

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

May 19, 2017

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, MAY 19, 2017, BEGINNING AT 9:02 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

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

EXCUSED: NONE.

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

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning we have Member King.

OPENING REMARKS

The opening remarks were offered by Councilmember Kelly T. King.

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

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

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Members, we currently have 26 testifiers signed up for this morning. We will be asking that everyone keep to the three minutes. There is a temptation, we've got a very long and full agenda this morning, so we are able to limit the time of testimony to less than, than three. But, if everyone will please keep to their three minutes, the Chair is comfortable leaving it at three, so that we can hear as much of your mana`o as we can. But please be mindful that when the three minutes is up, please conclude and allow us to get to the next testifier.

And before we proceed, could I please ask that you all turn your cellphones on silent mode.

And Members, in a minute I'll be convening the three Member public hearing which is posted for nine o' clock today, Council chamber. The three Member public hearing will be held concurrently with the Council meeting. The Office of Information Practices was previously consulted on this procedure, and they stated that the order of business would be first to convene the Council meeting then public hearing, take public testimony on all items on both agendas, close public testimony, close the public hearing, and then continue with the Council meeting. OIP has stated this procedure would be consistent with the Sunshine Law. So, Members, that's how we shall proceed.

MINUTES

of the

PUBLIC HEARING HELD ON

THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, CONVENED A PUBLIC HEARING ON FRIDAY, MAY 19, 2017 AT 9:11 A.M., IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, WITH CHAIR MICHAEL B. WHITE PRESIDING, FOR THE PURPOSE OF RECEIVING TESTIMONY ON THE PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018.

CHAIR WHITE: So with that, the three Member public hearing of May 19, 2017 will now come to order.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items for the three Member public hearing and Council meeting. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices. Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door.

Testimony at all locations is limited to the items listed on today's agenda. When testifying, please state your name and the name of any organization you represent. Currently, we have no testifiers waiting at our District Offices.

Mr. Chair, we have 26 individuals who have signed up to testify in the Council chamber. The first person to testify in the Council chamber is David Goode, testifying on Committee Report 17-69. He will be followed by Robert Ferreira.

TESTIMONY

DIRECTOR OF PUBLIC WORKS DAVID GOODE (testifying on Committee Report 17-69):

Good morning.

CHAIR WHITE: Good morning.

DIRECTOR OF PUBLIC WORKS: Chair and Members of the Council. David Goode here, Director, Department of Public Works. I want to testify on two items related to the proposed budget.

First of all, I want to thank the Members and the Committee for doing the heavy lifting. We were able to restore quite a bit of funds, particularly to road resurfacing, which I think will go a long ways throughout the community.

The two items I'd like to talk about relate to our budget. I think you have a communication before you from Ms. Crivello regarding our CE-5 position that had been cut by the Budget Committee. The idea is to restore the position, but not the funds. We're very supportive of this, Chair. We think that it will allow us the flexibility to recruit for both the CE, three positions, the CE-3, 4, and 5 we currently have vacancies for.

As I testified previously in Committee, we've had difficulty finding the right engineers for these types of positions. But being able to simultaneously recruit for all levels gives us the opportunity to find the right person for the right job should they appear, without having to do lengthy reorganizations.

Second item I'd like to testify on. As our staff noted, a discrepancy in the building, plumbing, electrical fees changes that we had made. Plumbing had some changes related to after the fact fees and some hourly fees that were not reflected in plumbing, excuse me, in electrical and building. So, it's kind of a housekeeping measure, Chair, that we want to incorporate in the plumbing and electrical section. And I believe there's a communication with the Members on that. And that concludes my testimony.

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

Members, any need for clarification?

COUNCILMEMBER KING: Just, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Just quickly. Could you, Mr. Goode, thank you for being here, and could you just give us the numbers of those communications that you're testifying on. They're not real specific in our agenda.

DIRECTOR OF PUBLIC WORKS: I'm sorry, I don't have the numbers.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The communication regarding the unfunded position is 17-197.

COUNCILMEMBER KING: And the other one?

DEPUTY COUNTY CLERK: Mr. Chair, I believe the other matter that David Goode had referenced is, has been distributed or will be distributed as a floor amendment today.

CHAIR WHITE: Okay, thank you. So, that one is not numbered.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: Any further need for clarification? Seeing none, thank you for being here--

DIRECTOR OF PUBLIC WORKS: Thank you.

CHAIR WHITE: --this morning, Mr. Goode.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, the next testifier is Robert Ferreira, testifying on Committee Report 17-69. He will be followed by Christopher Fishkin.

MR. ROBERT FERREIRA (testifying on Committee Report 17-69):

Good morning, Honorable Chair--

CHAIR WHITE: Good morning.

MR. FERREIRA: --Honorable Councilmembers. Robert Ferreira. I represent Kaupo Ranch. I am the ranch manager consultant. I want to first applaud Councilman King's opening statement, and that something stuck in my head. It's not about money, it's about community.

I am here to testify before you and let you know that for the past 53 years, Kaupo Ranch has supplied water for the Kaupo community. We have gone without an agreement. The first agreement was structured in 1938, amended in 1941. It was for a 25-year agreement on what was the responsibilities of the County, and what was responsibilities of the Ranch.

Since then, we have supplied water for Kaupo community. We have foot the bill to, and it's an unbelievable amount of money; totaling almost \$1.5 million in infrastructure, in digging, putting in a deep water well, our pumping cost to provide water for the County, and our maintenance cost; not to include labor.

I am here to tell you that for the past five and a half years as manager of Kaupo Ranch, I have fought this problem. I have tried to gain the ear from the Department of Water, and I have not been successful. They have always told me because we need a new tank, that the County put up in 1981, that is deteriorated to the point of being ridiculous to repair and yet they went ahead and repaired it. Till today, I cannot put water in that tank.

I am surviving on a 7,000-gallon storage tank that provides water from anywhere to 20,000 to 30,000 gallons a day. It has become very difficult for me to continue to put this water into this system knowing that I am putting contaminated water, and supplying contaminated water to our community.

It is time for something to be done. It is time for the County, yourselves, because this is where I got to come to, I got to come to the Council so that you can put this in budget. And every one of you Councilmembers got my email on the situation and the fix. And the fix is very economical; that we can fix this system if you follow my plan. I no need engineers. I no need nobody coming out there telling us what to do. I know what needs to be done. And I ask your help. I plead for your help. Because I going to tell you what going happen now. if I don't get response out of this--

CHAIR WHITE: Mr. Ferreira, I think you've exceeded your time, and I think we, we certainly understand the, the message.

MR. FERREIRA: I hope so.

CHAIR WHITE: Thank you very much.

And, please, please understand, the Chair will not allow clapping or remarking in any way from the gallery. Everyone has a right to be supported by silence. We don't want anyone who's coming to testify to feel that there's an audience that is either against them or for them. So, please refrain from clapping, refrain from making any comments from the gallery. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Christopher Fishkin, testifying on Committee Report 17-69. He will be followed by Carl Bredhof.

MR. CHRISTOPHER FISHKIN (testifying on Committee Report 17-69):

Good morning, everybody. First, I appreciate all the hard work you and your staff are doing. Unfortunately, there's much fraud and deceit by County Administration officials preventing hundreds of millions of dollars from being available to fund public services and reaching nonprofits.

Three facts for the record. The budget is an incomplete financial plan. While there is nothing in the Charter that I can see that prevents this Council from passing an incomplete financial plan, the Mayor is required by the County Charter to provide you with one.

In further investigation of the developer deferral agreements, a list has just been provided through a request for services wherein the County has actually given us a list of numerous subdivisions where deferred obligations have been continuously deferred since 2007, through a grandfathering-in process that doesn't exist in the County ordinance. I learned about this through Attorney Jack Naiditch, which is one of David Goode's associates.

Point two, the Administration is selectively enforcing developer obligations of SMA permits. A, a County planner told me on Wednesday, in the current Planning Office, that expired minor permits with unfulfilled developer obligations are not enforced by the County. This is not only unlawful, it's not true.

A story in the Maui News the other day revealed that the County is selectively enforcing SMA permits, which is even worse. A developer client of former Public Works Director Milton Arakawa owes millions in fines on expired permit number SM22042. The County refuses to enforce it, and the Council continues to spend County money in litigation to defend them.

Finally, Pulama Drive is now incurring with this auction in violation of 9, Section 9-12, financial obligations on the County of Maui. Pulama Drive is a direct result of what the Honorable Judge August ruled was the Mayor's violation of the County grading ordinance outside his authority on behalf of the developer. \$75,000 was spent in developing an affordable housing plan for Pulama Drive. Now it's going to be auctioned at the behest of Riki Hokama for millions under, under value.

While the Administration colludes with big developers, the little guy gets crushed, and the traffic continues to grow on Maui. So much work done on the budget is, is kind of like rearranging the deck chairs on the Titanic, while the Administration actually tries to sink the ship. It falls then on private citizens to enforce the law at his or her own

expense while respectfully, this Council authorizes expensive litigation to defend these unlawful acts which demonizes the County residents bringing them forward for recovery and accountability. The big question is why. Thank you.

CHAIR WHITE: Thank you, Mr. Fishkin.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Carl Bredhof, testifying on Committee Report 17-69. He will be followed by Glen Correa.

MR. CARL BREDHOF (testifying on Committee Report 17-69):

Good morning, Honorable Chair--

CHAIR WHITE: Good morning.

MR. BREDHOF: --Councilmembers. I'm, just kind of backing up some of, a little bit of what Bobby had to say about Kaupo. I was manager of Kaupo Ranch from 1967 till 1982. All that time, Kaupo Ranch supplied water to the County. Granted we had to feed, give water to the livestock, but the County and everybody living there was a benefit of Kaupo's water supply.

This was a letter I wrote in 1977 to Mr. Kit Armstrong. It more or less had to do with the Safe Drinking Water Act, but he was Office of the Deputy Director, Environmental Protection in Health Services Division.

And, a little of the history, Kaupo Ranch and the County of Maui entered into an agreement in 1938 pertaining to Healani intake. That's way up in the mountains above the Kaupo Gap to the right; not an easy place to get to. The Ranch bought and installed a pipe, then turned it over to the County. The County permitted the Ranch to use the water from Healani intake, but at no cost.

In 1941, the Ranch developed a second intake, Kalepa, over towards Kipahulu up in the mountains. This water would go into the County system, and the new agreement was drawn up which said Healani water could be used solely by the Ranch, but the Ranch would turn water into the County system if Kalepa dried up. Water to be free to the County, water to be free to the Ranch. But, this agreement expired in 1963.

Since 1968, Kaupo Ranch has replaced both the Healani and Kalepa intake lines as they were badly corroded; that was all galvanized. Both of these lines filled the County 50,000-gallon storage tank. When there is insufficient water coming from the two intakes, the County uses Punahoa spring water that the Ranch pumps into the system.

When I arrived there in 1967, they had pumped, been pumping for months because both of the intake's, pipelines were plugged and leaking; months. And then anytime there was a drought, Punahoa, the pumps were used again; great amount of labor, diesel fuel.

Kaupo Ranch has tried to get a new agreement with the County but to no avail. Kaupo Ranch received no payment for putting water into the County system. However, the County charges its customers' 19 meters. Thank you.

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

Members, any need, if there is a need for clarification, please let me know, otherwise we'll move on to the next testifier in each round.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Glen Correa, testifying on Committee Report 17-69. He will be followed by Stephanie Ohigashi.

MR. GLEN CORREA (testifying on Committee Report 17-69):

Good morning, Councilmembers. My name is Glen Correa. I'm just here to thank you folks for finding the, funding, for fund the Waiehu Golf Course. Thank you.

CHAIR WHITE: Thank you for your timely testimony, Mr. Correa.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Stephanie Ohigashi, testifying on Committee Report 17-69. She will be followed by Michael Arguello.

MS. STEPHANIE OHIGASHI (testifying on Committee Report 17-69):

Good morning. Thank you, Chair White and Honorable Members. I'm Stephanie Ohigashi. I wish I could be as short in time as Glen Correa, but I'm not going to be.

I'm going to take my whole three minutes. Thank you so much, yea, for your outstanding work. It's been a real great budget session, and you did what you did for the people of Maui County. And I really appreciate it.

I've, as background, I spent five years on the Maui Redevelopment Agency. I was your Chair for one year, as you know. And I worked on the Market Street Beautification Plan, and numerous attempts to build the parking structure on our Wailuku County parking lot.

So, today I'm here to support a project of the MRA called the Clean and Safe Program. And I think it's vital and necessary to keep our capital town of Wailuku clean and safe, for not only our residents but our visitors alike. You know that the MRA is charged with ensuring that the properties within the Wailuku Redevelopment Area Plan stays active, vibrant, and clean and sanitary. And of course, they have to comply with all the design guidelines, etc.; and they do that.

However, there's always that human element that affects brick and mortar. And last week, an individual stormed into my office, which is on Main Street. He had ti-leaves tied to his head and his hips, and he was yelling and screaming at me saying he needed an attorney to get his dog back. And I was really frightened. I said, oh, calm down, calm down. I cannot get your dog back. Let's call the police. And he said, I did, and they're the ones who took my dog. So, at that point in time, his eyes was glazed and I gently turned him around and, and escorted him out the door. But really, I was kind of scared.

This past Wednesday an individual tried to break into my office in broad daylight at 11:30 a.m., juggling the locked doors to our back bathrooms. We saw him and, and chased him away. There's an element in town and I'm not going to say it's homeless, because it's also locals. And they come in and they do their hustle every single day.

Now, there are many property owners that have to maintain and protect their property, and I'm one of them. There's syringes, there's bottles and beer cans all over, there's paper wrappers from food, and also, there's a lot of human excrement. And last week, there was a trail of it from the courthouse to Uptown Chevron. Four businesses got out our hoses and cleaned it, because we don't want Wailuku to be a toilet.

It's not your responsibility. It's a State street. I understand that. But, I really would like a proviso for the Clean and Safe Program to give us a report of what they do, and how they expend the \$200,000. And I have the proviso here. That's all. Thank you very much for listening.

CHAIR WHITE: Thank you, Ms. Ohigashi.

MS. OHIGASHI: Any questions? Okay.

CHAIR WHITE: Members, again, let me know if you, get my attention if you would like to have clarification. Otherwise, we'll keep moving on.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Michael Arguello, testifying on Committee Report 17-69, to be followed by Erik Stein.

MR. MICHAEL ARGUELLO (testifying on Committee Report 17-69):

Honorable Council. My name is Mike Arguello, and I'm a kitesurf instructor for Aqua Water Sports. I teach at Kanaha Beach Park.

So, I'm here to testify against the increase in CORA fees. Basically, increasing the fees for the permit that we need to operate will cause us to raise prices. This will be bad for business. And basically, not only bad for the school owners, but bad for those of us who work on the beach, because the higher prices will cause fewer people to come here and hire us, basically.

We do compete with other destinations. When I have students who I ask them to come back to Maui, the number one complaint they have is high prices. They look at other destination markets they can go to like Baja in Mexico, or Boracai in the Philippines, and they say, well you know, this is pretty expensive to come out here. If you raise our fees, it just sort of pushes them even further to consider other destinations.

Separately, the increased prices will likely reduce the amount of hours on the water that I am there. If you reduce the number of hours that all the instructors are there, you actually reduce the safety at some of these locations like Kanaha. Because, when I'm out there, if I see a tourist having a hard time with gear or struggling with the wind and water currents, which are very strong here on Maui, the wind is very strong, the water current is very high velocity, the waves are very big. So anytime I see people having problems even if they're not my student, I go out there and I help them, and I basically get them back safely. If you reduce my hours, I'm just not out there. And if nobody is out there to help them, you're going to end up having to hire more lifeguards to go out there and basically rescue them.

So, please keep the fees the same, or ideally even lower so that we can increase business, and we can stay out on the water. Thank you.

CHAIR WHITE: Thank you, Mr. Arguello.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Erik Stein, testifying on Committee Report 17-69, to be followed by Tim Means.

(Councilmember Guzman was excused from the meeting at 9:30 a.m.)

MR. ERIK STEIN (testifying on Committee Report 17-69):

Aloha, Council and Chair. My name is Erik Stein. I own Extended Horizons Scuba, and have been providing scuba lessons in West Maui since 1983. I am a CORA permittee.

I'd like to speak to Council regarding the requirements put upon us to meet CORA standards and reciprocally, the structure the County was supposed to put into place as part of our agreement. Since the very beginning of CORA negotiations, going back decades now, and the subsequent codification of its rules and laws, there's been a lot of concern expressed by Parks and Council about the need for CORA to be reasonable and respectful around the use of the parks. This concern centered around the need to be certain that CORA users do not overwhelm the public, and thereby decrease the public's enjoyment of the use of the resource.

In addition to the respectful, the respectful use of the park, CORA instructors are also required to undergo cultural awareness training, environmental training, and of course CPR and first-aid training, in addition to the instructor training they already have.

CORA users are restricted to certain times only in the park. And to be clear, CORA users are paying only for park access to the ocean. CORA is not a concession, nor a permit to conduct business in the park.

In exchange for CORA abiding by these basic standards, County was to comply on their side by providing CORA parks with one designated parking space, and by providing enforcement against illegal non-permitted businesses by shutting them down.

Throughout the past many years, fees have increased by staggering orders of magnitude, not incremental increases of three times as much or five times as much, orders of magnitude. Many users are already paying 100 times more than they did

when Parks first started the CORA program. That sounds unbelievable, right? Who'll keep paying for a permit that costs 100 times as much as it did 7 or 8 years ago. Well, besides the people that are showing up here for testimony, I can tell you not many.

As fees skyrocketed, Parks has seen a return of over 300 CORA permits. They are being returned due to the high fees. These permits have not been reissued, even though other Maui residents have come here and testified and expressed their desire to get a permit.

And I have a few questions. Why is Parks hoarding permits? Why are the fees so high? Why is there no enforcement action from the County against illegal operators? With no consequences for illegal scofflaw operators, the playing field for the businesses that provide legitimate jobs and do pay for permits is extremely unlevel.

Make no mistake, the fees do not go to balance the budget. They're strictly collected, supposedly, to implement the CORA program. With almost no action from Parks to implement their side of CORA, the fees collected over these many years have hardly been touched. There's over a half a million dollars in the CORA fund.

Fees must be commensurate, some semblance of services. There can be no justification to raise fees again. Reset the fees, don't raise them. Thank you. Any questions?

CHAIR WHITE: Thank you, Mr. Stein. Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tim Means, testifying on Committee Report 17-69, to be followed by Tim Sherer.

MR. TIM MEANS (testifying on Committee Report 17-69):

Okay, I do have informational packets. Good morning. My name is Tim Means. I am the general manager for Lahaina Divers. We are a CORA permittee. I'm also here representing a hui of the CORA permittees.

We're, we have basically seven points we're going to cover today at some point with the other testifiers. I want to read you what those points are.

1. Minutes from last year indicate Parks Chair Guzman intended to vet the topic in his Committee, yet there has been no vetting to date.

2. No fee increase of this magnitude is proposed anywhere else in the budget.
3. The fee is unaffordable and incentivizes unpermitted operations, as unpermitted operations are more profitable, and unrestricted by weekends and holidays, etc.
4. High fees pressure businesses to raise prices, which is counter to the Parks Department mission statement to: "Provide safe, satisfying and cost-effective recreational opportunities for the residents of and visitors to Maui County".
5. It seems that there is a calculated policy of forced attrition: Two weeks to submit renewal, no forgiveness, no communication from Parks on new requirement to include a State permit. And why go from annual payments to monthly payments? It feels as if the landlord has just put the house up for sale. Additionally, month-to-month permits make lenders nervous too, and prohibits businesses from being able to qualify for bank loans without having the guarantee of an annual permit.
6. CORA fees go into a special fund, so they do not assist with balancing the budget. With over \$500,000 of unspent funds since CORA's inception, it's clear that there are very little costs associated with implementing the CORA chapter.
7. With conflicting expenditure reports from the Parks Department, and funds reported to be spent on items unrelated to CORA, it's important that Council demand accurate reporting to base such important decisions on.

There was no justification for the fee increase last year, and there is still none this year. We would like to ask for the full Council's support toward the amendment of Appendix B, resetting the CORA fees to the same level as 2016-2017.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tim Sherer, followed by Victoria Martocci.

MR. TIM SHERER (testifying on Committee Report 17-69):

Aloha. Thank you, Chair. Thank you, County Council. I wanted to also say how much I appreciated the opening talk about community and nonprofit.

(Councilmember Guzman returned to the meeting 9:37 a.m.)

MR. SHERER: I'm here to also dispute the proposed raised increase in the CORA fees for permits. What I see over the last four years is that the effects of the CORA permits have had a good impact in terms of distributing surf schools to a variety of new locations that weren't in place before. Also, in terms of limiting the numbers of students that we can take out at one time, not being able to operate on Sundays, on certain holidays; it's been very effective.

I've watched the overall numbers from, I've been here since 1994, I started my surf school in Lahaina then. I've been a permitted vendor from the beginning, or inception of the permit process. What I see is the numbers for each surf schools has decreased tremendously. I'm curious as to what numbers you're basing your consideration on. Over the last four years, my numbers have dropped consistently for years. I feel that has to do with the new regulations that the permits has brought with the distribution of locations, and also due to the increased amount of unpermitted, unenforced operators who are taking away from those of us who are following all the rules, and who have been compliant with every department possible.

So, in your opening speech, you talked about profit as not being the highest motive. I think the compliant businesses, and I will speak for Goofy Foot, we are, our goal is to, to be a beacon of positivity out there in terms of safety, in terms of the example we set for the community, in terms of giving back to the community. Whether it's for the Maui Visitor's Bureau or the Lahaina High School, I can go on and on, about the Make-A-Wish Foundation, etc., etc.; organizations and community effort that we've done to increase good will and not profit. Thank you very much for your time. I appreciate it.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Victoria Martocci, testifying on Committee Report 17-69, to be followed by Teri White.

MS. VICTORIA MARTOCCI (testifying on Committee Report 17-69):

Good morning and thank you, Chair and Councilmembers--

CHAIR WHITE: Good morning.

MS. MARTOCCI: --for the opportunity to speak. My name is Victoria Martocci. I'm a Lahaina resident, and I'm here on behalf of the hui of CORA permit holders. You guys have our packet in front of you there.

You heard testimony earlier from my boss of Extended Horizons. I've been an employee there for the last 19 years, a CORA permit holder. And my job today is to tackle item one from the information packet you guys have. I'm supposed to familiarize you with the notes from last year's meeting.

And as I was thinking of how to formulate this portion of the testimony, it reminded me of kind of a cult classic film; Groundhog Day. Maybe you guys know it; where Bill Murray is stuck in a loop of the same set of experiences day after day. And at first, he doesn't realize what's going on, but then it becomes clear that he's having this repetitive nature of experiences.

Well we are stuck in a variation of Groundhog Day. I know for our new Councilmembers, it won't be familiar. But for seasoned Councilmembers and us CORA members, you will recall last year, and the notes are in section 1, the similar proposal for a CORA fee increase. And as you can see from all the underlined portion, there was overwhelming intent from the Councilmembers then to hold off on any increase in fees until the topic could be vetted by Council in the upcoming year; that would be this past year.

In fact, on page 34, Councilmember Couch references the intent to not raise fees without proper vetting from even the year prior to that. So, the Groundhog Day theme totally applies.

As things happen to do, the year has come and gone without the CORA fees having had an opportunity to be discussed and vetted.

You'll see several topics to be brought up in our following testimony regarding bookkeeping irregularities, over a half a million dollars in surplus unspent funds, as well as other issues.

Last year's Councilmembers were not willing to institute a fee increase on this tiny population of rule-following, above-board business folk, when so many issues remained unanswered.

Those same questions remain unanswered today and we hope that you too will conclude that raising CORA fees is not justified, and in fact, inappropriate at this time. We are requesting that Council support an amendment of Appendix B to reset CORA fees to the same level as the 2016-2017 Fiscal Year. Thank you.

CHAIR WHITE: Thank you very much for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Teri White, testifying on Committee Report 17-69, to be followed by Alan Cadiz.

MS. TERI WHITE (testifying on Committee Report 17-69):

Aloha, Councilmembers. Thank you for hearing my testimony. My name is Teri White, and I've been employed by Maui Dreams Dive Company since 1999 in a variety of roles, including dive instructor.

I am very concerned that CORA businesses are once again being singled out for rate increases while no other activity businesses are. I have to wonder why the County of Maui is actively seeking to harm these particular businesses, and I hope you will consider this question too.

And by the way, in the packet that we provided for you, I am addressing items 3, 4, and 5. I urge you to keep permit fees at the same level as the 2016-2017 rate. If the proposed increases are approved, it will force us to relinquish permits, thereby obliterating our ability to maintain our current level of business or take any additional customers or employees.

Yes, raising these fees has the power to hurt our business significantly. In our sport, people cannot participate unless they have received formal training and earned a certification. Our type of business requires that we create our own customers by offering them entry level training and then maintaining their interest with further training and guided dives. These are among the reasons that we need to maintain multiple permits.

Over the years, I periodically hear that word on the street is that CORA businesses hoard permits and that is the reason no other permits are issued. This is simply not true.

Most, if not all, CORA operators now have fewer permits than we had in the past. Some of this is a result of a period when some beach parks were removed from the list of beaches we access the ocean from. Some businesses have closed. Some operators, after comparing the permit fees they pay to the income they make have simply given up permits, realizing it didn't make financial sense to keep them. Despite all this, the

Parks Department still doesn't issue new permits. This is something that no CORA operator has a say in or control of.

We have permits to use five beach parks. Over the years, we have continued to pay for these parks because different levels of training require different conditions. Also, weather conditions affect where we can go to maintain safe dive practices. If we have a swell coming from one direction, having a permit at another site provides us with the opportunity to change locations and not have to cancel the morning's dive. We have repeat customers who will not continue to do business with us if we can only take them to the same site over and over again.

Respectfully, I would like to clarify that CORA operators are simply maintaining the permits that we need to conduct business. Once you relinquish a permit, it is gone forever.

Personally, I am in favor of more permits being issued and more beach parks being reopened to commercial activity, and have no desire to hoard anything. There is enough business to go around, and I would prefer that we were all on the same legal playing field than not.

At this moment, the businesses operating without these permits have got it made. No fees to the County, no budget meetings to testify at each year, and no fuss or enforcement from anyone.

