AS DEPICTED ON EXHIBIT 'I', WHICH IS APPROXIMATELY 40 ACRES. MVI, LLC OR ANY FUTURE OWNER WILL OFFER THE COUNTY THE OPTION TO PURCHASE THE LOT UPON FINAL SUBDIVISION APPROVAL FOR THE PROPERTY. THE COUNTY WILL HAVE 120 DAYS TO COMMIT TO PURCHASING THE LOT".

And then, you know, move forward with it. This amendment will ensure the County may purchase the lot if it chooses in a more reasonable time frame.

CHAIR LEE: Discussion? Further discussion?

Ms. Sugimura, and then Mr. Hokama.

COUNCILMEMBER SUGIMURA: Thank you. I wonder at the appropriate time, Chair, if you would allow Mr. Spencer is here, if he could speak to this? If you think--

CHAIR LEE: Do you have a question to ask?

COUNCILMEMBER SUGIMURA: Well, no the amendment.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: It's about his adding another condition to his project.

CHAIR LEE: Mr. Spencer, are you familiar with the proposed amendment?

MR. MARK SPENCER: Yea. Hi. Mark Spencer. Yes, I am. One thing, and we are agreeable to it, I might, would request that you add some language that has a timeframe for the County to close after that commitment.

COUNCILMEMBER PALTIN: That's, that is--

MR. SPENCER: I'd offer like 60 to 90 days. 90 days would be fine.

COUNCILMEMBER PALTIN: My question would then be to somebody that knows the answer. Is that realistic for the County to be able to do that, with the budget process?

CHAIR LEE: We need somebody from Finance here; the land agent, or.

MR. SPENCER: I'd offer, I mean, you have the 120 days is a pretty generous time to commit, and so I would think there's also time in that, within that 120 days after a commitment was made to start that closing process. So, it's probably even longer than the 90 days.

COUNCILMEMBER PALTIN: Yea, so did you want to decrease the 120 days to commit, because that's just the action of committing to buy it. And then to actually go through the budget process, and get the money, and now we have a open conservation committee, and.

CHAIR LEE: Yea, Mr. Spencer, it seems that the Chair of the Committee is trying to give you some latitude here. The County will have 120 days to commit to purchase; not to purchase.

MR. SPENCER: My concern is if they commit within the 120 days, what's the timeframe that I have to wait for them to close after they commit to purchasing it?

COUNCILMEMBER SUGIMURA: We need to ask--

CHAIR LEE: Well, maybe we need to add a little bit more language to tighten that up.

COUNCILMEMBER PALTIN: How do you feel about committing and moving forward within nine months?

CHAIR LEE: No that's too much, too much time.

COUNCILMEMBER SUGIMURA: We should ask--

COUNCILMEMBER PALTIN: Six months.

CHAIR LEE: No, as a suggestion, the County will have 120 days to commit to purchasing the lot and 60 to 90, whichever, 60 days to complete the purchase or 90 days to complete the purchase; something specific like that.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Pick a number.

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Maybe the language, if this is appropriate, the County will have up to 90 days to, maybe Corp. Counsel can add some--

COUNCILMEMBER PALTIN: Up to 90 days to commit to purchase the property.

CHAIR LEE: Ms. Lutey.

COUNCILMEMBER MOLINA: That would be to close.

COUNCILMEMBER PALTIN: Oh, to close.

CORPORATION COUNSEL: Or to close.

COUNCILMEMBER MOLINA: Yeah,

COUNCILMEMBER PALTIN: I don't know if that's realistic because you got to do the appraisal and then we got to get the money.

COUNCILMEMBER KAMA: Let's get Finance.

COUNCILMEMBER SUGIMURA: Can we ask Finance, so we're not guessing?

COUNCILMEMBER KING: Chair, maybe we could ask our Budget Chair to weigh in, because I think it would have to go through the Budget Committee and then it has to go through the whole process, right?

CHAIR LEE: Yea, well, why don't we put this on hold and try and get somebody from Finance. But be, be thinking of some specific numbers though, because I don't think they need 120 days to commit.

COUNCILMEMBER PALTIN: Yea, yea.

CHAIR LEE: You know, they could take 30 days to commit and 120 days to complete.

COUNCILMEMBER PALTIN: I would say 30 days to commit and one year to complete the process.

COUNCILMEMBER KAMA: That's a long time.

MR. SPENCER: That's, that's, that's--

CHAIR LEE: That's too long. That's a little too long.

MR. SPENCER: That's too long to keep the parcel in limbo. I'd be agreeable to 30 days to commit and, again, I'm speaking for my family which is maybe is dangerous right now, but I would be willing to stick my neck out and say 30 days to commit and 6 months to close.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: So, Chair, if I may ask. Why do we need to buy this lot? Why don't we just make it a condition? You want this approval? This lot is required for our drainage. You will dedicate this lot, period. I don't even know why we're considering a purchase if it's a required thing for our drainage and . . . everything else.

CHAIR LEE: I don't know. I mean, first right of refusal--

COUNCILMEMBER PALTIN: I'm okay with that.

CHAIR LEE: --seems to be, seems to give the County an option of whether they want to use, you know, use this property or not.

COUNCILMEMBER PALTIN: Well, so, the reason for that, I mean, we were all in all the meetings is because of the, you know, I, I drive by it every day and there's, you know, significant gulches. And a lot of, that's where a lot of the change in zonings were from open to all those other things. And, and, you know, it's kind of obvious that of the Pohakea Watershed area, that's the, the significant runoff does occur in that section just by a visual drive-by and watching water run into the ocean for my whole life. That's an important section of the, the property, and--

CHAIR LEE: So, why don't we go back then to 30 days to commit and 6 months to close? How's that? That's a lot of time. Anybody have a problem with that?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND THE AMENDMENT TO "MVI, LLC OR ANY FUTURE OWNER WILL OFFER TO DEDICATE THIS LOT TO THE COUNTY".

CHAIR LEE: So, this changes the amendment completely, so, you know.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I'll wait for the appropriate time then. Mahalo, Chair.

CHAIR LEE: Okay. Are you open to her idea?

COUNCILMEMBER PALTIN: I'm open to it.

CHAIR LEE: So, you would withdraw your amendment then.

COUNCILMEMBER PALTIN:

I'LL WITHDRAW MY.

CHAIR LEE: She's not talking about 120 days or anything like that.

COUNCILMEMBER PALTIN:

I'LL WITHDRAW IT.

CHAIR LEE: The motion is withdrawn and the second is withdrawn by Ms. Sugimura. And so, we're, we just have that main motion as, which is to pass the project.

So, now, Ms. Rawlins-Fernandez, I think would be a good time for you to come in with your amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Is it long? Do we, do we need to have it written down?

VICE-CHAIR RAWLINS-FERNANDEZ: No. It's, it's following Member Paltin's--

COUNCILMEMBER PALTIN: Format.

VICE-CHAIR RAWLINS-FERNANDEZ: --Amendment Summary Form.

CHAIR LEE: Oh, okay, okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND CONDITION 11 TO READ AS FOLLOWS:
"11. THE COUNTY OF MAUI WILL HAVE THE RIGHT OF FIRST

REFUSAL". NO, I'M GOING TO HAVE TO WORK ON IT. "THE COUNTY OF MAUI WILL HAVE THE RIGHT TO ACCEPT" – MAHALO MEMBER HOKAMA – "FOR DRAINAGE MITIGATION PURPOSE LOT 21 AS DEPICTED ON EXHIBIT 'I', WHICH IS APPROXIMATELY 40 ACRES. MVI, LLC OR ANY FUTURE OWNER WILL OFFER THE COUNTY THE OPTION TO HAVE DEDICATED OR ACCEPT UPON"--

CHAIR LEE: You're losing me. Have dedicated?

VICE-CHAIR RAWLINS-FERNANDEZ: Accept.

CHAIR LEE: To accept, not have dedicated? To accept.

VICE-CHAIR RAWLINS-FERNANDEZ:

"ACCEPT THE LOT UPON FINAL SUBDIVISION APPROVAL FOR THE PROPERTY".

CHAIR LEE: Okay. This makes it kind of hard. Why don't we--

COUNCILMEMBER MOLINA: Recess.

CHAIR LEE: --take a short recess to, to have somebody rewrite this, okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. How long? Ten minutes?

VICE-CHAIR RAWLINS-FERNANDEZ: Five minutes.

CHAIR LEE: Five, you know what, let's make it ten.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, ten minutes.

CHAIR LEE: Ten minutes.

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

CHAIR LEE: 11:37, recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:27 A.M., AND WAS RECONVENED AT 11:41 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting please reconvene. It's 11:41 and we are going to consider a proposed amendment by Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND CONDITION 11 TO READ AS FOLLOWS:
"MVI, LLC OR ANY FUTURE OWNER WILL DEDICATE TO THE COUNTY OF MAUI LOT 21 AS DEPICTED ON EXHIBIT 'I', WHICH IS APPROXIMATELY 40 ACRES, FOR DRAINAGE MITIGATION PURPOSES, UPON FINAL SUBDIVISION APPROVAL FOR THE PROPERTY."

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay. It's been moved and seconded to amend the main motion to include this, what was just read by Member Rawlins-Fernandez.

Discussion? Ms. Kama.

COUNCILMEMBER KAMA: Question. Does it take 40 acres to do drainage?

CHAIR LEE: Okay. That's one question. Why don't we accu, go ahead, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I would like to hear from the developers. This is a lot.

CHAIR LEE: Okay. Any other questions while they're coming up? Mr. Spencer, can you please come up.

Mr. Hokama.

COUNCILMEMBER HOKAMA: So, Chair, I guess for Ms. Kama, I guess that's one Public Works person. And then I just read a recent communication from Water, so if maybe somebody from Water can come forward too, please. Thank you.

CHAIR LEE: Joyce, can we call somebody from Public Works and from Water please?

And then, any other questions? Ms. Paltin.

COUNCILMEMBER PALTIN: I just had a kind of, I don't know if it's a question or a comment, but this, in my view, is a little bit similar to Waikapu Country Town, you know, where he develops one section and then he designates 800 acres to ag? I kind of view it similarly as he develops the appropriate area and then the, this side where, you know, there's all that drainage concerns, and the stoplight and everything is designated to, to address those issues and can continue in agriculture as well.