Forced attrition of permits due to rate increases will severely limit our ability to meet customers' needs, and this will also cause us to have to reduce our work force. Fewer sites available equals fewer choices.

I just have one more paragraph, sir.

CHAIR WHITE: One more sentence.

MS. WHITE: Fewer sites available equals fewer choices for consumers, which also equals the need for fewer dive professionals to provide training and guided dives. Any, any questions?

CHAIR WHITE: Thank you, Ms. White.

MS. WHITE: Thank you. And thank you for the sunflowers.

CHAIR WHITE: Thank you. Hold on, Ms. White.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yes, thank you. Thanks for your testimony. And one of my questions is, if you're, if you're going out, if you have a permit to go out through a beach park and you do that on a, to do a dive on a boat and then you have to go to another site, do you need another permit to be at another site, even though if you're accessing it by water or the boat?

MS. WHITE: It, it's definitely a different situation if you have, use a boat.

COUNCILMEMBER KING: Okay.

MS. WHITE: Because you're not accessing beach parks. I mean in, in our situation. We're out of, our boat is out of Maalaea.

COUNCILMEMBER KING: Okay.

MS. WHITE: Out of the harbor there.

COUNCILMEMBER KING: So you don't, you don't necessarily have to go through, when you're trying to find a different location. But are there operations that go off the beach, and then they have to have?

MS. WHITE: We, we do that also.

COUNCILMEMBER KING: Oh, you do? Okay.

MS. WHITE: And we have, we have both situations.

COUNCILMEMBER KING: Okay.

MS. WHITE: So, we pay lots of different fees, and have many different types of permits.

COUNCILMEMBER KING: Okay. Thank you.

MS. WHITE: Thank you very much.

CHAIR WHITE: Okay. Thank you, Ms. White.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Alan Cadiz, testifying on Committee Report 17-69, to be followed by Donovan Domingo.

MR. ALAN CADIZ (testifying on Committee Report 17-69):

Thank you, Chair. Thank you, Councilmembers. My name is Alan Cadiz. I'm President of Hawaiian Sailboarding Techniques; a windsurfing, kitesurfing, and surfing school.

My question is, is how can the fees be justified when no money that's collected goes to balance the budget? CORA fees do not offset property tax or any other item in the budget. CORA fees are required to go into a revolving fund that has to be spent in parks utilized by CORA. How can it be justified raising our fee when the revolving fund has a balance of over \$500,000?

Reports from the Parks Department indicates since the creation of the fund, approximately only 20 percent of the fee collected has been spent. Parks Department reported spending zero dollars in the CORA fund in 2016. Different reports, conflicting reports, created by the Parks Department differ by about 60,000 on money spent. And I believe those reports are in your packet, those are public reports. I think the Committee asked for those at one point from Parks Department.

Some of those expenditures that were spent, were not on CORA related items. How can you justify a fee that has no comparison to any other increase in the budget? The Parks Director has compared CORA fees with State permit fees. Stating, or starting this year, the State charges \$2400 a year for all State waters. And CORA fees are billed for each and every park, and each and every activity.

Years after applying for my beach permit, my beach access permit, the County divided my permit into three activity permits. The park billed me for each park we transit. My one permit has morphed into nine. So, three activities by the County, and then Parks, by the Parks Department. My fee has gone from 5600 this year to a proposed 21,700 under this budget. And that in, when you include the 2400 from the State, that's 24,100. How can the Parks Director say we need to raise the fee to be on par with the State when the State is charging me \$19,300 less than the Parks Department wants to charge. At this time, the Parks Department is, at a time when the Parks Department is sitting on a half million dollars of CORA fund?

Maybe instead of raising our fee, it's time to be reduced. It doesn't help the fund. The Parks Department doesn't need it. Maybe it's time for an independent audit. Maybe this would bring clarity.

Can I ask my supporters to stand up, Chair? Would my supporters please stand up? This is just a few. You know, most of them are at work trying to make a living. It's pretty hard on Maui to make a living. And a lot of people couldn't make it, because of their expenses. Thank you.

CHAIR WHITE: Thank you, Mr. Cadiz.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Donovan Domingo, testifying on Committee Report 17-69, to be followed by Jennifer Noelani Ahia.

MR. DONOVAN DOMINGO (testifying on Committee Report 17-69):

Good morning, everyone. Bear with me, because I have an extreme migraine and I'm sick at the same time. So, I, but it's, I felt it was that important to come down and talk to you guys. My name is Donovan Domingo. I own, I co-own Maui Dreams Dive Company.

And I think you guys have totally, the new people know and understand, and the others lost the, the direction of what we really are in permits. The permits is basically us allowing to go across the beach. It's just like you guys have an office in this building, and you have to pay a permit to park in the parking lot and walk across the lobby to get to your office; that's exactly what it is. That permit was 50 bucks. That sounded reasonable. Someone has to clean the garage and keep the, the lobby clear.

Couple years later, they moved it to \$500 just for the access to, to park your car and walk into the build, or walk across the lobby. After that, a couple years later, they decide to go to \$1,000 to park your car and walk across the lobby. Oh by the way, at that point, we don't want you to go through all the accesses you had. You had about a dozen or, or so accesses to get to your office, but that's not it anymore. We're going to let you just go through a few. Name the few that you really need to get to your office, because it's going to be \$1,000 plus extra for each one.

Okay, so then we named the ones, the, the ones we're going to. Now, that's kind of rough, because sometimes we have kona winds and you want to park on the opposite side of the building. But that's not allowed anymore, cause you can't go through that side of the building. So, you either have to not come to work because you're going to, you know, you're going to get soaked or whatever, or trudge through it and, and try your best at it.

Well then, a couple years later, we decide that, that the side of the lobby, the lobby manager says, no, now it's going to be \$5,000 for your limited space. Oh and by the way, we want to know exactly what you're doing in your office, and you cannot do anything else but that ever again. And you are limited to the amount of, or to the people going there. Oh, and one other thing, you can only do it for a limited amount of time; half the day you have access to your office. The rest of the day you can't use it, okay. And also, weekends, you can't use it.

I mean, it's extremely cuts you out. This is your office. This is what you're trying to do. And, oh by the way, another thing, it's not your only office, because this permit also tells us we have to have another office that we have to pay for and do all that.

So, remember, we're only paying to walk across the lobby, or to park in a parking lot that's, with limited access and walk across the lobby.

CHAIR WHITE: Mr. Domingo, please conclude.

MR. DOMINGO: So, thank you very much.

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

MR. DOMINGO: Any questions?

CHAIR WHITE: Seeing none, thank you for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Jennifer Noelani Ahia, testifying on County Communication 17-215 and Committee Report 17-69. To be followed by Laura Johnson.

MS. JENNIFER NOELANI AHIA (testifying on Committee Report 17-69 and County Communication No. 17-215):

Good morning. I just want to clarify, since I'm testifying on two agendas, do I get time for both?

CHAIR WHITE: No, there's only one agenda.

MS. AHIA: Okay, here I go. Aloha mai kakou. My name is Jennifer Noelani Ahia, and I'm here to stand for the iwi kupuna, who are being desecrated by the sand mining and development in Maui Lani. The desecration must stop.

When the flesh on my bones fall off, would you dig me up? Would my bones be worth respecting? What about yours? What about your tutus? What about your mo`opuna? Will the mana and memories and your bones be discarded like the iwi kupuna in Maui Lani? The current process does not protect these iwi kupuna. The desecration must stop now. Leave the sand alone.

Second item, okay. I oppose any of my tax dollars going to fund the nonprofit for the Kaehu Project. In 2012, when the County was considering purchasing the 60 plus acres of shoreline at Kaehu Bay, I testified in favor of that purchase. At the time, I was ignorant about kuleana land titles, and I made a mistake in supporting the County's purchase. I take this time to apologize to the kuleana families who were injured by that sale.

That sale was a continuation of a long history of illegal transactions since the sugar plantation first stole that aina. The Kuleana Land Commission award comes with allodial titles. That means forever. The County is in violation of its own ordinances by purchasing land that did not have clear title. Can you tell me how the Land Commission awards were extinguished? You must oppose any money for this project, and begin the process of remediation.

I am here today because my relationship to this aina has become much more personal. My niece Hinaaiinameleonalani, who is also my hanai daughter, has her piko and iewe in the aina at Maluhia in Waiehu. She is a lineal descendent of Land Commission Award 3386 Pehuino. She crossed over on October 25, 2014. Her ho`o lewa, funeral service was held there, as was her first birthday baby luau. It is the place we gather every year on her birthday, and the anniversary of her crossing. It is the place where her kupuna on the other side watched over her, and the place where they comfort us now.

This project and the County's illegal claim to the land, would have the families of that land asking permission to the nonprofit to go on the families own land, per an email sent by the Kaehu Project Manager. This is a`ole pono, legally, culturally, spiritually.

Oppose funding for the Kaehu Bay project, and stop the continued violence against the kuleana families. Mahalo for your time. Aloha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Laura Johnson, testifying on Committee Report 17-69, to be followed by Kahala Johnson.

MS. LAURA JOHNSON (testifying on Committee Report 17-69):

Aloha, Councilmembers. As said, Laura, that's my street name, actually my real name is Lala. So, my name is Lala Johnson. I am one of the heirs to Pehuino and Kalili Kealoha who was given the Waiehu lands by her makua, which is her parents during the days of Kamehameha I.

This is an ancient land. This is also made up of sand dunes. And because of that, I have seen, when I was a little girl, seeing how they took away all of that sand, and not knowing where they took that sand. But, now I understand.

No missionary map will disclose, excuse me, will disclose the helu, which is the LCA, which is where we reside. I stand before you in behalf of my ohana, my tutu kane and my tutu wahine in opposition to the grant for Kaehu Bay. I cannot see any other reason but to say that this is hewa. I feel sad, disrespected, and upset when I have to witness my family's struggles to continue to fight for years to preserve this land so we can cultivate this heritage, and inheritance to our prosperity.

For years, we have been enjoying our rights to choose to be free to do as we please on the land by practicing our cultural beliefs, by gathering food for our parties, celebrating birthdays, weddings, funerals of all of our loved ones. As spoken before, Hina was my, my granddaughter. Her piko lies there. This is why I stand here in front of you to protect and defend this land, because it is my ancestors, my granddaughter that continues to be there.

You need to know that we have been violated, violated because our locks have been cut, keeping us away from where we have been throughout our whole life. We need to stop this act of violence for our family. You need to know that we have the rights to this, and we have jurisdiction to be there.

As in the past, and you will see, that your legal description of property with the list of all the titles at the time of sales has no LCA 3386, which is my helu. Which is, therefore, you indicated that there is no claim to our title to this helu. So, you or no, and no other

person cannot extinguish our title. We will continue to thrive on what respectfully and rightfully belongs to our heirs, which is my heirs--

CHAIR WHITE: Thank you.

MS. JOHNSON: --and our ohana.

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

MS. JOHNSON: Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Kahala Johnson, testifying on Committee Report 17-69, to be followed by Cameron Mahealani Ahia.

MR. KAHALA JOHNSON (testifying on Committee Report 17-69):

My name is Kahala Johnson. I'm a PhD student and lecturer teaching at, teaching Political Science at the University of Hawaii at Manoa.

I am here today to demand that budget funding allocated to Ke Ao I Ka Makani Ho`Eha`Ili also known as the Malama Kaehu nonprofit, and its projected development plans in the area of Waiehu be rejected. My relationship to the area in question comes through my mother, who just spoke, and her ancestors Kalili Kealoha and Pehuino, who were the konohiki responsible for managing the lands in Waiehu, which are being encumbered by the project's designs.

From Pehuino, we maintain our kuleana to the land through Royal Patent 5150 and LCA 3386, as well as through cultural practices that have not been extinguished despite years of illegal occupation by the United States government. My personal kuleana to the area comes through my aunt, a trans-woman and spiritual practitioner, who has given my partner and I charge over our family ahu on the sites.

The emotional and psychological abuses engendered by the project's careless refusal to meet us on our terms are many, however, I wanted to emphasize two in particular. The first harm regards our families attempts to reoccupy our ancestral lands, which considering our legal and genealogical claims to the area, is entirely in our right. My uncle, a houseless Hawaiian who is reoccupying our family's lands has been

threatened repeatedly with eviction by MPD. The most recent sweep having occurred at the beginning of this month. His animals and property in the past have been violently confiscated, causing deep emotional wounds to a native man who continues to face classist, racist stigma for being houseless on his own ancestor's land.

The second harm relates to the ahu my partner and I were given charge of. My aunt, a native trans-woman, built a ceremonial site by her own hands, and has used it for cultural and spiritual practices, including for the burial of my daughter's umbilical cord at her birth in 2012, and the scattering of her ashes when she died in 2014. When my aunt passes away, the responsibility to protect the site will pass to us. The project risks encumbering my ability as a cultural practitioner to honor this commitment, and the efforts of my aunt to maintain our traditions.

And yet, despite these harms, the project claims to be endorsing the well-being of Hawaiians. With no due respect, I adamantly disagree. The project is a racist, classist, colonial endeavor, in line with what we have seen with movements like Standing Rock, Black Lives Matter, . . . , TMT, Iao rock desecration, sand exportation, and so forth. That is not hyperbole, that is embodied truth.

As a protector who was detained at Haleakala myself, for defending our mountain, I swear to you that if this project is not defunded, I will meet its supporters with my own body to defend my own land. And I will make sure that both the County funders and project developers at Kaehu are held accountable.

CHAIR WHITE: Thank you, Mr. Johnson.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Cameron Mahealani Ahia, testifying on Committee Report 17-69, to be followed by Johanna Kamaunu.

MS. CAMERON MAHEALANI AHIA (testifying on Committee Report 17-69):

Aloha kakou. My name is Cameron Mahealani Ahia. I have ties to this aina we have been talking about, through my kupuna wahine Ahia and my daughter Hinaaiinameleonalani. I'm a PhD student at UH Manoa, and teacher, focusing on Hawaiian Literary Archives.

And I'm here today to urge you not to fund the project at Kaehu being managed by the nonprofit named Ke Ao I Ka Makani Ho`Eha`Ili. Of the many reasons I could cite, the most basic is they do not have clear title to the land. Second, they have not consulted

any of the kuleana families who still reside on the aina. And third, this project would personally cause violence and injury to my family and myself.

As a cultural practitioner, I offer my traditional oli and pule, prayers at these places, within their projected plan. Because they have not done their due diligence, they are unaware of the cultural significance of this area, the ongoing cultural religious practices, and the remains that rest on the aina.

Speaking from myself, my daughter Hinaaiinameleonalani's piko and iewe have ceremony been buried there in the area in 2012, and that these are cultural sites handed down to the families for many, many generations.

The mo`olelo or stories are the subject of my research, and the protection of them is the focus of several publications I am in the midst of; bringing awareness to the repeated desecration of our family's stories and lands. As we learn more and more of the rich history of our island, we are now responsible to protect it for our future generations.

The place where you offer your child's actual body is very important. Hawaiian history recounts the significance about these sacred events and their location, so naturally, we are going to vigily protect them. However, one of the difficulties we face today is that outsiders do not know about these sites.

Traditionally, our ancestors did not mark graves or piko for fear enemies and outsiders would disturb or degrade them. A tree, sometimes a piko rock might indicate it, but it was only the family who was privy to the actual details. And that's why it's essential to know and consult with and respect the local families. Even Hawaiians who claim descendancy from the general area, but who were not born and raised on the particular lands will never know what's held within, within them.

My little girl, Hina, passed away at two and a half years old in 2014. And of course, we returned from Manoa to Waiehu to offer ceremony to the aina that she is rightfully tied to. Her spirit now runs free through the lands of her kupuna, and the remains of her great-grandfather's house still stand in the middle of the project's main development in Kaehu.

The project may have the best of intentions, but they simply do not have the right, legally or morally to trespass on family kuleana lands. If this project receives its requested funding, it will continue to encounter obstacles, because it is hewa. It is not pono. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Johanna Kamaunu, testifying on Committee Report 17-69 and County Communication 17-215. To be followed by Kaniloa Kamaunu.

MS. JOHANNA KAMAUNU (testifying on Committee Report 17-69 and County Communication No. 17-215):

Aloha, Councilmembers. It's been a long time since I've been to the chambers to share testimony on an item. I wish I hadn't followed Mahealani, because she talks about some things that are real personal to me.

But, if I could for a moment, I'd like you to imagine with me going back to the valley, my valley, Waihee Valley, and coming there at the end of the day, when it's all dark. When I turn off the car lights and open the door, the thing that usually hits me here right off, especially when it's in season, is the scent of the yellow ginger. And for a moment I just sit there and enjoy that smell, and that moment is mine. Then I continue with my day.

What I have here in front of me is a similar situation, because the yellow ginger is an invasive species. If you allow it to grow untended, it will overcome the banks, destroy the waterways. It could even choke off the crops that are receiving waters. So, a ginger really needs to be controlled. My concern is that as wonderful as the Kaehu Bay project may be, like the ginger flower that could offer probably so much more beauty to the world, yet there are parts of it that are harmful to the environment. And the environment I mean the Native Hawaiian.

The family that you heard today have lived on there for generations, for hundreds of years. And yet, their land is being whittled away from them, even as they continue to exist there. How can a quiet title, a quit claim deed, supersede a land commission award? Technically, if I were to speak of the law, the law would say you can't do that.

Not too long ago, I had to renew my driver's license. In the process of applying for that driver's license renewal, there was a little box that had to be checked. The box asked that I waive my rights to be questioned on the road, or to be tested. I refused. I reserved all my rights. It's my due process by law. But, I had to spend two hours at

DMV arguing that point, because I, they wouldn't accept it. But, after an hour with their Honolulu office, they finally conceded that I should be allowed to reserve my rights.

Now, this situation with the family may have been adjudicated, may have come before the Council, but it most certainly isn't the right thing to be done here. I think it deserves more investigation. I think the funding for this place should be, if anything, withheld until some peace can be afforded both to the families and to whoever is moving the project. Sorry for taking your time.

CHAIR WHITE: No, thank you for being here this morning and, and sharing your mana`o.

MS. KAMAUNU: Okay.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kaniloa Kamaunu, testifying on Committee Report 17-69 and County Communication 17-215. To be followed by Tiare Lawrence.

MR. KANILOA KAMAUNU (testifying on Committee Report 17-69 and County Communication No. 17-215):

Aloha kakou, Council and Chair. I would say it's nice to be here again, but you know. Anyway, I came here on support of the family that has spoken prior to me.

I must reiterate, and this is a fight I've been doing, as far as the kuleana is concern. We dealt with the Na Wai Eha case. It came out that kuleana had superior rights. What that means is our rights are vested. Our rights have to be afforded us. And it is this body's responsibility to protect those rights, that's why you are here. These rights are afforded me through the Constitution of 1839 of the Kingdom of Hawaii, which still lives today.

To support that, the kuleana tax that was proposed by OHA, when I came forward I brought the old law stating all commutations were paid, and that the County had no authority to pursue taxing kuleana because the commutation was paid by the ali'i's for their people, there was nothing owing. With that, it created the allodial title, which stands today, which makes it owned by that person, even though that person be dead and it's in your HRS 172-11 and 12. So, if you look at that it states the owner of that property, even though be dead, is still the owner. And that land is to be perpetuated to his ancestors.

If you look at the list that you have of the inventory of the lands that you purchased, which is being occupied by that nonprofit. On top here, what do they list? They don't list the TMK's. The TMK is not conveyance of land, neither or is it title. The titles are the Apana's, the LCA's, which you put, that you purchased from North Shore. These are owned by the kuleana. This is what you have. You are actually in being invasive to them, when you attack their titles. You have not regained your own titles, you support the titles that were already established by the Kingdom.

So, you not using your own titles. You cannot pay, the TMK is not a title. I fought for this. That's why, that's why on Maui, we're the only ones that have a zero exemption, because the law still stands. So, please familiarize yourself with what you have.

The Newlands Resolution is your Federal Act of Annexation. It tells you the inventory that they were ceded to by the Republic, not the Kingdom of Hawaii, the Republic of Hawaii. So, we need to get the issues straight. You have an inventory. There are no lands, private lands, on the inventory of the Newlands Resolution. It is government lands and crown lands, which actually was illegals, private lands. So, please acquire, I mean, familiarize yourself with the documents provided for you by your Federal government. And that's a small thing.

The sand, we out there standing for the people in the sand. That's our people. We got to save them. That's your responsibility. Mahalo.

CHAIR WHITE: Thank you for being here.

DEPUTY COUNTY CLERK: Next testifier is Tiare Lawrence, testifying on Committee Report 17-69. To be followed by Tom Croly.

MS. TIARE LAWRENCE (testifying on Committee Report 17-69):

Aloha, Councilmembers. Good morning.

CHAIR WHITE: Good morning.

MS. LAWRENCE: I'm here, Tiare Lawrence, testifying on 17-69 and CR 17-64. I'm here today to support a proposed budget amendment by Councilmember Cochran to fund a masterplan for the County park at Launiupoko to Olowalu.

As you know, the County had purchased that aina a few years ago. It would be ideal to have the masterplan be in conjunction with the Lahaina Bypass Phase II, because they are interdependent of each other. Councilmember Cochran and Director

Buenconsejo have been working together to put this forward, because they both understand the importance of it.

I'm here representing Malama Olowalu. Our hui organized the Seawall protest, and with the help of environmental marine groups, community leaders, and I just want to mahalo Councilmember Kelly King, and Councilmember Cochran, and Councilmember Atay for coming and joining us at the seawall, or supporting our seawall issue, and anyhow, just wanted to acknowledge that, and the Administration, we were able to successfully negotiate with the DOT to stop the bouldering at mile marker 15 and the seawall at mile marker 14, at least for now.

The masterplan will give us an opportunity to help mitigate issues like coastal erosion and coastal hardening that are having extreme negative impacts on the nearshore environment. I believe the plan will allow us the opportunity to plan coastal replenishment projects in that area through native plant restoration to help avoid runoff and sedimentation on our reefs, and also the removal of hardening in certain areas.

A solid masterplan will allow us to help mitigate the horrible parking scenario at Launiupoko Beach Park, and create a more safe environment for beach-users.

I ask that you please fund this masterplan. The bypass is expected to be done by 2019. It would be very unfortunate if the County has no plan in place to manage that area.

Now for the resolution 17-64, the sand dunes. Every time they take loads of sand to Oahu for rail, they are destroying the cultural landscape of Waikapu and Wailuku. The removal of desecration of iwi kupuna is just pure hewa and not pono. We need action. We need a moratorium indefinitely on sand mining. Our resources on Maui belong to Maui and her people, not Oahu's rail system. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tom Croly, testifying on Committee Report 17-69, to be followed by Robert Kotter.

MR. TOM CROLY (testifying on Committee Report 17-69):

Aloha, Chair. Aloha, Committee. I'm Tom Croly. I'd like to thank the, the Council and the, particularly the staff who worked so hard on the budget. I truly know what you've

gone through over the past six weeks and, and each of you brings something to the table. And, and I truly do appreciate that.

I also want to thank and recognize the 10,000 vacation rentals whose property tax contribution to the budget is the largest share of any group, okay. It really is the vacation rentals, mostly condominium unit owners, that pay the majority of the taxes that you guys have been, you know, working on spending. So sometimes we hear about these 10,000 vacation rentals and they, and they're looked at in a bad way. We have to recognize those are funding our government here. Those are, those are the basis of our economy here, as are the hotels, but the vacation rentals to a greater extent.

On behalf of the Maui Vacation Rental Association, I want to thank the Council for the line item in the budget to fund a third-party effort to assist the County in identifying vacation rentals advertising on the internet. I'm happy to have started this discussion between the County and Host Compliance, a San Francisco company that, that does this type of work and has helped other municipalities in this regard.

This effort will be useful, it will create useful information for the Planning Department to use in enforcement efforts. But I would like to ask today that in addition to referring this to the Planning Department, that you also refer it to Real Property Tax. Because, while most of the 10,000 plus vacation rentals that I was just talking about are operating legally, not all of them are paying the appropriate property tax, and haven't been classified properly.

So, I believe that this effort, if we include Real Property Tax in it, may be able to essentially pay for itself if we're identifying the location of each of these vacation rentals, cross-referencing it with our property tax records, also cross-referencing it with zoning and permits, I think that then you have a win-win all around, and you'll find this to be a, a useful ongoing effort.

So, from Maui Vacation Rental Association, we encourage you to find the illegal operations and close them down. Finding them is easy, closing them down is a little more difficult. But I also think that utilizing this effort to make sure that everyone is paying the appropriate property tax is going to make it a better effort overall. Thank you.

CHAIR WHITE: Thank you, Mr. Croly.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Robert Kotter, testifying on Committee Report 17-69. Last call Robert Kotter.

Next testifier is Adriane Raff Corwin, testifying on County Communication 17-215. To be followed by George Keahi, Jr.

MS. ADRIANE RAFF CORWIN (testifying on County Communication No. 17-215):

Aloha, Council and Chair. Adriane Raff Corwin, Sierra Club Maui. I want to once again thank you yesterday for passing the polystyrene ban bill. We were very happy.

Today, I'm testifying on, I believe it's 17-215. I would like to ask the Council respectfully to please pass a resolution to ask the Mayor to immediately put into effect this moratorium on sand mining and sand aggregate as well. We are hearing reports in different locations around the island; both at the Maui Lani Partners area, as well as other areas that sand mining is continuing to happen, and sand is being removed, and sand aggregate.

Currently, that permit that is in question, Maui Lani's permit, is a grubbing and grading permit. And there has been, also within that area, no, as far as we know, investigation as to whether the amount of sand and sand aggregate they're actually removing has anything to do with the amount that's listed on the permit. There are not people there watching what's happening.

And of course, the bigger issue is that that sand there in the sand dunes is considered a cultural resource that is outlined in the Wailuku Community Plan. This needs to stop. These resources are being excavated and removed. And we need to see leadership on this issue. We need to see the moratorium actually go into effect. The Mayor has not put, has his Administration actually put that into effect and lead an investigation into that permit. And we need to see an investigation. We need to see that moratorium start as soon as possible, hopefully today.

Yes, I guess I'll end there. Thank you very much. Again, I hope that you take a very good look at this issue today. It's extremely important environmental and cultural issue. Thank you.