So, I just wanted to put that out there that it's really similar as Waikapu Country Town where, you know, of course, the developer can refuse the condition, but he can also accept it in, in the spirit of Mr. Atherton and his type of development that was heavily vetted by the community and appreciated for the give back to the situation of whether it's agriculture for climate change self-sustainability or drainage mitigation to ensure Ma'alaea Bay water gets cleaned up. And I know that, you know, the, the problem is coming from State lands, but it's all of our problems, really; including the people that would live in this agricultural subdivision as well. So, just throwing that out there.

CHAIR LEE: Okay. So, your, your understanding is that this is a requirement to have the developer donate 40 acres?

COUNCILMEMBER PALTIN: No. It's not my understanding that it's a requirement. It's being put out there, you know, and it's his choice of how he would respond to it. But just putting it out there that it has been done by other developers that work within our community, mainly Mr. Atherton and Waikapu Country Town. So, just, you know, it's not a crazy idea. And of course, he, as his family's representative has the option to say it's not going to work out. But I'm just saying, you know, it's not a crazy idea. It has been done in Maui, in the recent past, in the same area, so that was just my point. Not, not that it's a requirement but something definitely to think about and discuss.

CHAIR LEE: Okay. I just needed clarification, because a few minutes ago it was the County had first right of refusal. Now, it's more of a requirement for the developer to give 40 acres of his land to the County, right? If he says yes.

COUNCILMEMBER PALTIN: Yea. And so, I support the, having the discussion.

CHAIR LEE: Okay. Any more questions for the developer, so he can just go right through them?

Mr. Spencer.

MR. SPENCER: First of all, I appreciate what Councilmember is saying, but I do think it's a completely different situation. Wailuku, Atherton's project was going from ag to

increasing density with a lot of units. And so, he worked with you guys and did that. What I'm here asking is not for the subdivision. That's an administrative procedure. That has gotten into our discussions. What I'm asking you is to change the community plan from 1,100 homes to ag. I'm reducing density.

I have no problem working with the County to address drainage concerns. I think giving 44 acres for that is not for drainage that much. In talking to my engineer, he's estimating about four acres would be required to address drainage. We're more than willing to work with Public Works to figure out what that is. But just to carve off a large lot that we already have and call that drainage, I don't think that's accurate. So, we are not willing to do that. But we are willing to work with Public Works, whatever Department is most appropriate to figure out what the areas that are needed to help that drainage and dedicating that.

CHAIR LEE: And then, some of the other questions.

Ms. Kama, you had another question?

COUNCILMEMBER KAMA: Well, that, I think he answered it when I asked--

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: --how many acres does it take to do drainage, four acres.

CHAIR LEE: Okay. And I didn't, Ms. Sugimura, you had a question?

COUNCILMEMBER SUGIMURA: Thank you for being--

CHAIR LEE: Speak into your mic.

COUNCILMEMBER SUGIMURA: Well, sorry. So, thank you for, I just wanted to hear what he has to say about all of this, because it's his land.

CHAIR LEE: So, you don't have any questions?

COUNCILMEMBER SUGIMURA: No questions.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Is there any chance that it could be up to 20 acres?

CHAIR LEE: Mr. Spencer.

MR. SPENCER: I guess I have a, an analytical issue with whatever is required for drainage would be required for drainage. And to assign a random number to it, yea, I have a little bit of an issue with that. That's, it's almost, I feel like we've been very agreeable. We have 16 conditions and it just feels like it's an ask just for an ask. And I'm going to want to restate; we are more than willing to work with the engineers, the people at the County that know these things. Whatever they tell us they need for drainage, for easements, we will work with them on that. And whether it's 4 acres, 20 acres, that I don't want to just throw out a number of 20 acres.

COUNCILMEMBER PALTIN: That makes sense.

CHAIR LEE: Going down the line.

Mr. Hokama, you have any questions?

COUNCILMEMBER HOKAMA: No.

CHAIR LEE: Ms. Rawlins-Fernandez.

Ms. King.

COUNCILMEMBER KING: Yea, Chair. So, I think we're waiting on Public Works to come, so maybe they can give us, enlighten us on what kind of an easement we'll be looking for, for drainage.

But what I wanted to ask Mr. Spencer is what is your, there's nothing in the conditions about affordable housing, so what is your plan to fulfill affordable housing requirements?

MR. SPENCER: We intend to meet the requirements per the County ordinance.

COUNCILMEMBER KING: Right. But are planning to, how are you planning to meet those requirements?

MR. SPENCER: We're still exploring that. But that'll be a condition of our--

COUNCILMEMBER KING: Are you, are you anticipating that affordable houses will get built, or will you be satisfying those requirements with credits or some exchange or something.

MR. SPENCER: We're really not sure yet right now.

COUNCILMEMBER KING: Okay, so there's no commitment right now?

MR. SPENCER: There's a commitment to, to follow the guidelines, which is either build 'um or--

COUNCILMEMBER KING: No, I understand that. Yea, no--

MR. SPENCER: But I don't have an answer. I don't know. We're probably leaning toward paying whatever the fee is that that's in the ordinance, but I can't say that for certain.

COUNCILMEMBER KING: Okay. Alright, that's fair enough. And then, I guess my other question is that you have right now no prospects for selling the property?

MR. SPENCER. There's someone that has looked at it, but nothing beyond that.

COUNCILMEMBER KING: Okay. Alright. Thank you.

CHAIR LEE: Mr. Molina, do you have any questions?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just one general question as it relates to the proposed amendment. So, are you amenable to us wordsmithing this proposed condition to make it more, I guess palatable, where it's not specific with the total amount of acreage, just maybe something more general that you'll work in compliance with the County of Maui to address drainage, for drainage mitigation purposes? You know what I'm saying? If, I mean, I'm sure you've reviewed the proposed wording. What would you recommend in the proposed wording in this condition?

MR. SPENCER: Actually, I have not seen the proposed wording yet. But I would be amenable to that. And I think maybe that would be a good question when Public Works shows up. I'm assuming they're the ones that are the most knowledgeable that will determine what they need for a drainage easement. And that, I would, I would think those would be the ones that I would want to work with.

COUNCILMEMBER MOLINA: Okay. Let's go and wait for Public Works, Madam Chair.

CHAIR LEE: We'll wait for them.

One second. Mr. Sinenci and then Ms. Kama.

COUNCILMEMBER SINENCI: Thank you, Chair. I guess I'm in receipt of some public testimony from the Ma'alaea Village Association. And also, I was just given correspondence from the Department of Water Supply about this, mentioning that it may exceed the sustainable yield of this area. So, I'm thinking, and the testimony also mentioned about State Legacy Land Conservation program. So, those possibilities. It seems like, for me, there's a lot of discussion, and I would recommend maybe deferring the item so that we can kind of get all of these issues, address a lot of the issues including from the developer. Or, and even looking at, at what acreages actually, the drainage section of the property. Thank you, Chair.

CHAIR LEE: Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Mr. Spencer, do you now have the copy of the, the revised condition in front of you?

MR. SPENCER: Yes, I do.

COUNCILMEMBER KAMA: So, I put some verbiage in there, and I just wanted to see if you're able to commit to that. It says, "MVI, LLC or any future owner will dedicate to the County of Maui as many acres as necessary for drainage mitigation purposes upon final subdivision approval for the property".

MR. SPENCER: I don't have that. But upon hearing that, yes, I would agree to that.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR LEE: Could you repeat what you just said? The last part.

COUNCILMEMBER KAMA: "MVI, LLC or any future owner will dedicate to the County of Maui as many acres as necessary for drainage mitigation purposes upon final subdivision approval for the property." So, you delete from "Lot 21" all the way to "acres".

MR. SPENCER: Could I add that maybe you add a clause in there, "within Lot 21"?

COUNCILMEMBER KAMA: No. I deleted that.

MR. SPENCER: I mean, but add your thing, whatever is necessary, but "within Lot 21".

COUNCILMEMBER KAMA: Within Lot 21? I could do that.

CHAIR LEE: We may have a problem with getting a representative from Public Works. So, we may have to, okay but that's Water. I'm just saying Public Works, we may not be able to get someone here quickly. So, maybe after lunch might be possible. Everybody okay with that? Meanwhile, some, did someone have a question on water?

Okay. We have Wendy Taomoto here from Water. Thank you for coming, Wendy.

Okay, was it you, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yes.

CHAIR LEE: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Ms. Taomoto, we've received a copy of written communication from your Director regarding this project. And he states in two paragraphs his concern. So, in plain language, what you're telling this Council this morning is there is not enough water for this project? Is that the bottom line?

MS. WENDY TAOMOTO: I'm going to just take a few sections, cause I, this was actually prepared by our Water Resources and Planning Division on comment 13, and then comment 14 came from Engineering Division.

As to Condition 13, we are, we don't have sufficient information from the applicant to determine how this project, the Waikapu Country Town Project, and the Waiale Project is sharing in the three million gallon from that aquifer, because the Department is aware of those other two projects. So, the statement is correct that there is a, a question in our mind as to is there a change in their other, the other two project demands to accommodate this project. And until we get that information, we wouldn't be able to come to a determination on how that's being shared.

And as to question 14, Condition 14, again, we didn't receive the engineering report, so I didn't feel it was responsible for me to make any decisions or recommend any decisions till I reviewed the report. So, at this time, we didn't get any information other than the request to respond. As we, when I reviewed the file before I came down, I guess we, our last comments prior to this was a July 5 Public Works letter, which summarized our comments to the preliminary subdivision approval letter. And that, since that time, and then this letter, we have not received any information.

COUNCILMEMBER HOKAMA: Okay.

CHAIR LEE: But we do have the engineer here, though; Stacy Otomo.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chair. So, Ms. Taomoto, as far as your Department and State CWRM is concerned, you have not been made aware of any intent to go and either drill additional private wells for capacity or exploratory wells to provide water for this proposed project? Nothing, as far as you, you are aware of?

MS. TAOMOTO: Correct. The Department is not engaged in any discussions for dedication of any source with this particular developer. The other developers, yes, we have in the past had discussions; Waikapu Country Town and Waiale.