CHAIR WHITE: Thank you, Ms. Corwin.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is George Keahi, Jr., testifying on Committee Report 17-69. Last call George Keahi, Jr.

(Councilmember King was excused from the meeting at 10:23 a.m.)

DEPUTY COUNTY CLERK: Next testifier is Jeff Strahn, testifying on Committee Report 17-69, to be followed by Pamela Tumpap.

MR. JEFF STRAHN (testifying on Committee Report 17-69):

Good morning, Council and Chair. My name is Jeff Strahn. I'm the General Manager of Maui Dive Shop, and I would like to address today the, the issue of the increases in the CORA permits.

I think some of the people that came before me to speak spoke pretty well about the need for having multiple locations. As I think we all know, the ocean is changing by the second. There are a variety of different conditions which, which require us to go to multiple sites. The variety of the people, when we certify someone there, we, it takes seven ocean dives in order to do that. There may be wave conditions. There may be crowding in a beach park. There may be sharks. There may be torpid water. There's any number of reasons why, why we need to move to multiple locations. The beauty of being on an island is if there's big surf on one side of the island, there's not big surf on the other side of the island. So, being able to move around is very, very beneficial.

(Councilmember King returned to the meeting at 10:24 a.m.)

MR. STRAHN: Some 30 years ago when I started working with Maui Dive Shop, we, when the permit, there used to be no permit, but when the permit process first came out, we had one permit that allowed us to go to any beach park anywhere.

I think Ms. King, you asked the question, is the current process with, with, with what Parks is proposing consistent with the, what a charter boat would do. A charter boat has one permit. It allows me to access virtually an infinite number of sources, of, of locations, of reefs. I pay for one permit. The County Parks Department has created this system where I use to have one permit. And our activities are snorkeling and scuba diving. They made me choose which parks I would go to, and so I chose eight, eight different parks for snorkeling and scuba diving. So, my one permit morphed into sixteen permits. The fees kept going up, as, as Don Domingo said very, very well. I gave up all the snorkeling permits, cause I was trying to make an argument that snorkeling is part of scuba diving.

CHAIR WHITE: Mr. Strahn, could you move a little further from the microphone? It's creating a popping sound.

MR. STRAHN: And the permits, as the price keeps going up, I just keep getting rid of them. So, what I'm asking you, you know, last year, I had eight permits, I went to four. This year I applied for three. If, I'm not going to be here if this process keeps going. There won't be any permits left that I can afford.

What I'm asking you is in your fee assessment, it's fine to have a fee that's high for one park, but make subsequent. Either, either make one fee so I can go to any park; that'd be preferable. Or, if there's going to be subsequent fees, make the subsequent parks low, so that we have the variety and the ability to move around. If I'm in--

CHAIR WHITE: Could you please conclude?

MR. STRAHN: I will.

CHAIR WHITE: Thank you.

MR. STRAHN: If I have a park, a permit for this park over here and the conditions don't allow me to be there, I'm in this park. I'm not in both places at the same time. It doesn't make sense, if you understand. Thank you so much for allowing me to speak.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Pamela Tumpap, testifying on Committee Report 17-69. To be followed by Jeffrey King.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE (testifying on Committee Report 17-69):

Aloha, Chair White and Councilmembers. I'm Pamela Tumpap, President of the Maui Chamber of Commerce. And I'm going to do a wikiwiki review of the current budget proposal.

On the real property tax issue, we have always supported more of a unilateral increase so that it hits every category. Currently, commercial and industrial areas right now are hit hardest. As we look to support the manufacturing industry and support niche

manufacturers, this is where they're going to grow in to. And so, we are taxing that area very heavily, and we're concerned about that.

(Vice-Chair Carroll was excused from the meeting at 10:27 a.m.)

MS. TUMPAP: Hotels and timeshares are, again as mentioned, getting a considerable hit, and more increases costs our visitors more money. And they have many other options for vacation destinations. So, we want to make sure that we protect this economic engine and the jobs it creates for our community. Additionally, valuations are going up and we don't feel that that in the current proposal has been adequately weighed.

On the Maui Visitors Bureau, we're concerned about discussions where there's proposals to siphon off money from the visitor industry spending for other purposes. And while we support some of the other causes, we feel that we need the visitor industry marketing money for its intended purpose to keep our visitor industry strong. Our historical spending is what keeps Maui above and beyond other communities in our State, and we're doing an excellent job. So, we need to continue funding there.

We also want to support the funding of the County Office of Economic Development for the industries that it supports and serves.

And appreciate that you took out the building permit fees, because that's beneficial to the construction industry and what we're trying to achieve with affordable housing.

On CORA rates, you saw how many people are here. And we've heard some things where some of the CORA members rang in on the concessions bill when it really didn't apply to them. We encouraged them to really focus on the rate increases, because they're astronomical. There's been no nexus or purpose stated for why we're singling out and hitting this industry very hard.

Although there's comments about things that they've said here and there, that's not the intent of this body. We need to protect small businesses, and we need to put personalities aside. This industry is being unfairly hit. And when government does this, as Kelly King knows, when there's changes and suddenly government makes a change that hits your business, people get passionate; they're afraid. They're losing years and years of investment and risk in building a business that has served our community well. They're scared to death. And while maybe more emphasis was put on that than needed, increasing their permits at this point will be devastating to them at the levels that you're seeking to increase.

So we again note that there's over a half a million dollars in the built-up fund. Their fees do not go to the General Fund. They support that built-up fund. And spending 105, finally, for enforcement is great, but the, still doesn't equate to the rate increases this body is asking of them. So, I ask that this body stand for all those CORA operators who stood before you, and support these small businesses. Mahalo.

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

MS. TUMPAP: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Jeffrey King, testifying on Committee Report 17-69. To be followed by Amy Halas.

MR. JEFFREY KING (testifying on Committee Report 17-69):

Good morning, Chair and Council. I'm Jeffrey King, owner and operator of Big Kahuna Adventures. And I'm here to stand up for my, my veteran-owned small family business.

I'm highly against this recent fee increase and respectfully request for you all to vote against it. I have two permits at Kalama Park. Surfing is probably my bread and butter. And my kayaking permit, the income is really less than what these new fees are going to be, but I want to keep it. It's part of my business, and I love to offer that, you know, to my customers.

It's a, this fee increase, it's a game changer, and I'll probably have to give up the kayak. I don't want to give up any more permits, I need all those. And it's, like the County is just slowly picking away at our businesses. And, then I'm only really busy like five months out of the year. There's some down months, and this is when these increases are really going to hurt. And I really feel for my competitors that have a lot more permits than me. There, it's going to be astronomical.

I also, I feel like I work for the County Parks. You know, I provide water ambassadors out on the water. I provide safe gear, safe instructors. We keep an eye on people out there that are just renting boards or buying boards from Costco. We're out there keeping them safe and, and all that. Okay, we should be rewarded from the County; we shouldn't be fined, you know.

And I'm saying again, this, this fee increase is enough is enough, you know. Let's like, keep them the same, or if not, reduce them a little bit. Mahalos for letting me speak. And Happy Aloha Friday. Aloha.

COUNCILMEMBER SUGIMURA: Oh, Mr. King.

CHAIR WHITE: Hold on a minute.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So I have a question. So, you're saying you're not busy every month of the year?

MR. KING: No, there's some, I'm busy when the kids are out of school, that's when I'm busy. That's when the families come and do stuff.

COUNCILMEMBER SUGIMURA: So, so, tied to the permit, thank you--

MR. KING: Yes, ma'am.

COUNCILMEMBER SUGIMURA: So, it's per month, per permit, per park, per activity. So, so, you will be, the months that you're not busy, do you still hold your permit?

MR. KING: I still hold my permit. I still get a little business, but this, the 400 a month fee that's going to go to each permit is just going to, I don't, I can't really--

COUNCILMEMBER SUGIMURA: So, I guess from what you said, I'm just wondering if the per month makes sense. Because if there are months that you're not busy, that you wouldn't need to hold the permit, why are you holding the permit is what I'm wondering.

MR. KING: I just want to, it's part of my business, and that's what I've worked hard for. I just celebrated 10 years of community service, and it's, I just want to hold on to the permits. I lost one a long time ago at Makena Landing. But, I just want to keep the two permits I have. But, this, this fee increase is going to, I might have to give up one.

COUNCILMEMBER SUGIMURA: Thank you.

MR. KING: And I know a lot of these guys, they've given up a lot of, but.

COUNCILMEMBER SUGIMURA: Thank you.

MR. KING: Anyone else? Aloha.

CHAIR WHITE: Thank you, Mr. King.

I don't believe you can just pay the months that you want to without losing your permit.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Amy Halas, testifying on County Communication 17-215. To be followed by Rosemary Robbins.

MS. AMY HALAS (testifying on County Communication No. 17-215):

Aloha mai kakou. My name is Amy Halas, and we are a group of concerned community members who are very concerned about the activities that have been occurring in the Maui Lani Partners development for far too long.

We're referring to the desecration of a Wahi Pana, a storied landscape, as well as the desecration of countless iwi kupuna, ancestral skeletal remains.

As you know, the sand mining stopped by choice, by Ameron HC&D on Saturday, March, excuse me, Saturday, April 29. I was there videotaping the trucks entering the egress across the LDS Church. And let's just say the onslaught of trucks was at such a fast and frantic pace. We're concerned as to whether there were any archaeological monitors present.

I would like to share a letter that we gave to Mayor Alan Arakawa on May 5. We are still awaiting a response. I have copies for you all.

Dear Mayor:

While we appreciate your support for a moratorium on sand exports, we are not confident that it will happen or that it will correct all the wrongs that have been done. The last time the Council attempted a moratorium in 2006, they could not get support or approval from Corporation Counsel to enact such legislation and it would not stop the continuing destruction of what remains of the Central Maui Pu'uone Sand Dune complex, which is listed in our community plan as a Wahi Pana to be preserved. Soon there will be no remnants of this Wahi Pana that holds important cultural significance to kanaka maoli.

We are calling on you to exercise your authority to instruct your Public Works Director to enforce the County Code and revoke the Maui Lani 2014 grading

permit on the basis of incorrect information supplied by the permittee, and because grading is not being performed in accordance with the terms and provision of the permit.

This is not a normal grading project. The project is not excavating for building purposes, but instead is extracting thousands of tons of sand for commercial export and use. This is by definition, sand mining, and must be regulated by the Mine Safety and Health Administration of the Department of Labor.

As you know, countless tons of sand from this Wahi Pana where the iwi kupuna were laid to rest centuries and centuries ago, thus, the bones, the iwi have been separated from the sand. The vast majority of the sand has been put on the Quinalt sand barge, taken to Oahu for the Honolulu rail project. We would like a moratorium on all sand mining immediately. Sand is a cultural resource. Mahalo for this opportunity.

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

MS. HALAS: And I have copies of the 2014 permit.

CHAIR WHITE: Please, please provide them to the staff.

MS. HALAS: Okay. Mahalo.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Rosemary Robbins, testifying on Committee Report 17-69. To be followed by Patricia Cadiz. Ms. Cadiz is the last individual who has signed up to testify in the Council chamber.

MS. ROSEMARY ROBBINS (testifying on Committee Report 17-69):

Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: Welcome. Thank you for being here. Thank you for listening, the folks at home. On this 9-page agenda this morning, we have several items that have really captured the majority of the testifiers here, and I'm going to be one of them. I'm talking about Committee Report 17-69. We heard a lot on that this morning.

The format on our agenda for that is that there are eight first reading items to be addressed, and 18 referral items to be addressed, which means that that has already been brought to the people who have been able to watch this.

And bless the people on the Budget and Finance Committee. Those were long, slug it out sessions. Some of us were here until wee hours, and got a chance to see how hard you folks work on all of that. Thank you for doing that.

So, on the first paragraph that I would like to address, it's on page 7 of our agenda this morning. This is in terms of a first reading bill to authorize the issuance of millions of dollars, written here \$44,305,000 of general obligation bonds of various capital improvement projects. Has been said so often at this microphone, over the years, a synonym for bond is debt. And this is asking for issuance for us to be able to borrow bonds in that huge amount for various capital improvement projects, which would never have grown to this amount had they been done timely. And we know that those have been addressed to timely by citizens in the community. Stall, stall, stall for whatever causes, not done. So, item 6 on there for the \$44,305,000 debt that's being proposed in addition to the rest of the ones that have already come up.

Then on the referral capacity, not on first reading, but on terms of heading away from the cliff of just plain going out of business. We've had that happen in other constituency, but they just plain ran out of money because they hadn't used it wisely. On that, we're looking at, again, I'm thanking the Budget and Finance Committee for not just sliding that through, get it off our hands, because it is a disaster waiting to happen. So, thank you so much for all of those who worked on this.

And item 26 under that same one is talking about water is public trust. Remember, has been said here before--

CHAIR WHITE: Ms. Robbins, please conclude.

MS. ROBBINS: Surely. And our water bills, I'll say that by water all things find life, providing the water is healthy and there's enough of it. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Patricia Cadiz, testifying on Committee Report 17-69. Ms. Cadiz is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MS. PATRICIA CADIZ (testifying on Committee Report 17-69):

Hi. I'm Patricia Cadiz, here to talk on 17-69. I wanted to go last in case there were any questions. I would like to clarify Yuki's question there that yea, we really don't have the option to pay selective months. And my business is also quite seasonal. If you looked at a graph of my business, it looked a lot like a witch's hat; kind of flat, a little peak in the summer, flat again. A little bit of a shoulder season there. So yea, witch's hat, that's what our business looks like.

And those off-seasons, they're painful. You know, it's every, every single lesson helps to pay the bills and keep those guys busy. That's one of the reasons I have multiple permits, and that's essential to the business plan. It's been the business plan since the very beginning in the 1980's.

And since the inception of the CORA program when we had the one permit and then it morphed into the nine, like Alan explained. Those extra permits are secondary activities, secondary locations, but they are essential to allow us to get through those flat parts of the witch's hat. And we have to pay for all the months. If we turn it in when it gets slow, we won't get it back when it's busy.

I'd like to use a few more minutes, if I may, ask you to turn to tab 2 in the packet that we gave you; looks like that. Tab 2 includes this spreadsheet. I just really want to drive home the parody issue, cause I think that one of the reasons the fees were reset is you were trying to get on par with the State. And if you look at the first column, that is what our businesses paid to the County last year; 86,500 total. That's the per park, per activity fee, per business. So, you can see we all pay different numbers, and that's because we have different number of permits.

You also notice the second column; last year's State fee a big zero, because this is the first year that the State is actually issuing permits. They only started a couple months ago, issuing permits.

This year, the County proposed fee is the third column; \$265,100 from our little businesses. And then the State fee on top of that, you can see the State fee is for all State waters; one permit for each business. All State waters total 84,000. That 84,000 is on par with the first column; 86,500. We are already on par. In fact, paying a little bit more to the County than the State. So, you can see when you add that up it works out to an average 400 percent increase. That's what we all have been talking about.

Anybody have any questions for me?

CHAIR WHITE: Seeing none, I want to thank you for being here this morning.

MS. CADIZ: I'll stay around during deliberations if any questions come up.

CHAIR WHITE: Thank you.

MS. CADIZ: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony for the Council meeting or three Member public hearing. And we have received written testimony for both meetings.

CHAIR WHITE: Thank you, Mr. Clerk.

We have, Members, we've received a number of written testimony. Without objection, we'll receive them into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

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

1. Robert Ferreira;
2. Stephanie Ohigashi;
3. Tim Means;
4. Victoria Martocci;
5. Teri White;
6. Jennifer Noelani Ahia;
7. Laura Lala Johnson;
8. Pamela Tumpap, Maui Chamber of Commerce;
9. Amy Halas;
10. Patricia Cadiz;
11. Gaye Hayashida;
12. Jamie Adams;
13. Teri S. Evans (Petition);

14. Rochelle Amadeo;
15. Randy Perreira, Hawaii Government Employees Association;
16. Winifred Aperto;
17. Henry Maio; and
18. Terry Miller.

CHAIR WHITE: And without objection, we will close public testimony on the three Member public hearing and the Council meeting.

MEMBERS VOICED NO OBJECTION.

(Vice-Chair Carroll returned to the meeting at 10:45 a.m.)

CHAIR WHITE: Thank you, so ordered.

Members, please stay in your seat. I will now be adjourning the three Member public hearing, and we'll be continuing with the agenda for the Council meeting. The three Member public hearing of May 19, 2017 is now adjourned.

ADJOURNMENT

The public hearing of May 19, 2017 was adjourned by the Chair at 10:45 a.m.

CHAIR WHITE: And Members, we are back into the Council meeting, and we will take our morning break. Please be back in your seats at five minutes to eleven. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:45 A.M., AND WAS RECONVENED AT 10:59 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting of the County Council will please come back to order. Mr. Clerk, let's proceed with the agenda.

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

MINUTES

The minutes of the Council of the County of Maui's regular meeting of March 24, 2017, was presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
MARCH 24, 2017 BE APPROVED.

COUNCILMEMBER CRIVELLO:

I SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Members, any discussion on the minutes? Seeing none, all those in favor of the motion please say "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with eight "ayes", and one, no, nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 17-179 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated April 12, 2017)

Informing of the intent to expend \$6,071.42 in State Forfeiture Funds to pay for ice machines for the Wailuku Station.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if the Clerk would bring up the next two communications also.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 17-180 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 19, 2017)

Transmitting the Fiscal Year 2017-2018 certification of the net taxable real property valuation for the County of Maui.

NO. 17-181 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT
DIRECTOR, (dated April 19, 2017)

Transmitting a Notice of Grant Award from the Hawaii Tourism Authority for the HTA County Product Enrichment Program in the amount of \$70,000.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

MOVE TO FILE COUNTY COMMUNICATIONS AS READ BY
THE CLERK.

CHAIR WHITE: Are there second?

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion.

CHAIR WHITE: Any discussion, Members? All those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-182 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 20, 2017)

Transmitting 51 contracts/grants for March 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

I MOVE TO FILE COUNTY COMMUNICATION 17-182, WITH
THE EXCEPTION OF CONTRACT C5610-2, TIME EXTENSION

KALANA O MAUI CAMPUS EXTENSION, TO BUDGET AND
FINANCE.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Members, any other requests for contracts to be referred? Seeing none, all those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-183 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 2, 2017)

Transmitting two reports on the settlement of claims as of March 31, 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would ask the Clerk to bring up the next two communications.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 17-184 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated April 25, 2017)

Informing of the receipt of \$1,300,000 in revenue from Vistana Signatures Experiences in the Affordable Housing Special Purpose Revenue Fund.

NO. 17-185 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR, (dated May 10, 2017)

Transmitting a copy of the agreement with the State of Hawaii, Department of the Attorney General for Domestic Violence Investigations grant in the amount of \$70,696.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

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

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any discussion on these three items? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-186 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 18, 2017)

Informing of the acceptance of a Warranty Deed for the Northshore Greenway Phase 2
Bikeway Path Lots 25, 26, & 27, E Paepae Ka Puko`a Subdivision,
TMK: (2) 3-8-095:024, 025, & 026.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, is this, yea I'd like to send this into, refer to
Committee.

CHAIR WHITE: Okay, Members, any objections to the referral?

COUNCILMEMBER COCHRAN: Without objections.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: So ordered.

Thank you, Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, and just for clarification, that will be referred to the
IEM Committee.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Yes.

NO. 17-187 - ALAN M. ARAKAWA, MAYOR,
(dated April 24, 2017)

Informing of a vacancy on the Police Commission due to the passing of May Fujiwara on April 18, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-187.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May Fujiwara is someone that, I think, many of us know and has been dear to us through the years of her community service. And she's an advocate for seniors and the needs of the community in general.

She was not only President of Lahaina Honolua Seniors, she was also a member of the Maui Police Commission. And recently by attending her funeral in full gear and honor, she was honored by the Police with Chief and his, his officers. That was quite impressive.

We, we will miss her greatly. We, I wanted to thank her for her years of service to the community. And we will miss her being a member of the Police Commission, and for all the other things she has done for us and the community. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

I will just add that it's a very sad loss for West Maui. She was one of the stronger ladies in our community there, and we will all miss her.

All those in favor of the filing please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-188 - ALAN M. ARAKAWA, MAYOR,
(dated April 24, 2017)

Informing of a vacancy on the Cultural Resources Commission due to the resignation
of Whitney Apo on April 24, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-188.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor received notification of the
resignation of Whitney Apo of Molokai from the Maui County Cultural Resources
Commission on April 24, 2017.

I'd like to thank Ms. Apo for her time served on the Commission, and wish her the best for her future endeavors. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-189 - ALAN M. ARAKAWA, MAYOR,
(dated April 27, 2017)

Informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Victor Lesa on April 27, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-189.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor received notification of the resignation of Victor Lesa from the Maui County Commission on Persons with Disabilities on April 27, 2017.

We'd like to thank Mr. Lesa for his time served on the Commission and his dedication to assisting our community.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-190 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 11, 2017)

Informing of the acceptance of a Warranty Deed in connection with the Wailuku Well No. 2, Kehalani Mauka (Large Lot) Subdivision No. 3-C, Wailuku, TMK: (2) 3-5-001:113, 116 & 117.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-190.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. The Director of Finance transmitted this correspondence pursuant to Section 3.44.015(H) of the County Code, which states in part, "The Director shall notify the Council in writing of any acquisition or conveyance made pursuant to this Section that does not require Council approval."

There is no action for the Council to take. I respectfully request consideration of my motion.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-191 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 20, 2017)

Informing of the acceptance of a Waterline Easement U-2, Kulaiki Subdivision, Kula,
TMK: (2) 2-3-008:013.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-191.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. The Director transmitted this correspondence pursuant to the same Code section. There is no action for the Council to take. I respectfully request consideration of my motion.

CHAIR WHITE: Thank you.

Members, any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-192 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated May 4, 2017)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2017.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, may I also ask the Clerk to also bring up County Communication 17-193?

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 17-193 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated May 8, 2017)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for February and March 2017 for all registered well reporters in the County of Maui.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-192 AND 17-193.

COUNCILMEMBER COCHRAN:

SECOND, MR. CHAIR.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, these reports are informational only. There is no Council action to take. I respectfully request consideration of my motion.

CHAIR WHITE: Thank you, Mr. Atay.

Members, any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-194 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated May 9, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE FUND PROVISIONS IN THE MAUI COUNTY CODE TO REQUIRE FUNDS BE SPECIFICALLY APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE ANNUAL BUDGET ORDINANCE".

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO WAIVE THE RULES OF THE COUNCIL REGARDING COMMITTEE REFERRAL AND RECOMMENDATION THAT IT, AT THIS TIME.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, moving this motion forward will allow Council to take up the proposed attached ordinance to the communication, if this moves forward. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I, AT THIS TIME, MAKE A MOTION TO PASS ON FIRST READING, BE ORDERED TO PRINT, FILING OF COUNTY COMMUNICATION 17-194, "A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE FUND PROVISIONS IN THE MAUI COUNTY CODE TO REQUIRE FUNDS BE SPECIFICALLY APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE ANNUAL BUDGET ORDINANCE".

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

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

We're going to take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:11 A.M., AND WAS RECONVENED AT 11:12 A.M., WITH ALL MEMBERS PRESENT.)

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I was, I apologize to you and the Members for not being clear.

BECAUSE WE ALSO BROUGHT THIS UP IN YOUR COMMITTEE DURING BUDGET DELIBERATIONS, I'LL, THE MOTION WILL ALSO INCLUDE THE DISCHARGING OF THE COMMITTEE OF ITS, ANY FURTHER RESPONSIBILITIES OVER THIS LEGISLATION.

CHAIR WHITE: Thank you.

And is the seconder okay with that?

COUNCILMEMBER CRIVELLO:

YES.

CHAIR WHITE: Thank you.

So, Members, we have a motion, an amended motion on the floor. Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee discussed this at length, regarding the special purpose funds. Some of it is revolving. Some of it has specific uses that Council required to meet certain needs of our departments.

What this would do is allow the Council to review each fund appropriately during the budget review session, and make those appropriate appropriations for the department in its specific use.

We are changing this from a pre-appropriated approval process where as soon as they receive the funds they can expend it within the parameters. But, over the last four

years, your Committee feels that Council should take a closer look in how these funds are actually being utilized. So, I ask the Members to support this motion. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

And Members, without objection, we will defer County Communications 17-195 through 17-197 to be called up at the same time as Committee Report 17-69.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

(See pages 76 through 162 for discussion and action.)

CHAIR WHITE: Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Relative to County Communication 17-194, it's BILL 56 (2017).

NO. 17-198 - MIKE WHITE, COUNCIL CHAIR,
(dated May 12, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARGARET CLARK AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

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

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Margaret Clark, or Maggie, earned her Undergraduate Degree in Communications in 2014, and her Master's Degree in Public Administration in 2016 from Ohio University.

She is currently employed as a budget analyst with the County of Maui, where she assisted in the launching of the Budget Office open data initiative.

Maggie is skilled in communication, and is a strong writer. She has extensively studied the subject of public policy and administration, and participated in a variety of research process which have included public sector program analysis, performance evaluation and report writing.

In 2015, Maggie completed an internship with the International Economic Development Council in Washington D.C.

Maggie currently resides in Kihei. She will make a valuable addition to our research section and our OCS team. I urge support for this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Congratulations, Maggie.

Moving on, Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-83.

NO. 17-199 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated May 12, 2017)

Transmitting the following:

1. A proposed resolution entitled "SETTING THE SALARY AND PAY STEPS OF EMPLOYEES IN THE OFFICE OF COUNCIL SERVICES; and
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO WAIVE THE RULES OF THE
COUNCIL REGARDING COMMITTEE FOR DISCHARGE AND
WAIVER.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this will allow if the motion passes, would allow the Council to take consideration of a proposed resolution and a proposed bill for an ordinance to adjust the salary and pay ranges within the Office of Council Services.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNCILMEMBER HOKAMA: Chairman.

DEPUTY COUNTY CLERK: Chair, we're back to Councilmember Hokama.

CHAIR WHITE: I'm sorry. Back to Mr. Hokama. My mistake.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT WE ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-199, AS WELL AS PASS ON FIRST READING, BE ORDERED TO PRINT, "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH", AND FILING OF SAID COUNTY COMMUNICATION.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee had some discussions about this. We believe we are proposing a fair adjustment to our own employees within the legislative branch. We made adjustment on the retro back to January 2, which is the start of the term, is when the actual employees starts with this sitting Council.