COUNCILMEMBER HOKAMA: Yea, I remember the committee as well as the Council questioned those areas very detailed. So, again, yea, this is my quandary now. Until they get the wells, we're not sure whether there's sufficient water to even approve the subdivision application. Is that correct? That's how I read the 13.

MS. TAOMOTO: There is a provision under Water Department for subdivision that there's an exemption that could be claimed if that water system or source met the exemptions, which would be a non-regulated private water system. If it's a--

COUNCILMEMBER HOKAMA: Non-regulated?

MS. TAOMOTO: Non-Department of Health regulated private water system, meaning the community, number of persons served, you know, customer's meters.

COUNCILMEMBER HOKAMA: Would be regulated by the PUC, but with--

MS. TAOMOTO: I'm not sure about the PUC rules. All I know is the Title 14 rules for water availability, 14.12, allows an exemption for the privately, private water systems that are not regulated by Department of Health. And until we get information, on which--

COUNCILMEMBER HOKAMA: So, is, in plain language, again, yea, for most people, that means they're not doing anything potable or drinking?

MS. TAOMOTO: No. That means that they are doing, providing potable water. But the number of customers served doesn't trigger publicly regulated water system under Department of Health rules.

COUNCILMEMBER HOKAMA: But they're serving a public purpose?

MS. TAOMOTO: Private water system.

COUNCILMEMBER HOKAMA: Private? Well, Lanai Water Company is private, but they serve the public.

MS. TAOMOTO: But it's publicly regulated.

COUNCILMEMBER HOKAMA: Right.

MS. TAOMOTO: Yea, if, there are water systems that are potable water, privately owned, but not regulated under the Department of Health rules because of the small number of people served or customers.

COUNCILMEMBER HOKAMA: And, and is completely separated from the County system?

MS. TAOMOTO: Yes. And there is an exemption in Title 14.12 that allows an exemption for those types of subdivisions that provide that documentation. We, we would have to exempt them from our rules, water availability rules.

COUNCILMEMBER HOKAMA: Even if they pull from the same aquifer as all our other projects?

MS. TAOMOTO: Yes.

COUNCILMEMBER HOKAMA: Really?

MS. TAOMOTO: I mean, we don't, they're exempt from showing the Department--

COUNCILMEMBER HOKAMA: Yea, so we're not sure how much they're drawing then?

MS. TAOMOTO: They're exempt from our Title 14, Water Availability Rules. We don't have jurisdiction in--

COUNCILMEMBER HOKAMA: No, no, no, I appreciate you explaining this, because people want to know, yea, especially if they're drinking potable water. So, I guess nobody going be watching this water then, from a governmental standpoint? The Health Department won't pay attention to it. County Water Department won't pay attention to it.

MS. TAOMOTO: Well, withdrawal of water from the aquifer is regulated by--

COUNCILMEMBER HOKAMA: CWRM.

MS. TAOMOTO: --CWRM, not Department of Health, so.

COUNCILMEMBER HOKAMA: Okay. Okay. And then, so, at this point then, your Department cannot say there is a long-term supply of water for this project?

MS. TAOMOTO: The first, the first document that we need to have is if it's a public-private water system, one, or they're going to drill a well and propose a dedication to the Department of Water Supply. Once they say it's private, then another determination needs to be made with documentation saying it's either publicly regulated by Department of Health or not regulated by Department of Health. And then I apply the rules of Title 14. But there is a process. And until I have the information, I don't know which way it is.

COUNCILMEMBER HOKAMA: No, understand now what you're sharing with us, so I appreciate your comments, Ms. Taomoto. Thank you, Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Taomoto, for coming down and explaining this to me. I just was, my question is, in light of the situation, what we have is just the change in zoning to agriculture. And then, knowing that changing it to agriculture would allow for a agricultural subdivision with no further review. Being that, you know, it's not been determined that there may or may not be a long-term water source, would that be the next step in the subdivision approval process?

CHAIR LEE: Ms. Taomoto, if you're not sure, it's okay; that's for Public Works to answer.

MS. TAOMOTO: I would just asking clarification that the request in front of the Council is just for a change in zoning and community plan?

COUNCILMEMBER PALTIN: And a community plan amendment.

MS. TAOMOTO: She's, Chair Lee is correct in that, if you are concerned about after, a change in zoning approval to agriculture, and then a subsequent agricultural subdivision, that would be a Public Works question. The, there is no exemption in our water rules for agricultural subdivision versus a urban rural. Same rules, so we'd be back to the same place with the Water Department if a ag, if a subdivision was applied for.

COUNCILMEMBER PALTIN: So, that would be the time that you would take up this issue?

MS. TAOMOTO: If they, if you give them the change in zoning to ag and they want to subdivide their ag subdivision, they would be subject to the same rules as any

subdivision applicant. Back to the same thing, I said I wouldn't make a determination; is it private or County, and private, is it regulated or not regulated? Same Title 14 rules apply for ag subdivisions.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Are there more questions for Water Department? If not, thank you, Wendy.

Oh, did you have one? I'm sorry. Oh, okay. Alright, can we, can we continue with, with skipping to Keani Rawlins-Fernandez, because we're going to need the Public Works representative here to finish this one up.

So, if you don't mind taking Bill No. 1 (2020) and so forth?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, Chair. I'll withdraw my motion.

COUNCILMEMBER HOKAMA: End of calendar, Chair.

CHAIR LEE: Yea, we're just going to defer this to the end of the calendar.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Alright. No objection.

CHAIR LEE: No, no, no, not yours. The, Ms. Paltin's item.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, right. We're going to move CR 20-9 till end of agenda.

CHAIR LEE: Yea.

VICE-CHAIR RAWLINS-FERNANDEZ: End of the calendar. And we're going to take up the one.

(COMMITTEE REPORT NO. 20-9 WAS LATER RECOMMITTED TO THE PLANNING AND SUSTAINABLE LAND USE COMMITTEE. See pages 111 through 113 discussion.)

CHAIR LEE: All of yours.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. And I guess since I have the mic right now, may I request that all Bills from 1 through 8 be taken up or called up?

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes? Alright.

CHAIR LEE: Whoa, that was fast. Okay, so you are going to call them up. No objections, so Mr. Clerk, can you read them?

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 1 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM (PUKALANI-KULA-ULUPALAKUA
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS;
MOLOKAI ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS)

ORDINANCE NO. _____
BILL NO. 2 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PARKS AND RECREATION, LANAI COMMUNITY PLAN AREA,
PARKS AND RECREATION, BOND FUND, LANAI PARKS SYSTEM;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 3 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PARKS AND RECREATION (LANAI PARKS SYSTEM)

ORDINANCE NO. _____
BILL NO. 4 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985,
BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF PARKS AND
RECREATION – LANAI PARKS SYSTEM)

ORDINANCE NO. _____
BILL NO. 5 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA,
OTHER PROJECTS, INFORMATION TECHNOLOGY DATA CENTER IMPROVEMENTS;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 6 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF MANAGEMENT (INFORMATION TECHNOLOGY DATA CENTER
IMPROVEMENTS)

ORDINANCE NO. _____
BILL NO. 7 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM
(GRANT TO THE LAHAINA RESTORATION FOUNDATION);
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 8 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FIRE AND PUBLIC SAFETY, FIRE/RESCUE OPERATIONS PROGRAM;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 1 THROUGH BILL 8 ON SECOND AND
FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Mr. Sinenci, to move the following bills on second and final reading; 1 through 8.

Discussion? Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The, these bills will amend various parts of the County Budget. Bill 1 is to amend provisos under Molokai and Upcountry Economic Development and Cultural Programs.

Bill 2, 3, and 4 will authorize additional funding for the Lanai Community Field project.

Bill 5 and 6 are for the IT Data Center project we discussed earlier today.

Bill 7 will allow the Department of Parks and Recreation to grant funds for a Clean and Safe Project in Lahaina Town.

And Bill 8 will help the Department of Fire and Public Safety cover additional heavy equipment and helicopter costs they incurred because of the many brush fires that have occurred this fiscal year.

I ask for the Members support, and I hope this helps to make up for some of the time I took up earlier this meeting. Mahalo, Chair.

CHAIR LEE: I guess so. Further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I want to first acknowledge and give our mahalo to Budget Chair Rawlins-Fernandez regarding Bills 2, 3, 4. Our Lanai youth is very excited about this potential field project, especially this past weekend when the Kurt Suzuki Foundation brought in our youth from Molokai and Lanai at their cost to participate in the Annual Kurt Suzuki Baseball Clinic. And so, I can tell you, when you get a World Series hero from your home County, boy, the kids get motivated really well, Chair. And as well as, you know, with your nephew or grandnephew. So, I just want to thank the Members of this Council for realizing the part that recreation plays in the well-being of our youth. Thank you.

CHAIR LEE: Well said.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And I would also like to thank the body and the Chair for Bill 7. It's already given our community a lot of reason to have hope. I spoke with Theo Morrison at the previous community plan advisory committee meeting and she's really enthusiastic and excited to work with Officer Kauha`aha`a. And, you know, we did identify places such as Campbell Park and the Wakida Tennis Courts that really could benefit from this, as well as, you know the Banyan Tree, and just a lot of areas, that we've been waiting for this for a long time. So, it's really, you know, like a dream come true to our community. So, thank you very much.

CHAIR LEE: Very good.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'd like to echo what, Bill 7, what Tamara is saying. And I would like to put in a plug for NACo as we're seeing the Safe and Clean Program work in Wailuku and now in Lahaina. And I think after Tasha Kama had her meeting in Kahului, that she also wants to implement that in Kahului.

And I encourage the nomination to go to NACo for recognizing the effectiveness of these small town or small community action coming together and making a difference. It's already gotten recognition in the NACo national newspaper and this is steps 2 and 3, and I really commend our community for putting this together. And let's vote.

CHAIR LEE: Okay. Any other comments?

Ms. King.

COUNCILMEMBER KING: No, I just want to support the bills. But I also wanted to make it clear for the general public that when we do these amendments; we're not adding any money, we're kind of moving some around and we're accepting grants that are coming to us. And so, cause I get questions about what are these and how can you add more money in the middle of the budget session. And so, just for general public to understand the, what the budget amendments are about and that we are, we are finding monies that haven't been spent somewhere and then funding things, yea.