And I believe that at this point in time it's a fair increase that our employees deserve in comparison to what those with contracts and Salary Commission decisions have been. I think we've made a very, I would say a fiscally sound recommendation, Chairman, to address our employee's needs. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 17-84 and BILL 57 (2017), respectively.

NO. 17-200 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated May 9, 2017)

Transmitting the following proposed resolutions entitled:

1. "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS";
and
2. "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM
BARGAINING UNIT 11, FIRE FIGHTERS".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO DISCHARGE THE BUDGET AND
FINANCE COMMITTEE, WAIVE THE RULES OF THE
COUNCIL REGARDING COMMITTEE RECOMMENDATION
TO TAKE CONSIDERATION OF THE ATTACHED
RESOLUTIONS.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion on the motion to discharge, Chair.
Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE TO ADOPT THE PROPOSED RESOLUTIONS ATTACHED TO COUNTY COMMUNICATION 17-200, FIRST RESOLUTION, "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS"; AND SECOND RESOLUTION "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS", AND FILING OF SAID COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I'm asking the Council to move this forward. It is an arbitrator's decision regarding this bargaining unit. And we had some discussions in the budget deliberations and sessions. And accordingly, your Committee has budget appropriate resources to fulfill the terms of the agreement, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 17-85 and 17-86, respectively.

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

NO. 17-201 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated April 18, 2017)

Transmitting Audit Report No. 14-02, "Audit of Expenditures from the Fiscal Year 2012 Budget Appropriation for the Old Wailuku Post Office Rehabilitation Project".

The recommended action is that County Communication No. 17-201 be referred to the Budget and Finance Committee.

NO. 17-202 - ALAN M. ARAKAWA, MAYOR,
(dated April 19, 2017)

Informing that the Department of Environmental Management estimates a \$275,000 shortfall in solid waste revenue in Fiscal Year 2017.

The recommended action is that County Communication No. 17-202 be referred to the Budget and Finance Committee.

NO. 17-203 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated April 17, 2017)

Transmitting proposed organizational changes for Fiscal Year 2018 pursuant to Section 7 of the General Budget Provisions.

The recommended action is that County Communication No. 17-203 be referred to the Budget and Finance Committee.

NO. 17-204 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 19, 2017)

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

The recommended action is that County Communication No. 17-204 be referred to the Budget and Finance Committee.

NO. 17-205 - LYNN ARAKI-REGAN, BUDGET DIRECTOR,
(dated April 27, 2017)

Transmitting the Budget Implementation Report as of March 31, 2017 (Fiscal Year 2017 Third Quarter).

The recommended action is that County Communication No. 17-205 be referred to the Budget and Finance Committee.

NO. 17-206 - ALAN M. ARAKAWA, MAYOR,
(dated May 4, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 2, SUPERVISORY BLUE COLLAR EMPLOYEES".

The recommended action is that County Communication No. 17-206 be referred to the Budget and Finance Committee.

NO. 17-207 - ALAN M. ARAKAWA, MAYOR,
(dated May 4, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 3, NON-SUPERVISORY WHITE COLLAR EMPLOYEES, AND UNIT 4, SUPERVISORY WHITE COLLAR EMPLOYEES".

The recommended action is that County Communication No. 17-207 be referred to the Budget and Finance Committee.

NO. 17-208 - ALAN M. ARAKAWA, MAYOR,
(dated May 4, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, AND SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4".

The recommended action is that County Communication No. 17-208 be referred to the Budget and Finance Committee.

NO. 17-209 - ALAN M. ARAKAWA, MAYOR,
(dated May 4, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, PROFESSIONAL AND SCIENTIFIC EMPLOYEES".

The recommended action is that County Communication No. 17-209 be referred to the Budget and Finance Committee.

NO. 17-210 - ALAN M. ARAKAWA, MAYOR,
(dated May 4, 2017)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13".

The recommended action is that County Communication No. 17-210 be referred to the Budget and Finance Committee.

NO. 17-211 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated April 12, 2017)

Transmitting a report of short-term investments for the quarter ended March 31, 2017.

The recommended action is that County Communication No. 17-211 be referred to the Budget and Finance Committee.

NO. 17-212 - KELLY T. KING, COUNCILMEMBER,
(dated May 10, 2017)

Relating to subdivision deferral agreements.

The recommended action is that County Communication No. 17-212 be referred to the Housing, Human Services, and Transportation Committee.

(COUNTY COMMUNICATION NO. 17-212 WAS LATER REFERRED TO THE INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE. See pages 74 through 76.)

NO. 17-213 - STACY CRIVELLO, COUNCILMEMBER,
(dated May 11, 2017)

Relating to the County-owned parcel located at North Papa Avenue, comprising approximately 8.804 acres, and identified for real property tax purposes as Tax Map Key (2) 3-8-007-117:0000.

The recommended action is that County Communication No. 17-213 be referred to the Housing, Human Services, and Transportation Committee.

NO. 17-214 - ALAN M. ARAKAWA, MAYOR,
(dated April 27, 2017)

Relating to the draft Maui Inland Sand Resource Quantification Study by SSFM International, Inc.

The recommended action is that County Communication No. 17-214 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-215 - ALIKA ATAY, COUNCILMEMBER,
(dated April 28, 2017)

Relating to sand and aggregate mining and export in Maui County.

The recommended action is that County Communication No. 17-215 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-216 - KELLY T. KING, COUNCILMEMBER,
(dated May 10, 2017)

Relating to professional services for community engagement in the Community Plan review process.

The recommended action is that County Communication No. 17-216 be referred to the Planning Committee.

NO. 17-217 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated April 18, 2017)

Transmitting a Conditional Permit application submitted by Kaohu, LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND LOCATED AT 293 WAIALE ROAD, WAILUKU, MAUI, HAWAII".

The recommended action is that County Communication No. 17-217 be referred to the Land Use Committee.

NO. 17-218 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 8, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:044 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES".

The recommended action is that County Communication No. 17-218 be referred to the Land Use Committee.

NO. 17-219 - ALAN M. ARAKAWA, MAYOR,
(dated May 8, 2017)

Relating to SB 562, SD1, HD1, relating to liability protections afforded County Lifeguards scheduled to sunset on June 30, 2017.

The recommended action is that County Communication No. 17-219 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-220 - GARY Y. MURAI, DEPUTY CORPORATION COUNSEL,
(dated April 10, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS".

The recommended action is that County Communication No. 17-220 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-221 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated May 10, 2017)

Relating to "Public Wireless Access Points at County Park Facilities".

The recommended action is that County Communication No. 17-221 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-222 - KELLY T. KING, COUNCILMEMBER,
(dated May 10, 2017)

Relating to a proposed Charter amendment to establish a County manager form of government.

The recommended action is that County Communication No. 17-222 be referred to the Policy, Economic Development, and Agriculture Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: --as read by the Clerk?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 17-212

COUNCILMEMBER KING: I have a request that item number 17-212 be referred to Planning Committee, if there are no objections.

CHAIR WHITE: Yea that's, the referral is based on the fact that the oversight for that is in the, in the Committee it's being referred to. It could go to IEM, because it's overseen by Public Works to some degree.

But, anyway, Members, you've heard Ms. King's request. Any objections?

COUNCILMEMBER COCHRAN: Wait, sorry. What was the request again? Sorry.

CHAIR WHITE: Ms. King, please restate your request.

COUNCILMEMBER KING: Item number 17-212. I was requesting it come to Planning, but I think the Chair is suggesting it go to IEM.

CHAIR WHITE: I'm sorry--

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: --which, I'm, maybe I'm confused. Which one were you referring to?

COUNCILMEMBER KING: 17-212, relating to subdivision deferral agreements.

CHAIR WHITE: Okay. Yea, that was referred to HHT, because they have authorization over that portion of the Code.

COUNCILMEMBER COCHRAN: Chair. Oh.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, okay. Cause I know IEM did have an item in reference to deferral agreements. We did have an initial discussion. So, now because, I guess the definitions of IEM has changed, it now switches into another Committee. Is that what's occurred?

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER KING: I think, Chair, I think we, when we originally talked about this in, and I can't remember, I think it was in--

CHAIR WHITE: Could you move a little closer to your microphone?

COUNCILMEMBER KING: Oh okay. I can't even remember what Committee we talked about this in. But, I think it was suggested to refer this to IEM, and because IEM had taken this up before in the past.

CHAIR WHITE: But the switch, it's no longer in the, under the purview of IEM, so. Okay.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I just want to try to get clarification. So, item 17-215 would be referred to which Committee, addressing this?

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The, as of right now, as read previously it would be to your Infrastructure and Environmental Management Committee; IEM Committee.

COUNCILMEMBER ATAY: Okay.

CHAIR WHITE: Are you satisfied with that, Mr. Atay?

COUNCILMEMBER ATAY: Yea.

CHAIR WHITE: Okay.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, thank you. I don't have a problem if Councilmember King, who is doing this referral relating to subdivision deferral agreements, if there's no objection from the body, to refer it to IEM.

CHAIR WHITE: Okay. Any objections to the referral to IEM?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

The recommended action is that County Communication No. 17-212 be referred to the Infrastructure and Environmental Management Committee.

CHAIR WHITE: Are there any other referrals we discussed? Seeing none, we will refer them as read by the Clerk.

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 17-69 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 58 (2017), 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 CLEAN WATER STATE REVOLVING FUND FOR THE CENTRAL MAUI LANDFILL PHASE V-B EXTENSION, FISCAL YEAR 2018 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 59 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2018 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 60 (2017), 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 THE MAHINAHINA WELL #1 DEVELOPMENT FISCAL YEAR 2018 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill 61 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY," be PASSED ON FIRST READING and be ORDERED TO PRINT;
5. That Bill 62 (2017), entitled "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14.34, MAUI COUNTY CODE, TO REPEAL THE COLLECTION AND TRANSMISSION SYSTEM PROJECT ASSESSMENT FEE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
6. That Bill 63 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY-FOUR MILLION THREE HUNDRED FIVE THOUSAND DOLLARS (\$44,305,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS," be PASSED ON FIRST READING and be ORDERED TO PRINT;

7. That Bill 64 (2017), entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2018," be PASSED ON FIRST READING and be ORDERED TO PRINT;
8. That Bill 65 (2017), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018," be PASSED ON FIRST READING and be ORDERED TO PRINT;
9. That the matter relating to the development of a cost-effective funding structure for County capital improvement projects be REFERRED to your Budget and Finance Committee;
10. That the matter relating to possible amendments to Chapter 3.48, Article XIII, MCC, relating to the Circuit Breaker Tax Credit, including the phasing schedule for eligible percentage of circuit breaker tax credit set forth in Section 3.48.810, be REFERRED to your Budget and Finance Committee;
11. That the matter relating to the Department of Parks and Recreation's use of ActiveNet software for permits and credit card transaction processing, including an analysis of associated charges and their impact on the Department's net fees and collections, be REFERRED to your Budget and Finance Committee;
12. That the matter relating to the status of grants under the Department of Housing and Human Concerns and benchmarks for grantee performance be REFERRED to your Housing, Human Services, and Transportation Committee;
13. That the matter relating to the status of grants under the Department of Transportation and benchmarks for grantee performance be REFERRED to your Housing, Human Services, and Transportation Committee;
14. That the matter relating to an audit of every housing agreement starting with Mayor Charmaine Tavares' term, including an evaluation of any inconsistencies in implementation between different administrations or directors, be REFERRED to your Housing, Human Services, and Transportation Committee;
15. That the matter relating to an evaluation of the proposed new Waihee route and expanded hours for the Kihei Islander, Lahaina, Islander, Kihei Villager, Kaanapali Islander, and Napili Islander routes, including estimated implementation costs, schedules, proposed fare increases, and whether such expansion, including bus replacements, is warranted, be REFERRED to your Housing, Human Services, and Transportation Committee;

16. That the matter relating to the use of 64-gallon carts for residential refuse collection be REFERRED to your Infrastructure and Environmental Management Committee;
17. That the matter relating to a review of the Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund be REFERRED to your Infrastructure and Environmental Management Committee;
18. That the matter relating to a review of the curbside recycling program, or 3-Can Plan, including a determination of the true cost to operate the program and whether the Department of Environmental Management should charge a fee differently from the fee provided in the annual budget, whether the program is operating efficiently, the demand for and feasibility of the program, the possible relocation of the program service area, and whether the program should be discontinued, be REFERRED to your Infrastructure and Environmental Management Committee;
19. That the matter relating to the status of grants under the Department of Parks and Recreation and benchmarks for grantee performance be REFERRED to your Parks, Recreation, Energy, and Legal Affairs Committee;
20. That the matter relating to the Waiehu Municipal Golf Course operations and improvements, including network connectivity, fees, and an update of the United States Golf Association Green Section Turf Advisory Service Visits reports dated October 29, 2008, and January 17, 2012, be REFERRED to your Parks, Recreation, Energy, and Legal Affairs Committee;
21. That the matter relating to the status of grants under the Department of Planning and benchmarks for grantee performance be REFERRED to your Planning Committee;
22. That the matter relating to the procurement by the Department of Planning of contract services for transient vacation rental enforcement be REFERRED to your Planning Committee;
23. That the matter relating to the review of existing goals, objectives, and key performance measures for each County Department be REFERRED to your Policy, Economic Development, and Agriculture Committee;

24. That the matter relating to the status of grants under the Office of Economic Development and benchmarks for grantee performance be REFERRED to your Policy, Economic Development, and Agriculture Committee;
25. That the matter relating to creating a task force to work on financial measures for County grants be REFERRED to your Policy, Economic Development, and Agriculture Committee;
26. That the matter relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance be REFERRED to your Water Resources Committee;
27. That County Communication 17-69, from Council Chair Mike White, be FILED;
28. That County Communication 17-156, from the Chair of the Salary Commission, be FILED;
29. That County Communication 17-165, from Mayor Alan M. Arakawa, be FILED.

DEPUTY COUNTY CLERK: Mr. Chair, at this time, you also have before you:

NO. 17-195 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated May 11, 2017)

Relating to a proposed amendment to the Fiscal Year 2018 Budget bill.

NO. 17-196 - ELLE COCHRAN, COUNCILMEMBER,
(dated May 11, 2017)

Relating to proposed amendments to the Fiscal Year 2018 Budget bill.

NO. 17-197 - STACY CRIVELLO, COUNCILMEMBER,
(dated May 12, 2017)

Relating to a proposed amendment to the Fiscal Year 2018 Budget bill.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Okay, Chairman, we're going to take this in multiple steps this morning.

AND SO, AT THIS TIME, CHAIRMAN, I'M GOING TO MOVE THAT COMMITTEE REPORT 17-69, AND THE FIRST FIVE BILLS READ BY THE CLERK, WHICH IS RECOMMENDED FOR FIRST READING, PASS ON FIRST; I MOVE THAT THOSE FIRST FIVE BE PASSED ON FIRST READING, AS WELL AS THE ADOPTION OF THE COMMITTEE REPORT 17-69.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, these are basically your specific bills regarding specific projects or adjustments that we are making. I know there are proposed amendments, but that will be basically on bills 6, 7, and 8. That's why I have not included it in this motion at this time. I think that the Council can take action on this first five bills, as well as the Committee Report, and so I would ask that.

But I would also like to say a few things about those, this, the Committee Report in general, Mr. Chairman. I'm appreciative of the community watching the workings of your Committee. It's to show the transparency of how we crafted this budget proposal, and the discussion of all the Members and participation with the departments. It was a very difficult budget for us, Chairman, I tell you with confirming what were the actual numbers that we had to deal with.

But this morning, your Committee is recommending to this Council a budget that has grown to \$705.2 million, Chairman. It's a big budget. And yet, your Committee worked hard, and all of its Members, to reduce the Mayor's originally proposed budget. And here we're still at \$705.2 million.

But I can tell you this morning, Mr. Chairman and our community, that what we have placed within the budget is not everything, cause this, to me, wouldn't be a fair fiscal budget if we did. But we have proposed, in our recommendation, a budget, mostly within community input. And it is my belief, as your Chairman of your Committee, that there is no further need to increase this budget proposal or further burden the County resident taxpayers.

The Committee looked hard at borrowing, Mr. Chairman, and where appropriate, your Committee did support it. But borrowing in general is not the answer to this Council, County's fiscal needs. We went through that route, through the Lingle Administration. We showed great annual surpluses of cash and we borrowed the hell out of our credit. It took us multiple Council terms to turn our fiscal picture around to where we now stand with an excellent bond rating, the ability of choices when our State government chooses not to respond financially, appropriately. But it has given this County and this Council the ability of choices.

So, I would say, fiscal restraint and strategic procurement efforts are two components that I think this budget has tried to show, Chairman; particularly strategic procurement efforts. Our budget should make appropriations to encourage competitive bidding. Rather than budgeting for anything, whether it's a building, whether it's a vehicle, we should budget for something that meets the needs of the County, and assumes that the taxpayer, through their limited resources, is going to have to pay.

We are not here to build bell and whistle vehicles. We are not here to build an architect's monument for his career. We are here to provide what makes sense for the taxbase of this County. Our budget continued to be structured to hold all vendors to its bid, that would not accept or encourage any overruns or unnecessary change orders.

But one thing I've learned through my years, Chairman, the budget process is not simple. And government has not remained simple. It is now a very complicated entity that serves the community. And one of my frustrations, Chairman, is I believe, I also need to better communicate the mechanics of how taxation works for this County. We need to understand the mechanics, and I say that with all sincerity, Chairman, of how we generate real property taxes before we consider raising or changing rates. Whether it's a cent, whether it's a dollar, we need to understand the mechanics.

The impact of a rate increase cannot be judged by looking at the rate alone. And that is one of my issues with the State Legislature. They keep talking about the rate, the rate, the rate. When will they consider and bring into discussion property assessments? And for us, that's more than just those two components in our taxation.

As your Chair, we had to take into consideration adjustments on the circuit breaker, minimum tax exemptions, and subsidies to various land classifications. In other words, Chairman, all components that go into the calculation should be considered first, to come up with a fair and responsible rate.

To make matters worse for your Committee this year, besides the challenge of verifying our numbers, we were confronted with a State Legislature that had issues with trying to find how they were going to come out of their budgetary challenges. But, I believe that the State Legislature has made shortsighted decisions, and it will hurt this County and this County's County taxpayers and this County residents.

Not only has, in your Chair's opinion, the State Legislature failed to act to allocate a greater piece, an appropriate share of the TAT or transient accommodation tax to the counties, especially this County, but it also failed to extend the tort liabilities protections that the counties relied upon for county lifeguard services. And I still think we may have a legitimate legal opportunity to take the State to court on this. This failure to act in a responsible way to the counties has the potential to provide even greater financial burdens on our County taxpayers.

But nonetheless, Chairman, at this point in time, your, this budget meets our obligations for CORA services as mandated by the Charter. We also supported social services. And interestingly enough, in our survey, funding of non-profits came in last; eleventh. Number one was roads. And if you will see, we have made a dedicated strong effort to address the number one issue in this County, which is our road system.

I'll say a few more things at the ending, Chairman. As your Chairman of your Committee, I think this was important to say at the beginning of this process so that as we move forward, we can take all of this into account as we make further adjustments to your Fiscal Year '18 budget. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Further discussion?

Ms. King.

COUNCILMEMBER KING: Just have a question on item number 4. We're approving the first five items under this?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Okay. What does that mean when it says, when we're talking about the adjustment, salary adjustments; retroactive to July 1, 2016 and on July 1, 2018? What does that mean?

CHAIR WHITE: That means that the initial increase, I believe it's six percent, is retroactive to July 1, 2016. And the, the next increase will be effective July 1, 2018.

COUNCILMEMBER KING: Okay. Okay. Thank you for the clarification.

CHAIR WHITE: Any further discussion on these five, first five items? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

AT THIS TIME, I MOVE TO PASS ON FIRST READING,
ITEMS 6, 7, AND 8.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And I apologize to the Members. As your Budget Chair, staff was very diligent and caught some errors on my part, whereby, I'm going to make some, what I consider housekeeping amendments. But I'll allow the

Members to make their decision on whether or not they would like to proceed with the way I want to move forward.

Chairman, I have, I believe eight amendments for consideration. And I would ask the Members if they would bring that up before them, that the staff handed out.

So, let me go through the first one, Chairman.

CHAIR WHITE: Before, before you start, Mr. Hokama. Members do you have your copies? Do you need time to locate them? Okay, so everyone's okay?

Please proceed, Mr. Hokama.

COUNCILMEMBER HOKAMA:

OKAY, SO AT THIS TIME, I MOVE TO AMEND THE MOTION BY THE, WITH THE FOLLOWING: THE FIRST MOTION IS TO AMEND THE FISCAL YEAR 2018 BUDGET BILL BY INSERTING A PROVISIO IN APPENDIX A.II., RELATING TO SPECIAL PURPOSE REVENUES, SECTION N., KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND, APPROPRIATING 240,000 FROM THE FUND FOR LEISURE PROGRAM ACTIVITIES.

You see the Ramseyer format. And as you see beneath the rationale, which is, one states this is a revolving fund. It's collected for the Leisure Program. The cost of the Activities is paid out of the Fund. And this appropriation is necessary to allow the Senior Services to expend these funds for Fiscal Year 2018 Activities, pursuant to Section 14 of our General Budget Provisions.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if there's no objections, I would like to continue to make, to expand the amendment.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER HOKAMA: Thank you. The second one, Members is on the next page.

THE MOTION IS TO AMEND, AGAIN, FISCAL YEAR 2018 BUDGET BILL INSERTING PROVISIO APPENDIX A.II., AGAIN IN THE SPECIAL REVENUES, SECTION O., ALARM SYSTEM FUND, APPROPRIATING 30,000 FROM THE FUND FOR CONTRACTUAL SERVICES FOR ALARM SYSTEM REGISTRATIONS.

Members, you see the proposed amendment in Ramseyer format. And below that, the rationale where the Police Department intends to use the 30,000 from this Fund to procure alarm system registration services.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER HOKAMA: The next one, with no objections from the Members--

CHAIR WHITE: Okay, we have a, we have, Members, if any of you would like to vote on any of these separately, please let the Chair know, and we'll be happy to do so.

Mr. Hokama. It might be best if we, well, does anyone want to vote separately on the, on either of the first two?

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR WHITE: Okay, please proceed, Mr. Hokama.

COUNCILMEMBER HOKAMA: Okay. Thank you, Chairman.

THE THIRD COMPONENT OF THE AMENDMENT IS TO AMEND THE 2018 BUDGET BILL BY INSERTING A PROVISIO UNDER THE DEPARTMENT OF PARKS AND RECREATION, RECREATION AND SUPPORT SERVICES PROGRAM, TO READ AS FOLLOW: "(2) PROVIDED, THAT \$10,000 SHALL BE FOR A PROFESSIONAL BOXING RING FOR THE ALFRED 'FLAKO' BOTEILHO, SR., GYM IN PAIA."

We have an attached mark-up of page 20 of the Budget Bill, where you will see where we, I'm proposing that the proviso be attached. And part of this is, again, as discussed in Committee, and made the Chair aware of through Mr. Guzman's comments that this proviso, I thought was appropriate to be placed in at this time, Chairman. We, we should have taken care of this when it came out of Committee, so I apologize.

AGAIN, WITH NO OBJECTIONS, MEMBERS, THE NEXT AMENDMENT, REVISED AMENDMENT, I WOULD, TO MOVE THAT THE PROPOSED FISCAL YEAR 2018 BUDGET BILL, UNDER GENERAL BUDGET PROVISIONS, SECTION 18, THIRD PARAGRAPH, BY STRIKING THE WORD "THIRTY" AND INSERTING THE WORD "FORTY-FIVE" IN ITS PLACE, WHEREBY WITHIN IT'LL READ: "WITHIN FORTY-FIVE DAYS AFTER THE END OF EACH QUARTER, THE DIRECTOR OF FINANCE SHALL SUBMIT TO THE COUNTY COUNCIL A REPORT OF THE COUNTYWIDE CAPITAL IMPROVEMENT PROJECTS FOR WHICH AN APPROPRIATION HAS BEEN MADE THAT INCLUDES A BREAKDOWN OF ALL EXPENDITURES MADE THE PRECEDING QUARTER AND A BRIEF DESCRIPTION OF EACH EXPENDITURE, BY PROJECT NUMBER AND TITLE".

And again, part of the rationale for this adjustment, Chairman, is as requested by Director of Finance; that this is more in tune to their current practice and procedure, and they will be able to then implement the proviso as the Council has, is intended. Thank you.

THE NEXT ONE, MEMBERS, IS THE MOTION TO AMEND, AGAIN FISCAL YEAR 2018 BUDGET BILL, UNDER DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, FRINGE BENEFITS, BY STRIKING THE SECOND PROVISIO AND INSERTING THE FOLLOWING IN ITS PLACE; SO THE NEW ONE WOULD READ: PROVIDED, THAT THE COUNCIL SHALL APPROVE BY RESOLUTION THE EXPENDITURE OF ANY FUNDS FOR ANY BARGAINING UNIT SUPPLEMENTAL AGREEMENT REGARDING EUTF, OR EUTF CONTRIBUTIONS.

And, shows that how it's going to be placed in the document, Chairman. And the reason is that this amendment will give this Council and future Councils the opportunity to review, discuss, and approve any bargaining unit supplemental agreement

regarding EUTF contributions before or prior to expenditures of any funds for such agreement.

As your Chairman of your Committee, Mr. Chairman, this is a cost items. Just like the previous decision by Council earlier on the five. It's a cost item. It comes to us for review and approval. We're asking that these things follow the same process and procedure. If it changes the numbers, Chairman, it's a cost item. It should come before Council for consideration.

THE OTHER PART OF THE AMENDMENT, AGAIN, CHAIRMAN, IS TO AMEND FISCAL YEAR 2018 BUDGET BILL BY TRANSFERRING THE LINE ITEM FOR COUNTY FACILITIES SECURITY, \$261,000, FROM THE DEPARTMENT OF MANAGEMENT TO THE DEPARTMENT OF CORPORATION COUNSEL.

We have attached the mark-up copies for the Members to see. And again, Chairman, as we have made to transfer the Executive Assistant in the Department of Management regarding the County security program to the Department of Corporation Counsel to further address risk management matters, that the funding needs to follow the position so that we can, to follow the intent of the Committee, Chairman.

CHAIR WHITE: You have a second on, I don't know if, do we have a motion--

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: --on the, the previous.

COUNCILMEMBER CRIVELLO: Yea.

CHAIR WHITE: Okay.

COUNCILMEMBER HOKAMA:

CHAIRMAN, AND THEN THE FINAL ONE IS THE MOTION TO AMEND THE FISCAL YEAR 2018 BUDGET BILL BY: (1) AND THIS IS WHAT MR. GOODE HAD MENTIONED EARLIER TO THE COUNCILMEMBERS, STRIKING "500", INSERTING "575" IN ITS PLACE, FOR THE AMOUNT BY WHICH A FEE MAY BE INCREASED IF WORK IS STARTED WITHOUT A PERMIT

WHEN A PERMIT IS REQUIRED BY BUILDING CODE OR ELECTRICAL CODE; (2) STRIKING "30" AND INSERTING "34" IN ITS PLACE, FOR THE HOURLY FEE FOR SPECIFIED INSPECTIONS UNDER THE BUILDING CODE AND ELECTRICAL CODE, AS REFLECTED ON ATTACHED MARKED-UP PAGES; AND (3) STRIKING "30" AND INSERTING "34" IN ITS PLACE, STRIKING "50" AND INSERTING "57" IN ITS PLACE, FOR SPECIFIED REINSPECTION FEES UNDER THE BUILDING CODE AND ELECTRICAL CODE, RESPECTIVELY, AS REFLECTED ON ATTACHED MARKED-UP PAGES.

And then again, Chairman, as Public Works has indicated, this will bring the fee increases to a consistent manner.

And that ends my motion to amend, Chairman.

COUNCILMEMBER CRIVELLO:

SECOND.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Members, I think we are close enough to our noon hour. This is a, probably a good breaking point. When we come back, I know we have many more amendments to go. The Chair will be asking the, in the interest of time that each of you limit your remarks on each motion to two times, as is provided in the Rules. And as you know, I'm

generally a little more flexible than maybe I should be. But, today, please limit yourself to making remarks twice on, on each of the items.

So with that, Members, we'll take our lunch break and reconvene at 1:30. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:54 A.M., AND WAS RECONVENED AT 1:42 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER HOKAMA, EXCUSED.)

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

And Members, we will proceed with our consideration of the budget bills number 6 through 8.

And up next, I will call on Ms. Sugimura who has a, a proposed amendment. Then we'll then go to Ms. Crivello, since each of them have two. And then we'll move to Ms. Cochran who's got quite a few.

So, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Mr. Chair, I'd like to call the Members attention to County Communication 17-195.

I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL, DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM - WATER FUND, BY INSERTING A FOURTH PROVISIO TO REQUIRE A QUARTERLY REPORT TO BE SUBMITTED TO THE COUNCIL ON THE STATUS OF THE UPCOUNTRY WATER METER WAIT LIST; AND TO FILE COUNTY COMMUNICATION 17-195.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The proviso under the Department of Water Supply, Administration Program – Water Fund, would read as follows:

"Provided, that a quarterly report shall be submitted to the Council on the status of the Upcountry water meter wait list."

Quarterly reports will enable the Council and community to keep abreast on the status of the Upcountry water meter list, wait list, and help determine what progress is being made.

My amendment will not have any financial impact on the Fiscal Year 2018 Budget, and for these purposes I am requesting the Council's full support of my proposed amendment, and the filing of County Communication 17-195, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Mr. Atay, I'll ask you if you have any concerns since it's your purview.

COUNCILMEMBER ATAY: No, Chair. I'm in full support of this.

CHAIR WHITE: Okay, thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd like to call the Members attention to County Communication 17-197.

I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL, SECTION 3(B)(15)(B)(1), RELATING TO THE DEPARTMENT OF PUBLIC WORKS, ENGINEERING PROGRAM – GENERAL FUND, BY INCREASING THE NUMBER OF EQUIVALENT PERSONNEL IN THE PROVISIO BY ONE, FROM 35.0 TO 36.0; AND TO FILE COUNTY COMMUNICATION 17-197.

COUNCILMEMBER CARROLL:

SECOND.

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

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: The increase of one equivalent personnel under the Department of Public Works, Engineering Department – General Fund, from 35, 35.0 equivalent personnel to 36.0 equivalent personnel would enable the Department to fill the Civil Engineer V position; critical for the MS4 Program.

My amendment will not have a financial impact on the Fiscal Year '18 Budget, as the Department already has the monies to appropriate funding for the position. For these reasons, I am requesting the Council's full support of my proposed amendment and the filing of County Communication 17-197. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I want to thank Ms. Crivello for putting, proposing this at this time. I did have a discussion with Director Goode, and the importance of this person being, you know, this position being here for the sole purpose of helping out with this MS4 Program which is a huge, huge mandate put down on us. And so, definitely in much support for it. So, I just want to thank Ms. Crivello.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I too want to go on record in support of this position. After meeting with Director Goode, it's quite clear to us the importance of this level V Engineer that is needed to fulfill this mandate, especially to avoid any consent decree issues that if we don't have it. So, fully support it.

CHAIR WHITE: Okay, thank you.

Ms. Sugimura.

(Councilmember Hokama returned to the meeting at 1:47 p.m.)

COUNCILMEMBER SUGIMURA: I also want to go on record to support Member Crivello's motion, especially since, as you remember, all through budget I was trying to get this passed but could never find the funding to get it past the Budget Committee. So, I am grateful for the creativity of Member Crivello for figuring this out, and to helping the Department of Public Works solve their problems. Because I, like everybody else, do not want to see us get stuck with consent decrees that we would have to abide for in many different ways, especially with large fines.

So, congratulations, and I fully support this. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

And, so next up, and I believe there are additional, well, we'll go through Ms. Cochran's recommended amendments, and I believe there, the staff is working on additional, one or two additional ones. So, we'll, we'll take those up at the conclusion of Ms. Cochran's recommendations.

So, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I'll just preface this with thank you, Members, for being here, and having patience with me as we go through this. And to bring your attention to County Communication No. 17-196, which is from myself relating to proposed amendments to the Fiscal Year 2018 Budget Bill.

AND SO FIRST, I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL BY ADDING A PHRASE IN APPENDIX A.II., RELATING TO SPECIAL PURPOSE REVENUES, SECTION M., AFFORDABLE HOUSING FUND, THIRD PROVISIO, "TO REMAIN AFFORDABLE IN PERPETUITY" AFTER THE PHRASE "PRE-FABRICATED HOMES" TO READ: "(3) PROVIDED, THAT ONE AND A HALF MILLION DOLLARS SHALL BE FOR FABMAC AFFORDABLE HOUSING PROJECT OF FABMAC HOMES, LLC TO SUBSIDIZE THE ACQUISITION OF NINE LOTS OF CONSTRUCT PRE-FABRICATED HOMES," AND HERE'S THE INPUT, "TO REMAIN AFFORDABLE IN PERPETUITY, WHICH WILL BE SOLD TO FAMILIES EARNING BELOW 80% OF AREA MEDIAN INCOME (SIX HOMES) AND 90% TO 100% OF THE AREA MEDIAN INCOME (THREE HOMES)". THAT IS THE MOTION.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And thank you very much, Chair, Ms. King.

So, the additional language in this proviso will ensure that homes built using the Affordable Housing Fund will remain in affordable, will remain affordable for residents in perpetuity. And my amendment will not only, will not have any financial impact on the FY '18 Budget. And for these reasons, I am requesting the Council's full support of my amendment, and have spoken with builders and they also agree. So, I'm here proposing this today. Thank you, Chair.

CHAIR WHITE: Okay. Members, any further discussion on this item?

COUNCILMEMBER GUZMAN: Chair. I yield to Mr. Hokama.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I have a problem with this amendment, specifically with the area of, be just forced on the 80%. We're talking affordable, then we got to look at the 100%, 120's. Let's be real. If we're going to talk about 80%, it's just plain subsidized housing, okay. It's not an affordable house, it's subsidized, okay. If you want to support subsidy, then let's look at the income levels that can support affordable. So for me, to just say, say affordable for the 80%, who we fooling, okay. It's going to be subsidized at 80%, for the 80%. That's my issue, Chairman.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I, I too wanted to raise an issue. Although I do support the intent, how will they keep it in perpetuity? I know that it would be very difficult in, if not, legally impossible to extend it on a deed restriction. The rules against perpetuity would kick in. So, how do you plan to enforce this language?

CHAIR WHITE: I hope you're not asking me.

COUNCILMEMBER GUZMAN: I, no I, may I pose the question to my colleague who is, motion for this change?

CHAIR WHITE: Sure.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, through the whole discussion with the TIG, and had been figured out, and outreach was made to many numerous municipalities who actually have it implemented, have implemented the deed restrictions and kept things in affordable perpetuity, then the keyword is perpetuity. Everything else in this proviso is as is, as is, it stands. Just inserted those five words into the proviso, and again had discussed, previously with FABMAC, the developers about it, and they're very, very willing and agreeable to it.

And so, I don't think, Chair, this is the time to really go into all the reporting and research that my office had done in reference to keeping developments in affordable perpetuity at this time. But we did vet it through, and did extensive research, and have found many municipalities successfully pulling this off, legally and then some. So, that's kind of why I feel very confident that this can be inserted into this bill as stated, and fulfilled, and fulfilled. Thank you.

COUNCILMEMBER GUZMAN: Chair, I'm not satisfied with that response. You know, not, not to disrespect my colleague. It's, I would, may I ask the Corporation Counsel if he may weigh in on it, because I, I know that we do have rules against perpetuity, and if there's another way around it we should have done it a long time ago. So, does Mr. Wong have anything to say?

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, thank you for the opportunity. You know, the question is enforceability and I'm not certain that we currently have a program to address that.

The other part of the discussion is also Member Hokama's question about affordability. And the concern that I would have is the definition of that, that term affordability in the context of this proviso.

I hope that answers your question.

CHAIR WHITE: Thank you.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, I probably may have gotten a better answer if we were sidebar. But, I'm willing to along with my colleague's proposal. But I'm just, you know, just for the record, I, I, I don't foresee it being able to be executed. So, it may be a hindrance to the grantee. So, if the grantee is willing to take that on, then okay. Let's see it happen, you know.

CHAIR WHITE: But, I guess the question I would have for Ms. Cochran is if, if somebody purchases a home, they are going to be able to buy it at the price level that applies to their income status. Isn't that correct? When they sell it, when that person sells it, then does affordability mean that they have to sell it at that same range in perpetuity? Or does that mean they just have to sell it to somebody else who's in one of the affordable categories? And if so, then you're going to be wanting to hold out until somebody in a higher income bracket comes to see you because you're going to want the higher price.

So I, I'm not sure, maybe you can explain how it works in other, other areas. But, I don't, I have some of the same concerns that Mr. Guzman's got.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. So, basically, it fluctuates with the market. So, and, there's different, there's tier, there's just different ways of doing it. So, there's not one size fits all type of thing. But the different municipalities has managed.

Maybe they, and, Cassandra Abdul and Na Hale O Maui has a, has a way of factoring it all out, calculating it all out. And it's, and it gets complicated because it's, you know, different pricing, whatever. So, there's different percentages that apply at different times, with different costs and what have you, in order to keep it in that affordable perpetuity type defined category of sorts.

So, again, it's really, it's not a one sentence answer at all by any means. But, the point is that the entity, the developer is more than happy and willing to do this and make it happen. And that's where I feel like this is a great start in the right direction that we all keep talking about, that we want to have affordable homes for people, for people.

And to me, if we don't put our foot down somewhere to start getting that perpetuity word happening, and I know Corporation Counsel doesn't like to hear it and has been bucking our office all the time on this, we need to see it in action. And so, this entity is willing to do that, and I'm willing to give them that chance and opportunity at this time with this proviso.

So, I, Chair, you know, I mean, maybe I'm not hitting the nail on the head, but there's a lot of different ways to do this, and, but it is, it's been accomplished and it's been implemented in dozens and hundreds of municipalities. So, I mean, I can bring out our TIG report or something if we all need to look at that right now. But, it's, it's what it is.

I just would like to insert five words here into this proviso to hopefully make a difference and a dent in our affordable market.

CHAIR WHITE: Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Followed by Mr. Carroll.

COUNCILMEMBER CRIVELLO: Thank you. I, I certainly can appreciate the efforts for the affordability. Am I to understand that, because it's just addressing FABMAC, are they providing the financial means for the homeowner or, or possible homeowner to provide financial mortgage and down payment with this perpetuity clause in it for deed restriction?

And it appears as though, I think there needs to be more work done into this because of what my colleague just mentioned; the market fluctuates. So, if it fluctuates, where does the affordability portion stays? And, and what exactly is the process? Who will put together the process and what is the process?

CHAIR WHITE: Wait, hold on.

Can you please refrain from talking while others are?

Ms. Crivello. Sorry for the interruption.

COUNCILMEMBER CRIVELLO: I, I, that's okay. I'm good.

CHAIR WHITE: Okay.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Everybody likes the idea of Ms. Cochran's proposal. We've all worked toward that. We've had many, many discussions, because most of this ends up in my Committee and has for many, many years. And we've always been able to come to some agreement. That's how far we could go.

And we've had, we hit these walls because of legal requirements and just the ability of the Council to address all the different things that have been brought up by Mr. Hokama, by Mr. Guzman, and others. This is no place for this.

This needs to go to Committee and it really needs really intensive discussion if we're going to do it right. There's no way that we can go over there and pass something like this out that is going to cover what we want it to cover and be effective.

I would hope that could go and submit this, and put it in Committee, and hopefully we can come out with something that will be advantageous to our community and the Council. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I actually was thinking what Member Carroll was just speaking about, as it sounds like, just by listening to all of us, that we have a lot of different opinions of a good thing. And I think now is not the time to try to figure out what that good thing is.

And it sounds like it probably needs a lot of help with Corp. Counsel, and you know, other people in the community. I've talked to developers. They don't like, you know, to remain affordable in perpetuity. So, there's differences of opinions. I'm sure there are some that would love it; I'm not sure.

But, I, at this point, I cannot support this. And I think that more thought needs to be put into it, and not at this time. So, thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran, or actually let me--

COUNCILMEMBER COCHRAN: Oh, sorry. Go ahead.

CHAIR WHITE: Let Ms. King go, since she--

COUNCILMEMBER KING: I just had a real quick comment that I did speak with the developer, and she is in full support of having affordable in perpetuity. So, I just wanted to mention that. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: That's what I was going to drive back home, is that it's the actual developers who are, who can make this happen and wants to make it happen for the betterment of this entire community to keep things affordable, and something that we all talk about. So, that's it.

CHAIR WHITE: Mr., go ahead.

COUNCILMEMBER GUZMAN: I'm sorry, I just wanted to say that if, if the amendment doesn't go through, I will be proposing a motion to strike that entire appropriation since it doesn't seem like it should move forward if it's not attached to some type of affordability language. So, that's just how I feel. If we want to discuss this in Committee, then I would be motioning to strike that entire appropriation out of the budget. Thank you, Chair.

CHAIR WHITE: Let me, I think it's important to point out this is not the only item in the Affordable Housing Fund. And, so, I, just hearing the questions and concerns, I kind of feel like we need to vet this out a little bit more. And I, I agree that it needs more discussion. And I think we're all in favor of doing things in perpetuity. But, we need to understand what the ramifications are.

Not just, you know, the developer is likely to say yes, because they want to get the project done. And they probably are, they are the ones that are relatively protected in my mind, because they're, I believe this, this particular one has a particularly high subsidy. It's one of the, in my view, it's one of the highest subsidies we've ever given to an affordable housing project. So, I can see where the developer would be more than happy to keep this moving.

But I, you know, I'm just not sure what happens to subsequent buyers. What happens when, you know, 15 years down the, down the road, they want to sell and there are several categories. And again, Ms. Cochran, I have no idea how much detail has been provided by the other municipalities. But, at what level of affordability does that owner, what, what level are they allowed to sell at?

So, I, you know, I've already violated my rule several times. I think you've spoken four times. I'll give you another, another shot at it.

COUNCILMEMBER COCHRAN: Just, sorry, yea, real quickly. So, this project is already in this budget. And, everyone has been supportive. And it was my office who asked to keep it in this affordable category in perpetuity. And the developer has been so bold, I believe, and courageous and open to be agreeable to do this. So, it's not like they're trying to protect their item here to keep it in the budget. It already has been.

I am just adding five words to this proviso that's already been in here. I didn't even put this in here to begin with. But, I wanted that added extra protection for this community and for people to have a home in perpetuity. That is all this is. And, the developer has decided that they can do that. And I, we've heard over and over people come up here and say no we can't. These, they're saying yes, and again, there's examples, living examples elsewhere in this nation that do it. I am just trying to break that ceiling to make it happen right here in Maui County for a change. And so, that's what that is.

CHAIR WHITE: If the developer has already agreed to do it, then there's no, there's no reason for the proviso.

COUNCILMEMBER COCHRAN: So, Chair, yea. Money, nothing's changing here except to keep these homes in affordable perpetuity. And that's where I don't know why it's so difficult to get passed. Really, it's that one word, perpetuity, I think, that people are having a hard time.

But for me, we can't get ahead of that ball if we just don't start somewhere. And FABMAC has been wonderful enough to say, you know what, let's, we'll start it. And this is where they want to begin and, and so that's the reason, main reason why this proviso, just to insert these words.

But the actual number three proviso here is, is in our budget. So, I'm not adding all the other stuff.

CHAIR WHITE: No, we realize that.

COUNCILMEMBER COCHRAN: So, okay, well, trying to take it out is crazy too, but.

CHAIR WHITE: Anymore discussion?

COUNCILMEMBER GUZMAN: Can I violate your rule one more time?

CHAIR WHITE: If you want to be known as the second violator.

COUNCILMEMBER GUZMAN: I am the second violator. I apologize, Chair.

Could we find a solution or a compromise where we could, and I probably would have to ask legal counsel if it would be possible to, to place in language that upon creating the formula, they are to bring it back to Council so that we may view and understand what they're trying to do in perpetuity? Is there a way to do that or is that getting too far in, into grant versus solicitation, or grant versus bid?

CHAIR WHITE: I'll let Mr. Wong take a stab at that.

CORPORATION COUNSEL: Thank you, Chair. Member Guzman, you know, you're asking that we quickly wordsmith the program that currently doesn't exist within the proviso of the budget line item. So, it's, as you heard Member Cochran describe how complex it is, I'm going to offer that.

At, at this moment, I certainly would be extremely hard pressed to develop language sufficient to address all the concerns that have been raised here today, not to mention any latent conflicts that may exist between other Code provisions, which has, hasn't been vetted. So, with that said, I would, you know, caution the body with the language.

CHAIR WHITE: Okay.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair, for an unusual second time for me. This conversation over here, I don't think anybody can disagree that there is no consensus over here about the wording. It would be very difficult for Corporation Counsel.

There are other ways that we, other things that we need to consider when we pass something like this; that it might not mesh. It's not simple. We've discussed this how many times at length in our Committee? And we came up with different solutions for perpetuity for 10 years and this and that, 15 years. If there were improvements, are we going to allow that? It's not simple.

And if we pass this over here without the proper discussion and without the resources to go over there and look at all of the things that this can affect, it's not the responsible action. It needs to go to Committee. If Ms. Cochran feels that this is the way we need to go, pursue it in Committee, pursue it for the long-range for everyone. And I would hope that we would take that into consideration. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I mean, I think we all support affordable, affordability in perpetuity. The thing that strikes me about this is that it actually puts the onus of developing that plan on the developer. And so, you know, I'm just wondering do we have to come up with this plan ourselves? We're asking the developer to, to do this if we put this language in here? And if that's legal, why wouldn't we let them do that?

CHAIR WHITE: There's nothing stopping them from doing that on their own.

COUNCILMEMBER KING: But I mean, putting the language in here is, makes it a requirement.

CHAIR WHITE: Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, we are subsidizing this development for six lots, home lots, for I believe and we approved the Committee Report of 1.5 million for nine lots? And, and it, for the, to accommodate six homes with incomes at 80% and below the County's area, and three homes for households with incomes at 90 to 100%.

So, I have not heard from the FABMAC people directly, if they agree to financing with this deed restrictions. And I think that's where I am not comfortable, though I support the concept. It's just coming into some agreement where we budgeted 1.5 million. And that's a good thing that we're doing this to subsidize.

But then how does the developer guarantee us? Is that just to buy the six lots? Does that mean that 1.5 will also build the lots and build the homes? And does that mean it also will provide financing for the mortgage? I think there's a lot of unanswered questions that we may have in relations to the deed that's really no restrictions. So, it's, and will we have buyers that would want to go into that knowing that they cannot sell? Which is a good thing if, if we're allowed to do this, and if we hear from the FABMAC people, you know, to assure us that this will be all in compliance and agreeable.

CHAIR WHITE: The difficulty I'm having with this is that there are too many unanswered questions about what the ramifications are for, for the buyers. And, there's a part of me that says if we're going to do this, this is really a good project to do it on because the subsidy is so much higher than some of the others--

COUNCILMEMBER CRIVELLO: Right.

CHAIR WHITE: --than we have done. But, I still can't get my arms around the fact that we've got so many unanswered questions about what, what's the impact on financing arrangements. What's the impact on the subsequent buyers, and how do you calculate that? And without a little more detail, I think it's really tough to do this at this time. So, I think if, if they have committed to doing it, I'm not sure I want the, a private developer coming up with the, I'd love them to help us come up with something, but it's something we're going to have to codify. And I think all of us want the, you know, want affordability to be long term, so.

COUNCILMEMBER COCHRAN: Start--

COUNCILMEMBER CRIVELLO: One final.

COUNCILMEMBER COCHRAN: Sorry.

CHAIR WHITE: No, I, I think we've--

COUNCILMEMBER CRIVELLO: I have a question.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, we were, the question that we have before us that may want to be considered into to Committee is the proviso only, right? Is that my understanding? Because the budget has already gone through with the 1.5.

CHAIR WHITE: No. What, well, what Ms. Cochran is asking is that we put the proviso on this so that the release of the money makes it a requirement that they come up with the, the affordability of perpetuity program.

COUNCILMEMBER CRIVELLO: So, and excuse me. So, if the proviso does, we do not accept the amendment of the proviso, the 1.5 million still passes through?

CHAIR WHITE: Mr. Guzman has suggested if, if the proviso doesn't go through, then he'll recommend that we withdraw the 1.5 million until such time, if I'm, and please--

COUNCILMEMBER GUZMAN: Yes.

CHAIR WHITE: --correct me if I'm wrong, that we will withdraw the \$1.5 million commitment until such time as we have drafted a affordability and perpetuity program. Is that properly stated?

COUNCILMEMBER GUZMAN: Yes, Chair. If we don't, and at least in my opinion, if we don't put any kind of language to, I guess, measurements or some kind of conditions to keep it in affordability, we're, we're basically passing something out that is up to the grantee to decide what to do with. And I don't feel comfortable with that. I think the whole amount should, if, if this amendment doesn't pass, the whole amount should be withdrawn from the grantee, or at least from this budget, deleted from the budget. And it always can come back through an Administration amendment, through its proper channels, through the Administration coming forward with an amendment. And maybe at that time there's going to be some answers, answers, questions answered in Committee. So, that's where my thought was.

CHAIR WHITE: Yea, the--

COUNCILMEMBER GUZMAN: The same, same line as what you were saying, Chair.

CHAIR WHITE: Yea. I think, you know, the challenge that we face is that we're, you know, the Department of Housing and Human Concerns is responsible for drafting the agreement within which the bounds of their construction and use of the money is laid out. So, you know, I, the Chair's only hesitancy is we're getting in the middle of that.

And the other problem that I have is that this is one developer of all the ones we were, we've been giving money to from the Affordable Housing Fund. And they're responsible for coming up with the plan in perpetuity. It should be us. We should, we should do that, come up with the regiment to do that, and then apply it wherever we feel it's appropriate.

I don't think this is the appropriate place or time, because we don't have all the answers. And I, I just, you know, I just feel really uncomfortable.

Anyway, I think it's time to call for the--

COUNCILMEMBER COCHRAN: Chair. Well, sorry.

CHAIR WHITE: Mr. Wong, did you have something to add?

CORPORATION COUNSEL: Chair, if I may. The, my quick review of 2.96.060B has the breakdown of--

CHAIR WHITE: Could you speak up a little bit?

CORPORATION COUNSEL: 2.96.060B, that provision has deed restrictions and the in perpetuity language may be conflicted with Subpart 1, a., b., and c., which defines the below-moderate income for ten years, moderate at eight, and above-moderate income for five. So, nowhere in there do we define in perpetuity. And that probably would be where the body should focus its attention on developing a in perpetuity program.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER CRIVELLO: So, Chair, I'm sorry. I violate more than once.

CHAIR WHITE: I'm feeling very violated.

COUNCILMEMBER CRIVELLO: I know, I'm sorry. But, if the, if there's a grant agreement that has to be put together, right, with the developer and the Administration, or rather the department, so can it be at that time if the developer finds that to be their offer? They can do that during the grant agreement instead of us putting in the proviso? And, I'm just looking at if we don't, we don't agree then this gets moved out. And, we're doing Committee work, that's what we're doing.

CHAIR WHITE: Ms. Cochran, I'll give you one last shot at this.

COUNCILMEMBER COCHRAN: So, right. And so I think I want to highlight what Ms. King mentioned again. This is the developer who is in agreement. And, Na Hale O Maui does perpetuity. There's, you know, people are doing it. And, the questions, I think, that Ms. Crivello and others have brought up, staff has the answers. Staff drafted this. Staff has spoken to the developer and has inside information, can vouge for why these words are here, how it came to be, why it is here. So, I mean, if you all want to get further details--

CHAIR WHITE: Calm, calm--

COUNCILMEMBER COCHRAN: --staff can definitely vouge.

CHAIR WHITE: Calm down. Calm down.

COUNCILMEMBER COCHRAN: So, I'm just--

CHAIR WHITE: You can't, you can't get upset that we all have questions--

COUNCILMEMBER COCHRAN: No, and the questions--

CHAIR WHITE: --when there's nothing, nothing really being presented with any detail.

COUNCILMEMBER COCHRAN: Well, so the staff who drafted this and did research, and spoke to the developer, and everything else, and, and the, yea, the onus is on the developer, and they don't feel it's an onus. They feel it's a privilege and opportunity to do something really good for this community, so.