So, but I appreciate all the work that went into these projects and look forward to seeing the results of them.

CHAIR LEE: Okay. Very good. No more comments? Good to go?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Sorry. I just also wanted to thank the Parks Department and the Administration for helping, helping us to, to streamline this and get it done.

CHAIR LEE: Alright. All those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

Now, it's 12:14. You know, we do have a Chair's meeting coming up.

COUNCILMEMBER SUGIMURA: 1:30.

CHAIR LEE: Yes, Ms. Paltin.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-41

COUNCILMEMBER PALTIN: I was just wondering about 20-41, if now would be an appropriate time.

CHAIR LEE: Oh, okay. 20-41 did you say?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR LEE: Okay, can everybody turn to page, well, you would probably have different pages, but 20 dash, CC 20-41?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I, I WOULD LIKE TO MOVE TO DISCHARGE COUNTY COMMUNICATION 19-521 REFERENCED IN THE COUNTY COMMUNICATION 20-41 FROM THE PLANNING AND SUSTAINABLE LAND USE COMMITTEE, AS IT IS IN THIS AGENDA BEING REFERRED TO THE CLIMATE ACTION AND RESILIENCE COMMITTEE; AND I'D LIKE TO FILE COUNTY COMMUNICATION 20-41, AS YOU KNOW, IT FOUND ITS NEW HOME WITH ITS DEPARTMENT.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to discharge this item from your Committee.

And now we have discussion.

COUNCILMEMBER PALTIN: So, the discussion is in the reorganization. EMA got transferred to the Climate Action Committee and so this item is under that purview, so it makes sense to remove it from my agenda and put it on that one.

CHAIR LEE: Excuse me one second.

Mr. Clerk, did I jump the gun? Should I have, like, was it okay for her to just discharge it, since we already voted on it?

COUNTY CLERK: Thank you, Madam Chair. What the Council did is via unanimous consent agreeing to send 20-41 to the Climate Action and Resilience Committee. So, if there's unanimous consent to take up the discharge, then that would be appropriate.

CHAIR LEE: And we did have unanimous consent?

COUNTY CLERK: I didn't hear any objections, but if there are any, the Members can express that at this time.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, but she did make a motion to discharge the item, and so, and she explained why. Any further discussion or comments?

Yes.

COUNTY CLERK: Just for clarification, Councilmember Paltin had alluded to in the motion about filing of the Communication 20-41 and referencing that County Communication 19-521 would be going to the Climate Action and Resilience Committee. Just wanted verification that that's all included in the motion that's being made.

COUNCILMEMBER PALTIN: Yes, please, I'd like to include all of that.

CHAIR LEE: Okay. Any other, any other steps we skipped? You sure now? Okay. Alright then, all those in favor of the motion, say "aye".

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

CHAIR LEE: Opposed, nay.

NOES: NONE.

CHAIR LEE: Motion carries.

DISCUSSION AND ACTION RELATING TO
COMMITTEE REPORT NO. 20-9

CHAIR LEE: Okay, do we really have to wait for the person from Public Works? Because we have been notified that nobody can come here until 1:00. We do have a Chair's meeting, you know, that's really full.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Perhaps we can recommit the item?

CHAIR LEE: Is that, is that what the body wants?

COUNCILMEMBER KING: No objections.

COUNCILMEMBER PALTIN: I'm okay if that's what the body wants.

CHAIR LEE: The, the suggestion here is to recommit this item to Ms. Paltin's Committee, to deal with this matter of the drainage area. Any objections? Any questions?

Who you pointing to?

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Molina looked like he wanted to say something. Sorry.

CHAIR LEE: Oh. Mr. Molina, you look like you have something to say?

COUNCILMEMBER MOLINA: Oh, no, Madam Chair. It was totally unrelated to this. I was going to make a motion to have lunch, if there are no objections. Just trying to lighten things up here.

CHAIR LEE: Okay. No objections and then we're going to have to recommit this, this item, okay, to your Committee?

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: And there are no objections, so, so, ordered.

I'm sorry to the developer that this has to be done, but we just don't have a, a representative from the Public Works Department to continue our discussion. And perhaps you and Public Works, and, and the developer can get together and talk about this, so that when it gets to your Committee it could move a little quicker, yea? Cause now you know pretty much what people are concerned about.

Alright, is there anything else on the agenda, Mr. Clerk.

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

CHAIR LEE: Anybody want to give their official aloha to the Clerk and Deputy County Clerk? What is that? Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, so I just wanted to extend my appreciation to Mr. Nishita, as well as Maggie Clark, for all their service they have given us as a body and the community. And I must commend Josiah for how fast he can read these resolutions and motions, and he sounds like putting a 45 or, you know, speeding up the, the record on, on any kind of words and motions that he says. But I really appreciate him. I appreciate his honesty of dealing with things. And it's going to be a big loss for the Council. Thank you.

CHAIR LEE: Thank you.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just want to express my, I was going to say condolences, but I guess you're still alive and well and you're not going too far. You're just going one step up or one floor up. But I just did want to send you my appreciation and I'll be seeing you in the elevator.