CHAIR WHITE: And, and I think it's appropriate for them to do it because of the size of the subsidy. I'm just not willing to, I, I'm not willing to support the motion simply because of the comments that we've made, so, thus far.

I'm going to call for the question. So, all those in favor of the motion please signify by saying "aye".

COUNCILMEMBER ATAY: Aye.

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER KING: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER SUGIMURA: No.

VICE-CHAIR CARROLL: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: AYE, WITH RESERVATIONS.
DEPUTY COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: YES.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: NO.
DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL: NO.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
AND KING.

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

DEPUTY COUNTY CLERK: Mr. Chair, there are four "ayes", five "noes"; motion fails.

CHAIR WHITE: Okay, thank you.

Ms. Cochran, let's move on to your next proposal.

COUNCILMEMBER COCHRAN: Do I want to? Let's see, what is it? So, I'm looking to add a proviso under, so I'm not sure if this is all my stack is matching your folks. Under the Office of the Mayor, Economic Development Program, Grants and disbursements for Visitors Industry, Maui County Visitor Association, MCVA, to (1) require the MCVA, by

December 31, 2017, to work in partnership with the appropriate Council Committee to analyze visitor industry impacts on County environmental infrastructural resources and identify mitigating measures for key negative impacts; and (2) make the receipt of 50% of the grant funds contingent upon the Council Committee's recommendations that a resolution be adopted finding this requirement has been fulfilled.

AND, SO, I MOVE TO AMEND THIS PROPOSED FISCAL YEAR 2018 BUDGET BILL, OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS BY VISITOR INDUSTRY, MAUI COUNTY VISITOR ASSOCIATION, BY INSERTING THAT PROVISIO, A PROVISIO TO READ: "(1) PROVIDED, THAT THE MAUI COUNTY VISITOR ASSOCIATION SHALL, BY DECEMBER 31, 2017, WORK IN PARTNERSHIP WITH THE APPROPRIATE COUNCIL COMMITTEE TO ANALYZE THE IMPACTS OF VISITOR INDUSTRY ON COUNTY ENVIRONMENTAL INFRASTRUCTURE RESOURCES AND IDENTIFY MITIGATING MEASURES TO ADDRESS KEY NEGATIVE IMPACTS; AND FURTHER PROVIDED THAT 50 PERCENT OF THE GRANTS SHALL BE WITHHELD UNTIL COUNCIL COMMITTEE RECOMMENDS ADOPTION OF A RESOLUTION FINDING THAT THIS REQUIREMENT HAS BEEN FULFILLED TO ITS SATISFACTION. AND, THAT'S THE MOTION.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, I believe the page after this shows the marked-up version of where it would be inserted. And this stems from, I forget what year that, that there was a proviso or a condition put upon this entity way back when in order to do this analysis of sorts, and it seems to be at this time it had never been done. So, I'm looking to hold this entity to that promise for receiving this kind of funding at this time.

CHAIR WHITE: Before I open up for other discussion, my recollection is a 2010 proviso was worded similarly that they were requested to, to work with the appropriate Committee. Do you know if any, any such work took place in the Committee and whether a request for assistance was made?

COUNCILMEMBER COCHRAN: No. There, we don't have a record of that ever occurring. That is why I'm looking to reinsert this here for them to fulfill that.

CHAIR WHITE: Right. But it, but the proviso was not for the Maui Visitor's Bureau to develop the impacts. It was to work with the appropriate Committee. And I'm, so what I'm asking is, is there any record that you were able to find of Committee work bringing that issue to the forefront and requesting the accommodation by the visitor industry or anyone else?

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Okay. Members, discussion?

Ms. King.

COUNCILMEMBER KING: Chair, is it, what would be the appropriate Committee? Cause maybe we need to name it in this, in this proviso, and then maybe it'll get done.

COUNCILMEMBER COCHRAN: Economic Development.

CHAIR WHITE: I would imagine it would be Ms. Sugimura's, because that's where Economic Development is, and the Mayor's Department.

COUNCILMEMBER KING: Okay, but it, it, but it doesn't really talk about economic development. It talks about the impacts on infrastructure and on environmental and infrastructural resources. So, might it not be IEM?

CHAIR WHITE: It, it could be.

COUNCILMEMBER KING: I'm just, I'm just thinking, you know, that if we, if we actually go ahead and name the Committee that we have a better chance of having it happen.

CHAIR WHITE: Yea, generally, because you're naming both the MCVA and infrastructure, then the default is to go to the Policy Committee, whenever there are two or more Committee's involved.

COUNCILMEMBER KING: Two or more Committees?

CHAIR WHITE: Right.

COUNCILMEMBER KING: Why would it go to the Policy Committee?

CHAIR WHITE: That's the way our Rules are set up; that if there are more than two areas of purview included in, in an issue, then, then it will fall into the Policy Committee.

COUNCILMEMBER KING: Chair, just, maybe I could ask Corp. Counsel, is it, is that a mandate, or do, you know, can we just, we assign that to whatever Committee?

CHAIR WHITE: No, that's just, it's Council Rules, not, not anything to do with Corp. Counsel.

COUNCILMEMBER KING: It's not a mandate? Okay.

COUNCILMEMBER COCHRAN: Chair. Oh.

CHAIR WHITE: Any further discussion before I go back to Ms. Cochran?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, during Budget Committee, this discussion came out about a 2010, I think, Maui Visitor's Bureau, at the time, was required to make some kind of report, and I think that's what's prompting this.

I did check with the Maui, Sherry Duong, and about what was being done in terms of their committee work, community work, in terms of environmental management or environment and infrastructure. And they, they do have an ongoing program that they work with in terms of, you know, the community for safety. And, I think we had a whole discussion about that in terms of visitors.

And, I, I cannot support this because I believe that we want the visitors, visitor industry to do what they're supposed to do, which is why we're giving them funding. I think during the budget process, we, Chair, you made the amendment or motion for 200,000 of their 4.2 million to be given to the environmental committee to, to look at, you know, doing things like this and, you know, helping the community in other ways, which I think they do anyway.

And, that I really think that what we do as part of, you know, Councilmembers, as part of what our job is, is to provide funding for organizations to do what they're supposed

to do and not have them get diswayed by doing other things that may take them away from their primary purpose.

So, I strongly feel that, you know, they do already a lot of things. And for us to try to put a penalty of, you know, holding 50 percent of their grant funds contingent upon this is like a fine of some sort, you know, when they're already doing it.

So, I want to say thank you to them for, for being the driver of our community, and for providing jobs and homes, and everything else that they do. And I think that this is not necessary, cause I cannot support this. Thank you, Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: No, I, when we were questioning, when there were questions about it should be referred to another Committee other than who the OED or policy rather. Just a notation that the grant shall be withheld 50 percent if it's not met or, that's how I read, understand the proviso that Councilmember Cochran is trying to propose. Then more so it should be under the review of the Committee that has oversight and works with the Office of Economic Development, because you're dealing with the dollars in place. So, that's, I'm just trying to set that forth as a means of clarification where it should be, be put under.

And, I, yea, I understand where Ms. Cochran is coming from; I certainly do. But, what, who sets up these measurements? And is it just a means for us to have some collaborative kind of relationship with the entity? And, and so who makes that determination that their meeting whatever kind of measurements that we're, or you know, benchmarks, who puts the benchmarks? Who sets that all up? And what do we want from it to, the end result? And what kind of timeframe or? I, I guess, you know, trying to figure out who's going to determine you're, you're not doing it so we're going to withhold 50 percent of your funding.

CHAIR WHITE: It's not clear to me.

COUNCILMEMBER CRIVELLO: Yea.

CHAIR WHITE: Further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for the discussion. So, this is stating for the appropriate, this entity to be in partnership with the appropriate Committee to analyze the impacts of the visitor industry on County environmental and infrastructural resources, and identify mitigating measures.

So, Ms. King's comments, I think, are most appropriate in reference to what Committee. So, it's stating environmental infrastructural resources, that would be IEM, and identifying mitigating measures, that is Committee Members. So, that's who will be addressing what are the measurements, what are the mitigating measures and negative impacts to be addressed, what have you.

And so, it's not so much the economic part of this association, because we already know tourism has a positive benefit and economic value. Now, this is looking at the impacts of that entity, and that visitor industry upon our environmental and infrastructural resources here. So, that's what that part is.

And as Ms., Ms. Sugimura mentioned, she feels they're already doing this. So, then this proviso shouldn't be a hindrance to them. This proviso should be welcomed then. Cause if they're already doing things in place that are addressing what this is asking of them, then I don't see an issue. I think then, what, where's the problem, and what, what's the hardship in this proviso being put here for them to abide by and to follow through with?

So, I, I like it. I think it's just an added protection for the industry who all of us, the community and everybody that I talked to says there is an impact, and we'd like to get more, a better picture of it, and to see what our solutions and mitigating measures can be. And that'll work through all of us.

So, that's kind of explaining a little more detail about what this is meaning. Thank you.

CHAIR WHITE: Okay. I understand the way this is drafted, probably by your staff, to, to aim it towards your Committee. But, I think everyone in this room would accept that there are broad benefits and broad impacts brought by the visitor industry with housing, with agriculture, with economics, with all kinds of things.

So, if there is going to be a proviso, I mean, for me, the proviso is unnecessary. If, if with your, the Committee that you have purview over wants to transmit something to your Committee to review environmental infrastructural resource impacts, you're welcome to do that. And I would bet you that the visitor industry would come in if you asked them to participate.

I don't feel that it's appropriate to place the burden on the Maui County Visitor's Association, which is the County funded portion of MVB, because they're a marketing organization. We want them out marketing. We don't, they're not researchers. They're not community infrastructure and environmental experts, they're marketers. We have lots of people here on our staff. We have other people in the departments that have the expertise to bring to this, this question.

And, it's likely that if it's, if it remains impacts, it's going to, it's going to have to go to Ms. Sugimura's Committee. There's nothing that would stop your Committee from doing such a review. And I'm sure that you would get the participation of the, of the industry.

I think it's more appropriate, although we can't proviso anything to the Maui Hotel and Lodging Association, but I think that they would come to the table and participate in whatever issues you wanted to bring up.

(Councilmember Guzman was excused from the meeting at 2:37 p.m.)

CHAIR WHITE: So, I don't think this is the right thing to do on a couple of levels. One, I don't think we should be holding the funding for marketing hostage when so many of the jobs and so many side-businesses depend on it. And I don't think it's, it's appropriate to put the onus on the marketing entity to become researchers and basically do our job for us. We have staff with which we can accomplish the same thing. And you've got very able staff and able folks assigned to your Committee as well.

Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I would fully support what you just stated in that probably that proviso is focused in the wrong, wrong entity.

(Councilmember Crivello was excused from the meeting at 2:38 p.m.)

COUNCILMEMBER ATAY: My belief is that so goes the environment, so goes tourism. And so with that, we do need to have studies done, maybe, maybe we got to proviso management to, to get a study done to, to study the environmental impacts, the infrastructural resources impacts, and identify these mitigating measures.

You got to look back, I look back and I say well, the visitors come here because of our environment. They come here because of our beaches. They come here because of our mountains, our streams, our hiking, and our natural resources. But at some point, we need to take a check. And, what are, when we get to a certain point where the involvement becomes detrimental and negative, then people will choose not to come. So, we need to be in front of any environmental changes.

Maybe it's not right to have a marketing agency doing the study. But I, I would push for a study.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, in closing. Yea, so not asking for everyone, I mean, to put it all on this entity. It, the word is work in partnership with appropriate Committee. So, that's what that is. And at one time, this entity was asked to do something similar here, it was never done.

(Councilmember Guzman returned to the meeting at 2:39 p.m.)

COUNCILMEMBER COCHRAN: So, this is sort of like a, yea, like a hammer to say hey, you need to partner, you need to work with us on this to address the, the, just as Mr. Atay just mentioned; impacts that are occurring. And we, I'm not sticking my head in the sand and saying it's not happening. It's happening. I live it every day in West Maui.

So, this is what that is. And I feel like, yes, you're right, they are willing to work with. So, great. This proviso should not be a hindrance once again to this entity from not receiving any funds that this County is willingly giving them to market. So, that's where this is coming from. Thank you.

(Councilmember Crivello returned to the meeting at 2:40 p.m.)

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

COUNCILMEMBER ATAY: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

VICE-CHAIR CARROLL: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
AND KING.

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

DEPUTY COUNTY CLERK: Mr. Chair, there are four "ayes", five "noes"; motion fails.

CHAIR WHITE: Okay. Ms. Cochran, your next item.

COUNCILMEMBER COCHRAN: Okay, let's see. This one here, make sure we're all on the same page, is the, recognizing the 80,000 in Carryover/Savings from FY 2017 Budget, General Fund from the Department of Fire and Public Safety, Ocean Safety Program "B" Account. So if, I just want to make sure everyone's on that page.

CHAIR WHITE: Does everyone have that page?

COUNCILMEMBER COCHRAN: That's kind of the leading in and description.

CHAIR WHITE: Okay, proceed.

COUNCILMEMBER COCHRAN: Okay, and then I'll make my, okay, thank you.

SO, I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL BY (1) ON PAGE 1, SO WE HAVE EVERYTHING, I THINK, ATTACHED IN HERE, MEMBERS, ON PAGE 1, INCREASING CARRYOVER/SAVINGS FROM THE GENERAL FUND BY \$80,000; (2) ALSO ON PAGE 1, INCREASING TOTAL ESTIMATED REVENUES BY \$80,000; (3) ON PAGE 8, DEPARTMENT OF FIRE AND PUBLIC SAFETY, OCEAN SAFETY PROGRAM, APPROPRIATING 80,000 FOR CATEGORY C, WHICH IS EQUIPMENT AND ADJUSTING THE TOTAL APPROPRIATION ACCORDINGLY; (4) ON PAGE 8, ADDING A SECOND PROVISIO UNDER THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, OCEAN

SAFETY PROGRAM, TO READ, "PROVIDED, THAT 80,000 SHALL BE USED TO PURCHASE FOUR JET SKIS, FOUR SLEDS, AND FOUR TRAILERS"; (5) ON PAGE 26, TOTAL OPERATING APPROPRIATIONS, INCREASING THE EQUIPMENT AND TOTAL COLUMNS BY \$80,000; (6) ON PAGE 34, TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS), INCREASING THE TOTAL BY 80,000; AND THEN (7) ON PAGE 38, INCREASING THE UNENCUMBERED FUNDS, CARRYOVER/SAVINGS BY 80,000 FROM \$32,385,599 TO \$32,465,599.

And I, the marked-up versions are here of pages 1, 8, 26, 34, and 38 of the budget bill.
And that is the entire motion.

CHAIR WHITE: Okay, thank you.

I guess the question for Mr. Hokama is whether the Department will have carryover/savings.

COUNCILMEMBER HOKAMA: Chairman, this is one Department that we've struggled throughout the whole budget session to verify its numbers.

CHAIR WHITE: Oh, I'm, I'm sorry. We didn't get a second, so.

COUNCILMEMBER ATAY:

SECOND.

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

I'm sorry. Go ahead, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as I was going to share with the Members this afternoon, is this one Department that your Committee, your Chair and staff had numerous difficulties in verifying their numbers. As you can see, in the last six weeks, we've anted up two amendments, over what, \$2 million for this Department, 1.7 million because of errors in calculations.

I would be honest in telling you this afternoon, I have no idea if they have this 80,000 of carryover/savings. I do not trust their numbers, and so I will not support this amendment at this time. Because, one, I'm not sure what Budget Office number is.

But, I for one, at this point, don't have enough confidence in the Department to support this with this kind of proposal with these numbers at this time, Chairman. Thank you.

CHAIR WHITE: Any further discussion?

Mr. Carroll. Turn on your mic. Turn on your mic.

VICE-CHAIR CARROLL: I agree with Mr. Hokama. Thank you, Chair.

CHAIR WHITE: My concern was that the, my recollection is that at the conclusion of our discussion about the other budget amendment, that you wanted to hold off on passing it because your calculation was they ended up with about \$267.

So, any further discussion on this item?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. As much as I would like to see this happen, I, I have reservations because of the fact that I, I don't know about the carryover/savings exact amount. And I don't want to go into a deficit later on. So, I, on this one I will be not supporting this one, just because I don't have the proper information before me. Thank you.

CHAIR WHITE: Yea, I think it's, it's troubling to me that we have assets being siphoned out of the Ocean Safety area by the Fire Department to cover their overages in premium pay. So, I would love to support this, but I don't think it's appropriate at this time.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, maybe we need to drag out the email that came from Chief, but I guess that doesn't matter, I mean, in your folks eyes.

And I'm just following through when we did the one ski out of the CORA funds, it was my understanding that this would be the follow-up in order to get the other four skis via this route. And all through budget it had been discussed that there was this appropriation in "B" that was, could be moved into the "C". And then it became, well, this FY, there's that money there too, and to put it into this upcoming "C" Account. So, that's why this is here at this time.

And, you know, I think Chief is here. So, I, I don't know, I mean, maybe you folks don't take his word for what he says, but I'm--

CHAIR WHITE: No, the challenge, the challenge for me, I trust the Chief, I just don't trust his, his numbers person to come up with consistently correct numbers. We've had wide variation from year to year. And I think I shared last meeting, we, after providing a budget amendment that they desperately needed, I think amounting to 900,000 to a million, this is not this year, but last year, ended up with a \$700,000 surplus. So, if, if his numbers work out that way this year, then he'll have a surplus.

But at this point, the most recent budget amendment is likely to use up all the, all the resources from Ocean Safety.

Did I see your hand go up, Ms. King?

COUNCILMEMBER KING: No.

CHAIR WHITE: Oh okay.

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

COUNCILMEMBER ATAY: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER SUGIMURA: No.

VICE-CHAIR CARROLL: No.

CHAIR WHITE: Roll call please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS ATAY AND COCHRAN.

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

DEPUTY COUNTY CLERK: Chair, there are two "ayes", six "noes"; motion fails.

CHAIR WHITE: Two "ayes", seven "noes".

DEPUTY COUNTY CLERK: I'm sorry, seven "noes"; you're correct.

CHAIR WHITE: Thank you.

Okay, move on, moving onto your next item, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, so these have not been posted. But, I believe everyone has a copy of these to follow. Is that, sorry, what?

CHAIR WHITE: Could you just make a motion to file your county communication.

COUNCILMEMBER COCHRAN: Yea. I move to file my, the, all these items.

CHAIR WHITE: No. County Communication 17-196.

COUNCILMEMBER COCHRAN:

COUNTY COMMUNICATION, YEA, I MOVE TO FILE COUNTY
COMMUNICATION 17-196.

CHAIR WHITE: Do we have a second.

COUNCILMEMBER KING:

SECOND.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes nine, with nine "ayes".

I'm sorry, go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, okay. Yea, no problem. Thank you. So, let's see, these ones have not been posted, but I believe everyone has the printed handouts to follow. And I'm looking at, let's see, the first one is, let me go through it. This one has bearing on the CORA.

SO, CHAIR, I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET AS FOLLOWS: (1) IN APPENDIX B, REVENUES – FEE, RATES, ASSESSMENTS AND TAXES, RELATING TO THE CORA PERMIT FEE, BY STRIKING THE PHRASE "\$200 PER MONTH" AND INSERTING "\$1,000" IN ITS PLACE; STRIKING THE PHRASE "FOR ALL PERMITS ISSUED PER BUSINESS OR ENTITY."; AND INSERTING THE FOLLOWING – "ANNUALLY, FOR THE FIRST TWO PERMITS ISSUED PER BUSINESS OR ENTITY. EACH PERMIT THEREAFTER SHALL BE 500 PER PERMIT PER PARK PER ACTIVITY."; AND (2) APPENDIX A, PART II. SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS, SECTION L, RELATING TO THE OCEAN RECREATIONAL ACTIVITY FUND, BY STRIKING "\$243,900" UNDER THE ANTICIPATED REVENUES FOR FY 2018, AND INSERTING "\$60,850" IN ITS PLACE; AND BY STRIKING \$765,368" UNDER THE TOTAL FOR FY 2018, AND INSERTING \$582,318" IN ITS PLACE.

COUNCILMEMBER KING:

SECOND THE MOTION.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you, Chair. So, this amendment will basically keep the CORA fees at this year's level, this FY 2017 level until the administrative rules, the fee schedules, and things have been reviewed. There is a sufficient balance in this fund currently to cover anticipated FY 2018 needs. And, generally, for these reasons I am requesting that the Council support the amendment by keeping the fees as is.

CHAIR WHITE: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: As of this year FY. Thank you, Chair.

CHAIR WHITE: Thank you.

Further discussion, Members?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I support this amendment. I think all along, well for myself at least, I thought that we would bring this, this was something that should have been brought to Committee to vet out.

And, certainly we heard from testifiers for multiple days that this was a surprise fee increase. And, and it had it, it really has not been vetted out as a separate entity as far as structure and in the possible reset of fees.

So, I'm in favor of taking the time to look at this in Committee, and coming out with something that makes sense for everybody so we don't harm these small businesses. Thank you.

CHAIR WHITE: Further discussion, Members?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. I think my colleagues are correct in terms of, in not being, having the opportunity to vet it through at the Committee level. And I believe that most of us, including myself, believed that, or at least had the justification of increasing the fees due to having those be at par with the State's fees.

And, it was my understanding that the State's structure was kind of fluid in terms of with, in terms of whether they were charging it per park per business. And so, I think that's the formula that was used in this budget.

However, I was notified, or at least I spoke to the Parks Director yesterday, and he verified that there was a recent change in how they structured the State's fees. So, I would request that he come down, or at least be a resource to explain what had occurred, and whether status quo of the fees are appropriate at this time, or if there is an increase needed, what are the justifications therefore, thereof, excuse me.

CHAIR WHITE: The Chair would prefer we do this in Committee.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: I think it's, it is something that needs to be vetted. But, if you don't mind, the Chair feels that to provide a rate increase without enforcement is really, really unfair.

COUNCILMEMBER GUZMAN: I would agree with you.

CHAIR WHITE: And I think the, I think the challenge that I see is that we have a significant number of operators, I believe there was a list of about 39 who have websites and are operating out of our parks on days when the CORA permittees are not allowed to operate.

They don't suffer any enforcement, and so before, you know, before we increase our fees, I think we have to take a serious look at how we can get a little more creative with enforcement. And I, my recollection is that the park rangers positions were all generated for the sole purpose of enforcing CORA permit activities. To my knowledge, and I think you asked the question last year, how many fees, how many fines have we collected? And I don't think there's any fine revenue in that, in that revolving fund.

So, it's, it's not in the area of fairness for us to increase fees when we are allowing everyone else cherry pick the permittees business. And one of them mentioned to me that someone working for them 10 years ago realized that there was more money to be made as a non-permittee or as, I should say, there's more money to be made as a non-permitted user of the park, than there was to be an instructor for one who had a permit. So, that person left 10 years ago, and for 10 years, that, that former employee has been operating in the same park, doing the same thing, paying no fees, and is able to operate on days when the permittees are not. So, I, anyway, I'll stop myself there. I'm supposed to be a facilitator.

COUNCILMEMBER GUZMAN: Chair. Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: I would, actually I agree with what you're saying. It's just that the opportunity to have actually speak directly to the Parks Department regarding this specific fee, was never done. And, and if it was done, it may have been in late hours, in the morning, or I just don't recall this being, having an opportunity to be vetted through.

And, and there has to be some type of basis, at least a justification as to why it was placed into the budget at that amount. So, or, or we're left with a void and, and we

need to have that, at least that explanation from the Parks Department, because it, it was the numbers that were proposed by them. I just don't want the perception of some type of, you know, this was a random type increase. There, there was justification for it, and that's what was told to me by the Department. And I would like that opportunity for them to at least explain what, why they wanted to increase and what, what is the result now of what they've learned so far.

CHAIR WHITE: I, I understand the request. The Chair has done enough Committee work at Council level in the last couple of weeks. So, I'm not crazy about opening it up for further discussion. I think we all pretty much know what the fees are and whether it's fair or not without an explanation, so.

COUNCILMEMBER GUZMAN: I would just say that the next time, go around that we do, Chair, for budget, we do have a space available to vet out the fees schedule. So, thank you.

CHAIR WHITE: No, I, I think that's appropriate.

Any further discussion?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee vetted everything, okay. We discussed this twice in my recollection; three if you count when we went through the Rates and Fees, Appendix B review, okay. I was here every meeting, Chairman, for the whole meetings, okay. So, I can tell you, we discussed this, we vetted this. We went on certain understandings from the Department's presentation.

And one was accurately the consideration of coming up to par with the State fee structure, okay. Today, we hear that the State has made an adjustment on their approach. I don't necessarily agree with their approach, but they have a different perspective. And it could be more statewide than for us individual parks, okay.

For us, Chairman, the parks belongs to the residents, our tax base, okay. It's not for business primarily. That's not the key priority of our parks; not as a business activity. It's a recreational facility for our residents, for their enjoyment; not as a business prospect, not for a profit-making activity, but for their health and recreational needs as a resident.

But saying that, Chairman, if the Members feel that at this time they want to push this back, that's fine. But, I'll be up front, I'm going to look at amending the Code. I'm done with rules. I'm, make your proposed amendment, and we'll throw it in the Code, and we'll deal with it as law. Thank you.

CHAIR WHITE: Any further discussion, Members?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I have to say this, I'm frustrated of us doing Committee work with all these amendments. I don't know why that wasn't done when we were actually going through our budget.

But that being said, I, I will have to agree with Mr. Hokama, that if we're going to push this back, which is, you know, fine with the Committee wanting to do that. And we've brought this up even through Committee and, and maybe our Committee Chair, Mr. Guzman, would want to have this vetted out further. And, I think that's probably what we'll have to do again, and maybe the codes will be adjusted.

I, I wish we would get through, through all of this so that we can, we underestimate what the Budget Committee and the Budget staff has gone through. We're, we're doing this and it's frustrating cause we put in many, many hours, you know. And I can appreciate the follow through that's coming from my colleagues, but my golly, let's get down to business and getting this budget through without us doing over and over Committee work, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? I'll call for the question. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA, AND
VICE-CHAIR CARROLL.

CHAIR WHITE: I heard two "noes"; Crivello and Hokama, oh and Mr. Carroll. So, measure passes with six "ayes" and three "noes"; Mr. Carroll, Ms. Crivello, and Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair.

Okay. And, next one is, if we can get all on the same page for this. It is amending FY '18 Budget Bill increasing Bond Fund by 400,000. And this is in relation to the Wailea ladder truck, to bring up the balance, again, that was initially proposed at 1.4 million.

SO, MY MOTION IS ONE, I MOVE TO AMEND THE FOLLOWING: (1) THE FISCAL YEAR 2018 BUDGET BILL, BY INCREASING THE ESTIMATED REVENUES FOR THE BOND FUND BY \$400,000; INCREASING THE APPROPRIATION FOR COUNTYWIDE EQUIPMENT BY THE SAME AMOUNT; INSERTING A NEW SECOND PROVISIO TO READ: "(2) PROVIDED, THAT 1,400,000 SHALL BE FOR A LADDER TRUCK FOR THE WAILEA FIRE STATION."; AND ADJUSTING THE RESPECTIVE TOTALS AND APPENDIX C ACCORDINGLY; AND (2) THE CAPITAL PROGRAM BILL AND BOND BILL FOR CONSISTENCY WITH THE BUDGET BILL, AS REFLECTED IN THE MARKED-UP PAGES ATTACHED TO MY AMENDMENT SUMMARY FORM. THAT'S THE MOTION.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. So, the Department of Fire and Public Safety requested a 1.4 million appropriation to fund a ladder truck for Wailea Station. And, this amount was decreased by a million in this FY 2018 bill, Budget Bill.

And the proposed amendment will increase the appropriation for the Wailea Fire ladder truck. Wait, hang on, is that right? The amount was decreased by 400,000. And so,

this proposed amendment will increase the appropriation by 400 to ensure the Department is fully equipped to meet its needs. Cause, I spoke to Chief, and the 400,000 really wouldn't, the million, short, the short 400 wouldn't quite get that ladder truck that he really needs.

And if I recall, past budgets, they've been asking. And looking at report, you know, records of maintenance and breakdowns and what have you, I mean, it's, they're constantly just mending and fixing, and fixing and mending. And so, as we know, they are a County core service, and it's something that they need to utilize. And so, hopefully we can, I can get the support to add this increase into the budget, if we're, one of our County core services that I feel is quite important. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I'm speaking against the amendment. Part of my earlier comments that we should be concerned about besides the amount of borrowing is strategic procurement. And, I share that with the Members again. At the lunch break, I did have a specific direct discussion with the Fire Chief, and explained the strategic approach to this.

It appears whenever, in past, whatever we put in the budget is interestingly enough that comes the price. So, we go back a few years ago, when they asked us to put in about 1.2, \$1.15 million, interestingly enough, Hawthorne Pacific that's one point, whatever was the exact budget appropriation. My thing to the Department is you have enough to go forward with your request for proposal. Go out and go get the bids. If it's over, you come back, explain it to us. And I would say, for people like me, that I would be more than willing to consider that and fund it, because I can understand it.

But, I will not put up a target for bidders and vendors just to go hit because that's what we've appropriated. To me, that's not smart budgeting, okay.

So, for me, Chairman, I think the Chief understands where we want to go with strategic procurement. We're not telling them you don't deserve this equipment, or it's not worthy. We're saying we expect you to go get something that makes sense, and we can afford at the right price. That's all we're doing, Chairman.

And I think this is one of the key strategic ways this Council is approaching its long-term planning of our fiduciary requirements, Chairman. We are not planning for this year only. We're planning for way down the road, especially if we want to look at some of the big tilted projects that will impact this whole island and this County; like the

potential relocation of the major wastewater treatment plant of Central Maui. If that gets hit by a tsunami today, we are shut down, Chairman. This island gets shut down. Your economic, commercial headquarters, Kahului, Wailuku, this County will shut down, because we cannot run our plants, okay. I will not tolerate that.

For me, we got to start budgeting and planning how we're going to budget a half a billion to a trillion dollars worth of major infrastructure improvement over the next 20 years. That's big money for a County of our size, Chairman. And we got to take care three islands. So, for me, I'm not saying that we should be pinching all the way down to the penny, but we should be smart enough to know how to approach budgetary requirements and be strategic about it. And the Departments better get hep on our strategy, because there's not an endless cash in the County's wallet. Thank you, Chairman.

CHAIR WHITE: Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I have more a administrative question, I guess. So, would this, if this passes, basically our budget is off, off balance?

CHAIR WHITE: The request is for bond money.

COUNCILMEMBER SUGIMURA: Oh, bond.

CHAIR WHITE: Yea. So the, the, this request can come back to us at any point during the year, because it doesn't require carryover/savings; it just requires authorization. I think we had that discussion in Committee that we didn't want to give them the full amount, because it'll get spent, and possibly unnecessarily. So, the Chair supports the, the position of Mr. Hokama, because it, if they need the money, they can come back and ask for it. But, we do so without providing a, an easy target.

And, everybody knows what's in our budget. And they're going to go find out. And then we've had, I don't know how many times we've had things come in that match up, you know, a million and a half dollars matching up within \$3,000 of the total approved; not a coincidence. I don't think it is.

Ms. King, followed by Mr. Hokama.

COUNCILMEMBER KING: Thank you, Chair. You know, I just wanted to support Mr. Hokama's position. I do agree that that is probably a smart thing to do. And, and when I, and you know, I would think it's a good discussion to have, maybe not too

loudly, cause we don't want people to know that we, we're welcoming them back after the fact. But, yea, it's a different situation when you're in a private business and you can put things out for bid, than when you're in a public entity and you have to budget ahead of time. So, you know, I think that's a good explanation for why we went with a million.

CHAIR WHITE: Yea, private companies don't have to show their hand.

COUNCILMEMBER KING: Right, and we can also, we don't, we can change our minds about buying things.

CHAIR WHITE: Right.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I fully agree with the strategic procurement philosophy, especially when there's multiple equipment for some departments, similar departments. They're ordering generators that are all from the same company at, at 200,000, 500,000 per generator; ordering 3, or 4, or 5 generators calls for a procurement strategy so that we can get a free one out of that.

However, a step ladder, a fire truck ladder, I don't think there's too many companies that are making that. And to strategize, you know, it is what it is; it's 1.4 million and for that truck.

So, you know, I agree with both. I agree with the strategy procurement, but in this particular issue, I would stand with Ms. Cochran.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion on the item? Seeing none, all those in favor--

COUNCILMEMBER HOKAMA: Chairman, Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Last comment. I think everybody has a good point to make, Chairman, and I am very aware of that. But a good example of when we didn't put in a number and it worked to our advantage is our recent current year's budget amendment for South Maui and the gym. We didn't place a number, and we picked

the winning bidder, which was 20 point something million. The next bidder was 28.7, I believe. So, without putting a target, we got, already just by the bid, a potential savings of \$8 million from the first and second bidders. That says something, cause then the vendors are going to have to think hard on what they want to present as their price.

And so, just throwing back the number we've budgeted and saying that's our number, and we'll fit whatever it is to make that number work within your RFP specs. I get issues with that kind of approach, Chairman. Thank you.

CHAIR WHITE: Any further discussion? All those in favor please signify by saying "aye".

COUNCILMEMBER ATAY: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER CARROLL: No.

COUNCILMEMBER GUZMAN: No.

CHAIR WHITE: Okay, roll call please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: NO.
DEPUTY COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: NO.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: NO.
DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL: NO.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: NO.

AYES: COUNCILMEMBERS ATAY AND COCHRAN.

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

DEPUTY COUNTY CLERK: Mr. Chair, there are two "ayes", seven "noes"; motion fails.

CHAIR WHITE: Thank you.

Ms. Cochran, your next item.

COUNCILMEMBER COCHRAN: Chair, if you don't mind, can I get a biological mental break right now?

CHAIR WHITE: I think that's, that's a fair request. We will be in recess till 3:25.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:15 P.M., AND WAS RECONVENED AT 3:25 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER ATAY, EXCUSED.)

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

And, Members, we will continue with our list of proposed amendments.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes, thank you very much. Thank you for the break, Members.

So, just so we're on this page. It is, the description of this one is to amend this FY 2018 Budget Bill by increasing Special Assessments by \$500,000 for a park at Makila Ranches 2, Lot 7 in Launiupoko, Maui, Hawaii, and inserting a proviso to ensure the same amount is appropriated for this purpose. And I'll amend the Capital Program Bill accordingly.

(Councilmember Atay returned to the meeting at 3:26 p.m.)

COUNCILMEMBER COCHRAN: So, if everyone has that, I'll move on to make my motion at this time.

CHAIR WHITE: Please proceed.

COUNCILMEMBER COCHRAN: Thank you.

I MOVE TO AMEND THE FOLLOWING: (1) THE FISCAL YEAR 2018 BUDGET BILL, BY INCREASING THE ESTIMATED REVENUES FOR SPECIAL ASSESSMENTS BY \$500,000; INCREASING THE APPROPRIATION FOR THE PARKS ASSESSMENT FUND, WEST MAUI PARKS SYSTEM, BY THE SAME AMOUNT; INSERTING A PROVISIO TO READ: "PROVIDED, THAT 500,000 SHALL BE FOR MASTER PLANNING, CONSULTING, AND DESIGN OF A PARK AT PROPERTY LOCATED AT TAX MAP KEY (2) 4-7-00:030 [SIC], LAUNIUPOKO, MAUI, HAWAII"; AND ADJUSTING THE RESPECTIVE TOTALS AND APPENDIX C ACCORDINGLY; AND (2) THE CAPITAL PROGRAM BILL FOR CONSISTENCY WITH THE BUDGET BILL, AS REFLECTED IN THE ATTACHED MARKED-UP PAGES. SO, AND THAT'S MY MOTION.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER GUZMAN:

SECOND.

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

We'll just make one correction on the TMK number.

COUNCILMEMBER COCHRAN: What did I do?

CHAIR WHITE: You left out the number 1.

COUNCILMEMBER COCHRAN: Oh sorry.

CHAIR WHITE: So, just--

COUNCILMEMBER COCHRAN: I left, I'm sorry. I left out.

CHAIR WHITE: No, we'll just add the number 1 back into your motion, so.

COUNCILMEMBER COCHRAN: Oh, okay.

CHAIR WHITE: Okay, discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much. And so, this half a million-dollar proviso will allow for the master planning, consulting, and designing of this area, which is in Makila Ranches by Launiupoko.

And, this project should be completed in, should be completed, I guess started in conjunction with the current Lahaina Bypass. They are both sort of interdependent on one another. They're in the same vicinity. So, I think we always talk about wanting to, you know, do things in conjunction with other projects occurring. So, this would kind of go hand in hand, and getting our end started along with, cause the bypass is already rolling out, so I thought it'd be a nice point to put this proviso in there just to ensure that we have funds to start our end of this park planning phase. Thank you.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I would speak in support of this. I did speak to the Parks Director regarding this specific piece of property which is supposed, which was purchased for our park. It wasn't in, in their priorities in terms of designing until recently. I guess we, the Department had recently been notified by the State that there's going to be construction on that side.

So, to get a jump on it, they would be requesting a design for this park to happen. So, it is parks assessment monies. So, I believe West Maui has the most amount, so I don't think it would injure any of the other districts. And, it is a park, and that's what the assessments are for. So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. You know, I haven't decided about the amendment. I, I like the intent though.

And, let me just share a few things. Again, I think it's, from one perspective I like it, because we are planning, then reacting. So, that's a plus for the County for once, for one time at least.

And you know, just let me say, in hindsight, Chairman, Council and the County in the past has made very solid, what I would call, and we've been steadfast in our direction as far as where we're taking this County. Basically, where Council and the County has miscalculated is the velocity or rate of success of our endeavors. I think if you look at projections regarding population and we are as a County, this is where we should be, I think, in 2035 instead of 2017.

So, again, that's one of the areas, areas of miscalculation the Council made was the quality of success of our directions and economic development, and the velocity of the success. And one of the disadvantages of our velocity of success is housing, definitely, and keeping up of infrastructure whether it be roads or water. It's part of the disadvantages of a very successful doctrine of where we went with economic development from the 60's.

But, saying that, Chairman, on this one, for me, I like it. What I would hope though that we would consider, and I would ask Ms. Cochran because this is special assessment money, that I prefer this to come back as a amendment, as a true CIP proposal, than a proviso. Cause if you look, Members, at the Auditor's report regarding the Old Post Office, if we're unsure and clear of what we want to put in, then they would, that the Auditor recommend that allow the Administration or the proposal to come back, and give us a little bit more meat to make a informed decision.

I like where this is going. I think it deserves more than just a proviso. I think this needs to be a full out capital improvement consideration with the understanding that special assessment funds from West Maui is one of the sources, potential sources, to fund this idea or seed that Ms. Cochran is planting.

And so, I bring that up, because I think that would be the better way to do it. We still can accomplish it. It doesn't impact this reading of the budget, because that money is sitting there for a consideration, Chairman. But I believe, again, I'm not comfortable with creating this CIP through a proviso. I would prefer that we do it as we regarded in the general provisions for all the departments to follow in the description, the "A", "B", "C" Accounts, and the details. Then I can say, I'm full blown 100 percent behind that effort. So, thank you for letting me share those comments.

CHAIR WHITE: Thank you.

Further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I do support Councilmember Cochran's proposal. After all, she's, she's got the bank there with her special assessments. So, and I think if she considers Mr. Hokama's suggestion, and perhaps that would be a better approach that we can track, track better on the monies that we're appropriating. Thank you.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: The Chair would just like to add that the, I, I agree that we should move forward with planning for parks. I would prefer to have it come to us as a project rather than once again putting a placeholder out there. And also placing, we just got done talking about targets. Once again, we're placing a planning target out there, rather than getting a sense of what, what might be necessary.

The other, the other thing that I would like to have happen in the review is to also, I know for years we've been talking about new park facilities needing to be focused in the Napili area. And I would hate to feel like we're planning only for Launiupoko, which is at this point only on the mauka side of the road, and leaving planning for Napili out. So, I would almost encourage Ms. Cochran to, to utilize the funds by going back to the Parks Department and saying come back to us with the plan for both.

You know, you, you're the only one who's got the luxury of being able to ask for things to get done with available funds that I think everyone would support. But I think we need to be, I think we need to be asking for a specific project. And the money is not going to go anywhere, so it can, the Department can come back to us at any time during the year without regard to carryover/savings, so.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Hokama, for bringing another perspective, and I appreciate that. In reference to the heading north Napili area, that's been ever since I got here and before, trying to work with the landowners to want to give up that 50-acre of land in order to supply land for a park, so that is ongoing. And I appreciate you remembering that. That's something that I have been wanting to take care of too.

So, yea, I'm, this is fine. Again, the money is not going to run away. It's not something I'm trying to grab appropriation from somewhere to Peter to pay Paul kind of thing.

CHAIR WHITE: Right.

COUNCILMEMBER COCHRAN: So, I, I like the idea, Mr. Hokama and Chair, in regards to having it a more concrete solidified worded specific CIP of sorts. So, I guess at this time, would it be just to withdraw this amendment, this motion, and we shall, you know.

CHAIR WHITE: Yea, that's your choice.

COUNCILMEMBER COCHRAN: Propose it in a different manner. No, I'm, I'm fine with that.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: So, I'm, I'm okay. I'll withdraw and then we can bring it back as a, in a different way through a CIP type efforts and project there, and make sure the wording.

But, it, there has been initial discussion, yes with the community and Parks Director, so it's something that, I think, it's good. It's smart planning for us to start this now, so we can address it in a different way, then, then that's fine. And, and I hear Mr. Hokama willing to work with and make it happen so--

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: --I'm confident it can be done.

SO YEA, I'LL JUST WITHDRAW THIS ONE, AND WE CAN
MOVE TO MY NEXT.

CHAIR WHITE: Move on to your next one.

COUNCILMEMBER COCHRAN: Alright. Okay, Members, where are we? So, next one, if you don't mind, is, okay. So, if we can be on the same page here, I have, the description here is to amend, again, the 2018 Budget Bill increasing Bond by \$405,000. And this is putting back funds that had been reduced from Countywide Police Facilities. And, this is, I'll state my motion at this time, Chair.

I MOVE TO AMEND THE FOLLOWING: (1) FISCAL YEAR 2018 BUDGET BILL, BY INCREASING THE ESTIMATED REVENUES FOR BOND FUND BY \$405,000; INCREASING THE APPROPRIATION FOR COUNTYWIDE POLICE FACILITIES BY THE SAME AMOUNT; AND ADJUSTING THE RESPECTIVE TOTALS AND APPENDIX C ACCORDINGLY; AND (2) THE CAPITAL PROGRAM BILL AND BOND BILL FOR CONSISTENCY WITH THE BUDGET BILL, AS REFLECTED IN THE ATTACHED MARKED-UP PAGES, WHICH I BELIEVE WE HAVE. AND, THAT IS THE MOTION.

CHAIR WHITE: Okay. Do we have a second?

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. And so, I think this refers to some of my comments in, in regards to Fire. And I really look at Police as one of our County core services, which I feel is really priority for kuleana of this County.

And so, this additional \$405,000 will assist the Department of Police in funding design, renovation, replacement of the Department's Forensic Facility; design and renovation of the Lahaina Police Station locker room and bathroom area to include replacements

of locker, replacement of lockers; and replacement of the fuel tank and system of the Wailuku Police Station.

So, with this \$405,000, it would increase the total appropriation to 830,000 for these purposes. There is a marked-up version of the bill to show you where the figures go.

And, I just felt like, I had call, I think the question was at the time, when I asked about the reduction, it was stated that they currently had almost \$1 million left in this FY. And the thinking was, well, if they still have that much left, then you know, we could cut off a little for next FY.

And so, I had called the Department and spoke with Deputy, Deputy Chief, and he said that all that money, that almost million that's sitting there, is already spoken for. And they have till December 31, as we all know, of this year to spend it down. So, as we look at, maybe the IFAS report right now, it does, it looks like it's still sitting there, whole. But, technically there's five different projects that are already spoken for that that money will be utilized for. So, it's going to be spent down. And so I felt that there was enough justification for them to put back the full amount they're asking for this upcoming FY in these stated, these stated projects. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I don't disagree at all with Ms. Cochran. You know, it's a core Department, which we all recognize as required by our Charter.

But, I do question their ability to get the job done in this area. Yes, we gave them \$940,000 this year. And as of 5/1, this year, they got 84 percent left in the fund. I'm sure every department wants to spend everything we give them, Chairman. But, for me, they still have things they need to finish and show us that they can do what they say they do with this current year's list of unfulfilled projects.

Regarding next year, it's like how I look at the equipment. This is a bond request. If they can convince the Mayor and the Administration for a bond budget amendment, then submit one and we'll consider that appropriation request.

But at this time, Chairman, I don't have enough confidence to say that I'm willing to open up and increase bond service for this at this time. Come back, tell us you used all the money we gave you, you still have needs to fulfill, this is the number, and we can consider that, Chairman.

Other than that, I'm not going to support the amendment as presented this afternoon.
Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

The Chair will just add that I think it can be said that the Budget Office, and the Budget staff, and Chair Hokama have been very, very responsive to requests for amendments, whether they be funded with carryover/savings, or transfers within the Department, or especially with bond money.

So, and the Chair is confident that this is, if we, if we leave the budget as is rather than amending it with this proposed amendment, that the Police Department will be able to show that they can get the job done. My understanding is they've got about \$700,000 left in IFAS now. And even if it's spoken for, if they, if they come back with proposals, which they can do at any time, I'm sure that we will give it the appropriate level of review and approval.

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

AYES: COUNCILMEMBER COCHRAN.

CHAIR WHITE: Those opposed say "no".

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

CHAIR WHITE: Okay, I believe I heard only one "aye". So, the measure fails; one "aye" and eight "noes".

Okay, let's move on to your next item.

COUNCILMEMBER COCHRAN: Yes. Thank you very much, Chair. Now, this one, Members, let's see. This has to do with the aquatic, drainage basin. This one is amend this FY 2018 Budget Bill by increasing Special Assessments by 50,000 for planning, design, and restoration of the drainage basin. It's located behind the Lahaina Aquatic Center, which we might be familiar with.

Once upon a time, we had compacted it, graveled it, in order to have the Taste of Lahaina held there. And then that didn't really work out. And so, with that compacting it down, it did not become a drainage. It didn't drain very well, and it still does not. And so, it's now kind of a, becomes like a Serengeti-looking bird reserve. And when that water gets stagnant it becomes a huge health issue with mosquitos and what have you.

So, this motion is going to hopefully help start alleviating that issue. So, I shall make my motion at this time.

I MOVE TO AMEND THE FOLLOWING: (1) THE FISCAL YEAR 2018 BUDGET BILL, BY INCREASING THE ESTIMATED REVENUES FOR SPECIAL ASSESSMENTS BY \$50,000; INCREASING THE APPROPRIATION FOR THE PARKS ASSESSMENT FUND, WEST MAUI PARKS SYSTEM, BY THE SAME AMOUNT; INSERTING A PROVISIO TO READ: "PROVIDED, THAT 50,000 SHALL BE FOR THE PLANNING AND DESIGN FOR THE DRAINAGE BASIN BEHIND THE LAHAINA AQUATIC CENTER TO RESTORE THE BASIN FOR PROPER DRAINAGE AND USE AS A PASSIVE PARK OR DOG PARK."; AND ADJUSTING THE RESPECTIVE TOTALS AND APPENDIX C ACCORDINGLY; AND (2) THE CAPITAL PROGRAM BILL FOR CONSISTENCY WITH THE BUDGET BILL, AS REFLECTED IN THE ATTACHED MARKED-UP PAGES. THAT IS MY MOTION.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER KING:

SECOND THE MOTION.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. And so, the 50, this initial 50,000 will allow for the planning, design of the drainage basin to enable it to become a drainage again. And to perhaps convert it into then a passive park, dog park, some type of use in that way, which I know our County has examples having been done in other parts of this County.

So, this dual usage will enhance the value of the area too for, and you know, and added use for this community. And, that's my reason.

CHAIR WHITE: Further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have question for Mr. Wong, if he's able to respond at this time. I understand what Ms. Cochran is trying to accomplish through her motion, Mr. Wong.

My concern is 50,000 from the Special Assessment for West Maui Fund, especially when some of the proposed language says for the planning, design for the drainage basin behind Lahaina Aquatic. I'm not sure we've crossed the line on appropriate use of that fund, and so, I would ask if there's some guidance or comment you would give us whether this is an appropriate use of that specific fund?

CORPORATION COUNSEL: Chair, if I may?

CHAIR WHITE: Please proceed.

CORPORATION COUNSEL: Typically that fund, you know, by ordinance, has been viewed as monies, because it's in lieu of, monies to either construct, or develop a park, because it's in lieu of fees.

The, you know, cursory review of the description sounds like it's a, more of a maintenance issue. Taking the compaction out and replacing it now, you know, a friendly amendment may be to remove that, and to maybe project the development of a passive park.

Now, because, if it's a park that's developed or constructed, then it'll be fine. Otherwise, it sounds like it should be a Public Works project, because it's drainage.

COUNCILMEMBER HOKAMA: Right.

Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: You know, my memory is usually good at this time of day, but today it's not that good. Because, I'm not too sure if this drainage basin is a requirement of a land use request, and this fulfills a condition of approval. And so, if it

is then I want to know are we, not circumventing, but are we then changing the use and intent of that basin that was required by the County?

And, again, you know I know--

CHAIR WHITE: The Chair has no clue.

COUNCILMEMBER HOKAMA: --what Ms. Cochran was doing. You know, I get it. I'm just concerned about some other ramifications if we don't think this through. And that's why I'm uncomfortable with this approach for a CIP through provisos, cause you know, I like where she's going with it. I just not comfortable with either the funding at this time or whether we are changing so what somebody is required, was required to perform on behalf of the County's benefit regarding this basin.

CHAIR WHITE: Just a question for the Budget and Finance Chair. Would it be appropriate, or would you be comfortable with changing this to a proviso on the Countywide drainage line.

COUNCILMEMBER HOKAMA: That would be fine with the money portion, Chairman, more than likely. I'm just concerned, is this basin supposed to have fulfilled a requirement? And if it is, then do we need to maintain that basin, basically as a basin first, and that the passive park or dog park, if compliments, I guess, could be considered. But it's not to replace the intent of what the basin was supposed to deal with in the first place.

CHAIR WHITE: Ms. Cochran, do you know whether the basin is a portion of the requirement of the park development, or if some other development nearby?

(Councilmember Crivello was excused from the meeting at 3:51 p.m.)

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. And, thank you for those clarifying questions, Mr. Hokama. I'm not sure if it's like it's part of a condition of any, yea, a development or what have you there. But, what I, it definitely is a Parks, so I'm, I don't want to answer for certain cause I don't know. But it is a piece of area that's managed by Parks and not so much Public Works.

I do know that it's, it's a, it's a inundation type zone, just naturally. And perhaps when Lahaina Recreational Center was built, and the swimming pool area, and then this is another portion attached to it, they wanted any kind of runoff that naturally occurs there, rain and what have you to gather there versus in our parking lot, in our playground, you know, area.

CHAIR WHITE: Or across the highway.

COUNCILMEMBER COCHRAN: Right. And so, I know, I mean, we did try and transform it into an events area at one time when it was still technically a drainage basin. Maybe it shouldn't be called that, but a retention basin of sorts. And now, just trying to bring it back to what the initial reason is for the area, but also to have it dual use of sorts; park, passive park, dog park, whatever, slash, and then have it.

But at least, it needs to drain once again, no matter which way we look at this. And, was hoping to perhaps have that dual purpose park, thereby, able to utilize park assessments for that, you know, for the development of this idea. So, yea, I can't answer the part where was it attached to a condition for some, another project at this time.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman. So, again, Chairman, you, know, I like the concept. I like where Ms. Cochran is going. I would be, like the other item, I'd be happy to work with her.

I sat on the Council that had to deal with multiple claims and settlements after that major Lahaina flood on, by Shaw, Front Street, I mean, Lahaina people don't forget. That was a very bad, bad incident for this County. And we anted up millions, okay, in dollars.

CHAIR WHITE: And that's right where this drainage it.