CHAIR LEE: Any last comments?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I guess I'll, I'll join in the gratitude and express my appreciation for Mr. Nishita and Ms. Maggie Clark, for, you know, all their hard work and diligence. You'll be missed. Mahalo.

CHAIR LEE: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too would like to say a big mahalo to Josiah and Maggie. And just being able to help us along during our first year of, on the County Council, so really appreciate his mana`o and his experience on the Council. Mahalo and good luck.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Just want to echo what all my colleagues have said to Mr. Nishita and Maggie and thank you so much for your hard work. And please don't be a stranger, especially, you know, with the new voting system coming up. We hope you can drop off some thoughts and suggestions for whoever is our new Clerk and Deputy. It would certainly be helpful.

CHAIR LEE: Okay. And everybody, don't forget on the 30th, we're having a little get together for them.

COUNCILMEMBER SUGIMURA: Oh okay.

CHAIR LEE: Alright, if there's no further business, this meeting is adjourned. Thank you.

ADJOURNMENT

The regular meeting of January 24, 2020 was adjourned by the Chair at 12:22 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



January 23, 2020

Honorable Alice Lee, Chair and Members
Maui County Council
200 S. High Street
Wailuku, HI 96793

RE: CR 20-9 Community Plan Amendment, Project District 12 – Ma`alaea

Aloha Chair and Members,

The Ma`alaea Village Association has testified on this item several times. We appreciate the PSLU Committee including many of our requests in their 16 conditions. These included transit corridor/highway allotment to allow for future planning needs, fire breaks, and Lahaina Pali Trail Parking/access.

The proposed change from project district to ag. is the least density yet proposed for this parcel. But as we have continually suggested, the best case for the Maui community, our visitors, and the property owner is for the County to purchase all or portion of the total parcel.

The 16 conditions included a requirement that future owners of the parcels "contribute 10% of monthly homeowner fees to protect the Pohakea Watershed". Researchers of the Pohakea Watershed Study, which you have included as Appendix B, labeled "high priority" the need to "engage with Maui County regarding Spencer Parcel as Catchment and Greenspace".

Page 69: "This land is ideally situated for the implementation of a suite of projects that would benefit the Pohakea watershed."

Pohakea recommendations continue: "This parcel is situated in a highly accessible location along the highway, making it an ideal candidate site for parks and greenspace". They go on to mention the area is prone to wildfires and "regardless of the type of any future land use, development should include stormwater detention and fire mitigation measures at the watershed scale and not be limited to individual project footprints."

The call for parks and greenspace supports MVA's request for a wayside park for vehicle turn around and parking for emergencies and road closures, a common occurrence over the last few years with increased traffic and wildfires on the Pali.

Ma`alaea Village Association and its members are pursuing a range of environmental priorities, relating to the health and viability of Ma`alaea Bay. Maalaea Bay and Maalaea Village are major contributors to the economy and environmental and scenic resources of Maui County. With this site identified as high priority in addressing the Pohakea Watershed issues, are the 16 conditions being placed on the property owner sufficient? Is it reasonable, feasible and fair that the burden of fixing the drainage issues and fire danger on these lands should fall upon 22 individual ag lot owners? I repeat the sentence that "regardless of the type of any future land use, development should include stormwater detention and fire mitigation measures at the watershed scale and not be limited to individual project footprints.

With so much at stake, we wonder why the PSLU Committee put a "Rush" on the change in zoning. We still hope the County will proceed with purchase of all or part of the property. The property owner is willing to sell to the County, but has received no commitment from the administration. The South Maui Community Plan review begins this year. That will be the appropriate opportunity for making such important long-range decisions.

I want to mention opportunities provided by the **State Legacy Land Conservation Program*** (see below). According to the Program Manager David Penn, "State agencies, counties, and nonprofit land conservation organizations are eligible for grant awards to purchase land for conservation purposes, including preserving vital ag land from development." Shouldn't all reasonable avenues be explored before it is too late?

Thank you for your consideration.



Lynn Britton, President
Ma`alaea Village Association

***State Legacy Land Conservation Program.** Contact David Penn, dlnr.hawaii.gov/ecosystems/llcp; legacyland@hawaii.gov (808) 586-0921
State of Hawaii Department of Land & Natural Resources, Division of Forestry & Wildlife 1151 Punchbowl Street, Room 325, Honolulu, HI 96813
dlnr.hawaii.gov/dofaw (808) 587-0166 phone(808) 587-0160 fax.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

County of Maui
Council of the County of Maui
Economic Development and Budget Committee

Testimony by
Hawaii Government Employees Association

January 23, 2020

COMMITTEE REPORT 20-1 – ADOPTION OF
RESOLUTION TO APPROVE THE COLLECTIVE
BARGAINING COST ITEMS FOR BARGAINING
UNIT 13

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of Committee Report 20-1 which provides funding for included, excluded, and excluded managerial employees in or tied to bargaining unit 13. Bargaining Unit 13 is composed of professional and scientific employees. The funding amounts provided in Mayor Victorino's letter dated October 21, 2019 are a result of our statewide ratification vote in favor of the 2019 – 2021 contract that concluded on October 11, 2019.

Thank you for the opportunity to submit testimony in strong support of Committee Report 20-1.

Respectfully submitted,

Randy Perreira
Executive Director