COUNCILMEMBER HOKAMA: And that is part of this basin. That's why I'm bringing it up, because I remember sitting in a lot of litigation meetings because of that flooding, Chairman. Whether or not we didn't take care of inflow basket area, with debris or whatever it was, we had major issues. And that was one of the, I think, solution, one of multiple solutions is to address that issue that we had to deal with and pay for regarding the West Maui flooding. And that's why I bring it up. If that is part of the solution of Public Works to prevent future negative impacts, then we should be aware of it, so then we know what Parks can and cannot do that might impact it the wrong way.

So, I would just, you know, I think we need a little bit more time. I know where she wants to go. I agree with it. I can support it. I'm just not too sure that we should be rushing this until we can get Public Works comment and find out what is this as part of the overall drainage component also for that area. So, that, I just share that because I do not need for Council to sit in more litigation down the next flood. Thank you, Chair.

CHAIR WHITE: Yea. And, the Chair would agree that this is the, this is really a Public Works responsibility. You shouldn't be spending your Parks Assessment money to fix something that they should be in a position to fix.

COUNCILMEMBER COCHRAN: Right. Yea, and thank you, Chair. I guess they were spoken to and they said it's not their kuleana, and it's under a Parks jurisdiction.

But, I'm sure they would probably be the ones to come in to, actually, they're the ones that were brought in to compact it and harden it in order to gravel it. And so now, they're, anyhow. So, I thank Mr. Hokama for understanding my intent, and what I'm trying to, you know, figure out here.

And a lot of, you know, the, the nearby neighbors are really heavily impacted negatively with the stagnant water that just sits. So, I just need some way too to address that. And, and also it was sort of just trying to be creative and think about where there's a nice pot of money to, you know, also have a dual community benefit as in a passive type park, what have you; would never be a soccer field or anything of that nature, because of the potential of when it rains now you cannot utilize it.

(Councilmember Guzman was excused from the meeting at 3:57 p.m.)

COUNCILMEMBER COCHRAN: But, in the meantime, I don't know if, so I understand. So, if there's a way to, I mean, I can withdraw this. Again, that money is there if it be, turns out that there's a way to word it or utilize these funds in this manner. But, I think the bottom line is I'm, I'm happy for this healthy discussion because the, the issue has been brought to the table now. We all understand what it is, and, and the situation we're in.

So, I hope to maybe work with Budget Committee or Public Works, whoever it becomes, Corporation Counsel, to address this situation because it is a situation. And, it's, I think, a health hazard. I've been getting complaints. Right next door is our skate park, it's our swimming pool, there's trailers, storage trailers there for the football teams, for the soccer. And they got to fight off mosquitos, you know, and we're hearing Zika and all this stuff. I mean, they're afraid, and I, and I, that's, we shouldn't put them in harm's way that way.

So, I'm okay.

I CAN WITHDRAW THIS FOR NOW.

But again, I really would like to see if there is a way to work through to come up with a solution for this area that has quite a concern for Lahaina community at this time.

CHAIR WHITE: Okay. Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: Alright.

CHAIR WHITE: Let's move onto your next.

COUNCILMEMBER COCHRAN: Okay, and I think, is this last but not least?

Members, last page. This one will be a, it's about trying to get a recycling drop box site going in West Maui, and another item.

So, this is provisos. This is under the Department of Environmental Management, their Environmental Protection Sustainability Program, EP and SP. For one, appropriation is for this drop box, recycling drop box site, and another appropriation for Community Work Day to conduct a clean-up, an annual clean-up in the Kanaio-Kaupo area. So, I'll make my motion to reflect this.

I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL BY INSERTING THE FOLLOWING GRANTS UNDER THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – SOLID WASTE MANAGEMENT FUND, TO READ AS FOLLOWS, AND RENUMBERING THE EXISTING SECOND PROVISIO TO BE THE FOURTH PROVISIO: (2) GRANT TO LAHAINA INTERNATIONAL MARKET, LLC FOR \$57,310, TO OPERATE THE RECYCLING DROP-BOX SITE AT THE OLD MILL SMOKESTACK ON LAHAINALUNA ROAD; (3) GRANT TO COMMUNITY WORK DAY PROGRAM, DBA MALAMA MAUI NUI, FOR \$7500 TO CONDUCT A CLEAN-UP EVENT IN THE KAUPU-KANAIO AREA. AND THAT IS MY MOTION.

(Councilmember Guzman returned to the meeting at 3:59 p.m.)

CHAIR WHITE: Okay. Do we have a second?

COUNCILMEMBER KING:

CHAIR, I SECOND THE MOTION. BUT, I'M A LITTLE CONFUSED BECAUSE I HAVE TWO VERSIONS OF THIS ONE. SO, THE OTHER ONE IS NOT--

COUNCILMEMBER COCHRAN: What, okay. Sorry, let's back up then. Are we, we're not looking at the same?

COUNCILMEMBER KING: Well, I have two versions, so it's, the other one we throw out?

COUNCILMEMBER COCHRAN: Let's see, how do we distinguish this?

COUNCILMEMBER ATAY: One got two-sided.

COUNCILMEMBER COCHRAN: Yea, this is--

COUNCILMEMBER KING: One that breaks down--

COUNCILMEMBER COCHRAN: --well, single-sided two pages.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER COCHRAN: Oh, you have red, single?

COUNCILMEMBER KING: So, this one?

COUNCILMEMBER COCHRAN: Sorry, can we make sure that everyone has the same page I'm reading.

CHAIR WHITE: Let's take a, take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:00 P.M., AND WAS RECONVENED AT 4:02 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER CRIVELLO AND VICE-CHAIR CARROLL, EXCUSED.)

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes, okay. So, I believe we all have the, what I read in front of you. And so, this amendment will address the recycling and clean-up needs in West Maui, and also the East Maui, which I had, oh, Mr. Carroll's not here, spoken to Mr. Carroll and he's very, very happy.

So, the money, the 53, or sorry, what is that, 57,310 originally was to go to help assist community, or Malama Maui Nui, on their third Saturday recycling events they hold

once a month over at the Lahaina Cannery Mall parking lot. So, now that this entity, which is Lahaina International Market, LLC, who currently operates a redemption center, or HI-5 redemption center at this site, spoken to them, so they're the operator management company that would do this recycling drop box site.

I've spoken to the landowners, Kaanapali Land Management Company, and also the Department too. So, DEM is aware, and, and so everyone is on the same page and very supportive. And I think overall, it's such a great, it would be a great benefit to the community.

So, the monies that will now go to this, this Lahaina International Market will, that meant to go for community, Malama Maui Nui, I think we get more for our money per say. Not that they're not doing a great job, but it should offset all the work they've been doing that compiles on them just once a month on a Saturday versus the company. This company will be managing and having this recycling site open six days a week, Monday through Saturday. They will monitor the site. They will assist the people who come in and out of the site. They open the gate and lock the gate. So, that's all inclusive in this, the hauling off of the materials and what have you. So, I think this is going to be such a benefit to the community.

And so, then jumping over to the 7500 to conduct a clean-up event in Kaupo-Kanaio area. When I had last visited them, they had mentioned, wow, they sure could use such an event. I spoke to Malama Maui Nui. They're very, very receptive and open to doing this. And this was the dollar amount they said they would need in order to make that happen. So, that's why that figure is there.

CHAIR WHITE: Okay. Thank you.

Just to be clear, the, this amendment is revenue neutral, because the, what you're placing on your Lahaina International Marketplace, or Market, is coming from the grant to Malama Maui Nui?

COUNCILMEMBER COCHRAN: Yes. So, I'm not asking for any extra funds. It's just putting the funds into a different use at this time to accomplish recycling purposes.

CHAIR WHITE: Okay. And the, and the EP&S group is supportive?

COUNCILMEMBER COCHRAN: Yes, yes. So, did speak to Department.

CHAIR WHITE: It sounds like a really, really great move.

COUNCILMEMBER COCHRAN: Yea, I'm like, yes, so excited.

COUNCILMEMBER KING: Chair. Just a question. So, on the Ramseyer format, wouldn't there be a deletion of that same amount of money to Malama Maui Nui? Cause I don't see that in the Ramseyer.

(Vice-Chair Carroll returned to the meeting at 4:06 p.m.)

COUNCILMEMBER HOKAMA: No. No, it's just from the pot.

COUNCILMEMBER KING: Are we, are we saying we're take, that that this is going to Malama Maui Nui, and now we're going to send, now we're going to give it to International Marketplace or no?

COUNCILMEMBER COCHRAN: Sorry, no. No.

COUNCILMEMBER KING: I thought they said, he said it was revenue neutral, so I thought it was.

COUNCILMEMBER COCHRAN: Right. So, here's, Mr. Hokama, did you want to comment?

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman. Yea, thank you. I speak in support of the amendment. Ms. Cochran is just putting in place what we discussed and voted on in Committee, Chairman. And that's how we have this, these totals for this pot of money under grants and disbursements, under EP&S. So, I can support it. You know, again, we should have done this at the Committee level, but you know, we didn't. And, so I support this amendment.

It is very clear. When we say revenue neutral, it comes out of the whole pot of our allocation. So, Maui Nui still gets, Malama Maui Nui still gets their funds to operate. And then, out of the bigger pot, is where we are provide, making provisions of three areas; Lahaina, Kaupo, West Maui side, and what is the last one, Lahaina International.

So, one of the reasons I support this amendment, Chairman, is again, if we are going to move forward with our talk about moving forward some of our solid waste and other components that pollute our community, island community, then we need to do more than just hitting the beach and putting everything in landfills. Recycling, diversion, the smurfs or the murfs, whatever you guys want to call it, is all things we're going to need to invest in, Chairman. And, I find this is to be one step in the right direction, so I am supporting this amendment this afternoon. Thank you.

CHAIR WHITE: Thank you.

Ms. Sugimura.

COUNCILMEMBER KING: Chair. Chair, I don't think I got my question answered. I had the floor and I asked a question, so.

COUNCILMEMBER HOKAMA: Yea.

CHAIR WHITE: Sorry, go ahead.

COUNCILMEMBER HOKAMA: It's revenue neutral, because it doesn't change anything in the pots that Ms. King may be concerned about.

COUNCILMEMBER KING: Okay. No, I just, I was just asking, because I didn't see, in the Ramseyer, I didn't see anything taken out and then something else put in, so.

COUNCILMEMBER HOKAMA: Cause that number doesn't change.

COUNCILMEMBER KING: Okay. Okay. Thank you.

CHAIR WHITE: I'm sorry, Ms. King.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I know we received, this is great by the way, taking us in the right direction. I know that we received emails about come and visit the second Saturday, I don't know, clean-up in Lahaina thing weekends or something. But, I wondered on this Lahainaluna Road, at the site, is this already agreed? Is it happening already? What is, is this a brand new activity or is it?

CHAIR WHITE: No, it's an expansion of the HI-5.

COUNCILMEMBER SUGIMURA: Expansion. So, there's a lease agreement so that the property owners know we're going to do this. It's not like we're--

CHAIR WHITE: That's, that's right.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. And, thank you, Ms. Sugimura. Yes, so, currently this site has this operator there doing our redemption HI-5 stuff, drop-offs. And, the bigger, I guess, site had been originally planned to do this type of recycling drop-box type of area site. So, it just never did materialize.

But now that, you know, there's funding, they've, this company, this has always been there to want to accomplish this too. But, right, nobody stepped up to say, hey, here you go, we want to, you know, get a partnership with you and what have you.

So, that, yea, it's all good to go. As far as the, this company along with the landowner, Kaanapali Land Management, and of course, the Department, are all on board and all very, very supportive. So, yea, and it's a wonderful place, ingress, egress, I mean, everything works out. It's just built to do this here. And I'm sure you're familiar with the area too, Chair.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, great. I just, just want to make sure that the landowner knows, and if there's a lease. It looks like we took care of the Lahaina International Market, LLC for 57,000, so that's going to take care of whatever logistics that they're doing.

But, I don't see the land part in here. I don't know who's paying for that. I guess we're not responsible to pay for that. And the, the Lahaina International Market, LLC will pay for the use of the property then.

CHAIR WHITE: I believe they already are.

I'm sorry, Mr. Wong.

CORPORATION COUNSEL: . . . short recess please.

CHAIR WHITE: Yes. Short recess. Please stay in your seats.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:11 P.M., AND WAS RECONVENED AT 4:15 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: This meeting shall come back to order.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, so, thank you, Chair. And, this is something that I know we've all been speaking about for a long time, especially for Lahaina. And it's been, the difficulty has been the land and the proper zoning to have such uses occur, and I thank Lahaina Cannery Mall for allowing us.

And, you remember, Mr. White, when we had personally pitched in to get that recycling day going. And now, Malama Maui Nui picked up the ball, and what have you. So, I'm like so ecstatic that we finally found an appropriate site, zoning-wise, management-wise, traffic-wise. It's, it's not going to be a big impact on, upon this community. So, I'd like to move forward and seek support on this proposal at this time. Thank you, Chair.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

Okay, I think that's the end of yours, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: Okay. I believe the next one in line would be Ms. King's.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Pursuant to the testimony of one of our prominent Central Maui Wailuku businesses and residents, I would like to propose a proviso under the Department of Planning, Administration and Planning Program, the Clean and Safe Program, to require a report relating to the monitoring of Wailuku Redevelopment Area properties, training seminars, and community presentations, including consultants with landowners and businesses, the Department of Police and

other governmental agencies, and developing a dashboard of measurements, to be transmitted to the Council no later than March 31, 2018.

So, the motion, if I may Chair.

I MOVE TO AMEND THE PROPOSED FISCAL YEAR 2018 BUDGET BILL, UNDER 12, UNDER 12. DEPARTMENT OF PLANNING, A. ADMINISTRATIVE AND PLANNING PROGRAM, (5) CLEAN AND SAFE PROGRAM, BY INSERTING A PROVISIO, TO READ: "PROVIDED, THAT A REPORT SHALL BE SUBMITTED TO COUNCIL RELATING TO THE MONITORING OF WAILUKU REDEVELOPMENT AREA PROPERTIES, TRAINING SEMINARS, AND COMMUNITY PRESENTATIONS, INCLUDING CONSULTATIONS WITH LANDOWNERS AND BUSINESSES, THE DEPARTMENT OF POLICE AND OTHER GOVERNMENT AGENCIES, AND DEVELOPING A DASHBOARD OF MEASUREMENTS, NO LATER THAN MARCH 31, 2018".

CHAIR WHITE: Okay, do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Thank you. So, this would be cost neutral. It doesn't add any more burden on the budget, but it just provides that report so that residents and businesses can understand how the money is being used, and what actions are being taken under the 200,000 that's in this fund.

CHAIR WHITE: Further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I just want to, wondered if, one of the agencies which the Council knows was started through HRS, like Kaka`ako Redevelopment is the Maui Redevelopment Agency. And I think they're the ones that administer this, you know, this area that, that is part of this Clean and Safe Program, created it. And, I think Erin Wade from Planning is the person that has, I guess, kind of focal point, focal point in Planning.

But, there's a whole commission, which Stephanie Ohigashi said she was the Chair. And, I think they report pretty regularly to that body, you know, and it can be done through that body, the Maui Redevelopment Agency. Although, it can be to the Council, I guess, but that is one of the purposes of the MRA, which, which this body created years and years ago, and when it was created through Hawaii Revised Statutes.

But, I just wonder if that's more the agency that should be transmitting information to us if we need to. Or if somebody wants to know, they can go to the MRA. They're sunshine just like we are. And they have monthly meetings, I think it's the last Friday or third Friday of every month or something at one o'clock in the Planning Commission, you know, meeting room.

I don't know if it's televised, but I just want to say that. I mean, they have an agency. It's not like there's a, you know, they're probably more open than any commission that we've, we've enacted, or pretty open, based upon the requirements of, you know, HRS. So, I just wanted to say that.

CHAIR WHITE: I appreciate that. I think the intent of this is, since we are the ones that are allocating the \$200,000 at their request, that it's probably appropriate for us to ask how it's being spent and, and provide us with an idea of the effect it's having, how they're managing it, and provide us some, some results. This is a very significant amount of money.

And, as I said during budget, I'd love to have this implemented in Paia too, because we have very similar challenges. In fact, in some cases I think Paia may have more significant challenges than in Wailuku.

But, you bring up an interesting point, that this may more appropriately read the Maui Redevelopment Area, as opposed to Wailuku Redevelopment, cause that's, that is the formal name.

So, Corp. Counsel, whether you feel--

COUNCILMEMBER KING: Chair, I'd be happy to make a friendly amendment if that's the appropriate name. I think it came to us from Ms. Ohigashi with Wailuku Redevelopment Area. But, I believe you're correct about Maui Redevelopment Area.

CHAIR WHITE: And, I believe it's the MRA that is actually receiving the funds. So, the reporting, the monitoring should be done by them, and the reporting to us should come from them.

So, with that, with that said, I think that it's appropriate to let the staff make technical revisions to make sure that we're stating it the correct way.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

Okay, I believe we are on, we have one left. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR WHITE: At which--

COUNCILMEMBER GUZMAN: I move to--

CHAIR WHITE: I have, I have two, so which?

COUNCILMEMBER GUZMAN: Oh, I apologize to the, the most recent one. Please delete the prior amendment.

CHAIR WHITE: Go ahead. I'm sorry.

COUNCILMEMBER GUZMAN: So, thank you, Chair.

I MOVE TO AMEND THE FISCAL YEAR 2018 BUDGET BILL BY
ADDING A GRANT TO THE KAUPO RANCH UNDER THE
OFFICE OF THE MAYOR, OFFICE OF ECONOMIC
DEVELOPMENT, FOR 200,000 TO PROVIDE A
97,148 GALLON PIONEER WATER STORAGE TANK FOR
NON-POTABLE WATER FROM THE KAUPO WATER SYSTEM.

As you can see, as, yea, I'll just turn to discussion, I'll go further if I can get a second.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. As you can see, as for the Amendment Summary Form on the second page, or at least on the backside of it, I'm taking a proviso, I'm including a proviso under the grants and disbursement for water, environment resource protection and conservation, the Environmental Protection Fund, and adding a proviso to include the "Kaupo Water System Storage Tank" for the amount of 200,000. This 200,000 initially came from MVB, it seems like when the, yourself, Chair, I guess, conveyed over the 200,000.

This is necessary because of the fact that this is the only water source that supplies the agriculture as well as the bathrooms and the irrigations, and the only fire protection water that we have, and also, filters into our open spaces.

This has been an ongoing issue for quite some time. I don't really want to get into too much of the details, or we would need to go into executive session. But, I would rather that we deal with this now than later. I think it's a very important issue that we, we can resolve. I think Mr. Carroll, as well as Mr. Atay, are really familiar with this issue as well.

So, I think this is, can be very much so a proactive approach to handling this situation. Thank you.

CHAIR WHITE: Question that comes to my mind, initially, the amendment had the money coming out of the Water Department.

COUNCILMEMBER GUZMAN: Yes. I would rather not we go that route, but instead take the monies from this pot of money. If you'd like, we can, I could ask Corporation Counsel to explain in executive session if you'd like to get more of an explanation, or? Or, we can take a recess, Chair.

CHAIR WHITE: We'll take a quick recess.

COUNCILMEMBER GUZMAN: Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:26 P.M., AND WAS RECONVENED AT 4:52 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER CRIVELLO, EXCUSED.)

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

Members, we have one more amendment on the Budget Bill, but I think in the, in interest of fairness to a couple of people who have been sitting here all day, if you don't mind, I'd like to have the Clerk call up our final two ordinances and get those out of the way, and then move back into the budget items. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we have a motion on the floor. So, I think the appropriate procedure is to place this at the end of the calendar, since we already have a . . . motion.

CHAIR WHITE: . . . take a, take the two items.

COUNCILMEMBER HOKAMA: Yea, but we still have a motion on the floor on the Budget Bill.

COUNCILMEMBER COCHRAN: True.

COUNCILMEMBER GUZMAN:

CHAIR, I'D LIKE TO MAKE A MOTION TO ENTER INTO EXECUTIVE SESSION SUBSEQUENT TO THE HEARING OF THE, YOU KNOW, THE TWO REMAINING ITEMS, SO, UNDER HRS 92(A)(4) [S/C], TO CONSULT WITH LEGAL COUNSEL ON MATTERS THAT DEAL WITH LITIGATION, LIABILITY, INDEMNIFICATION, THAT WOULD REQUIRE CONSULTATION WITH OUR LEGAL COUNSEL FOR THE COUNTY, THE COUNCIL, AND THIS COMMITTEE.

CHAIR WHITE: Do we have a second.

VICE-CHAIR CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and I believe a second from Mr. Carroll.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yes, Chair, I think this is a matter that we need to go into more detail under the advice of our legal counsel.

CHAIR WHITE: Thank you.

Any discussion, Members? We have a motion to enter executive session. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

We will be in recess while we set--

COUNCILMEMBER GUZMAN: No, can we pass until the end of the calendar to go into executive session?

CHAIR WHITE: Pardon.

COUNCILMEMBER GUZMAN: Can we wait until the end of?

CHAIR WHITE: I think Mr. Hokama's point is that we've got a motion on the floor. So, we'll continue to deal with the budget item. So, we'll go into executive session to discuss the final amendment, and then we'll come back to vote on the final two items after that, okay.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: So, we're in recess to set the room for executive session.

(THE CHAIR DECLARED THE OPEN SESSION IN RECESS AT 4:55 P.M., AND CONVENED IN EXECUTIVE SESSION. THE OPEN SESSION WAS RECONVENED AT 5:37 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

AT THIS TIME, I WOULD LIKE TO WITHDRAW MY MOTION.

CHAIR WHITE: Thank you very much.

Members, are there any other motions that anyone would like to, or any other amendments that anyone would like to offer at this point?

Well, I want to thank you for a active, the most active first reading I can remember, or maybe not the most active. But, possibly, I'm not sure.

Anyway, with that, Members, we are back to the main motion. And I would just like to request that we include in the motion, the ability for staff to make technical, non-substantive adjustments to all of the amendments that were presented and passed, and to the main bill itself. Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Thank you.

Okay, Members, we are back to the main motion. Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. It's been a long day for the Members, so I'll keep this short. Members, we, the adjustments we have made today, I would still recommend your support for passage on first reading. Should we get through this, as amended, I will give my final and formal comments at second reading, Chairman.

But other than that, I believe you have seen your Members try to do the best job we can, even in this Council meeting today. So, I believe it's a worthy budget to support, and I believe that the people will be the beneficiaries. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

I would like to thank everybody for a good, and spirited discussions today, as we had lots of different options and lots of good discussion.

So, any further discussion, Members? Seeing none, all those in favor of the motion please say "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr., Mr. Clerk.

Oh, I'm sorry. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have one final motion regarding Committee Report 17-69.

I MOVE TO REFER ALL OF THE ITEMS THAT THE CLERK
HAS BROUGHT UP FROM NUMBER 9 THROUGH NUMBER
26, AS WELL AS FILING OF ALL COMMUNICATIONS
ATTACHED TO SAID COMMITTEE REPORT.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as indicated, your Committee did receive specific subject matter that we believe is more appropriately addressed by your standing Committees, therefore, we have recommended the following referrals through the report. Thank you.

CHAIR WHITE: Thank you. And did you include--

COUNCILMEMBER HOKAMA: The filing of all communications. Yes.

CHAIR WHITE: --the filings? Okay. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

And, we are back to the remainder of our--

COUNCILMEMBER HOKAMA: Agenda.

CHAIR WHITE: --agenda.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILLS 58 THROUGH 65 (2017), respectively.

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

ORDINANCES

ORDINANCE NO. _____
BILL NO. 47 (2017)

A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN AND
LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY
FOR TAX MAP KEY (2) 4-9-006:050,
SITUATED AT LANA'I CITY, LANA'I, HAWAII

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Chair, if there's no objection, I'd like to ask that the Clerk to call up
Bill 48 at this time.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 48 (2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT
(CONDITIONAL ZONING) FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT
LANA'I CITY, LANA'I, HAWAII

DEPUTY COUNTY CLERK: And, Mr. Chair, just for the record, we have received the
unilateral agreement.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILLS 47 AND 48 (2017) ON SECOND AND
FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. May I confirm that the Clerk has received the recorded unilateral agreement relating to the Change of Zoning bill from the Bureau of Conveyances.

The bills amend the Lanai Community Plan and Land Use Map from Business/Commercial to Single-Family, and Change of Zoning from B-CT Country Town Business District to R-1 Residential District for the property read by the Clerk.

The three proposed dwellings will replace, replacing three dwellings that were built in the 1920's and demolished in August of 2014. According to structural engineering reports in 2001, the former dwellings were in a dilapidated state, with deteriorating foundations and roof supports.

Your Committee recommended a condition of zoning be added to require that the three proposed dwellings be rented only to Lanai residents.

I ask for your support of these two bills. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? I think this is the first item with no discussion today. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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


Mr. Clerk.

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

CHAIR WHITE: Thank you very much. Thank you, Members. And, sorry to be letting you out so late, but it's been a very productive day and we've had great discussions. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of May 19, 2017 was adjourned by the Chair at 5:44 p.m.


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

Robert Ferreira

PROPOSAL

Maui Water Tanks, Inc.

P.O. Box 791687

Paia, HI 96779

mauiwatertanks@hawaii.rr.com

c 808 870 3041

Name/Address

Kaupo Ranch

Kaupo, Maui, Hawaii

Date Estimate No. Project

04/10/17 138

Item	Description	Quantity	Cost	Total
Tank Package	We propose to provide material and labor to install as follows;	1	194,900.00	194,900.00

1- Pioneer Water Storage Tank, 97,148 Gallons, Zincalume Silver, 39 ft. 6 in. D x 10 ft. 7 in. H, Includes Tank Body, Aqualiner with Geotex Underlay, Lockable Access Hatch and Removable Ladder, 2-2" Inlets, 1-6" Overflow, 2-4" Outlets, Sacrificial Anodes, Hold Down Kit, Anchor Brackets, Fascia Kit Zn XL50, Commercial Water Level Indicator

Includes as follows;

-Finish grading and base compaction for concrete slabs.

-42' Diameter structural concrete slab for tank. Additional concrete slabs (4) to mount Uni-Strut frame work for main manifold, CLA-VALs at Pioneer tank and existing Open tank, chlorination equipment.

Water supply and distribution components as follows:

-Pioneer Tank-Supply from mountain to CLA-VAL model 211-01 (for automatic tank level control). Supply continues to NORWECO XT4000-S (tablet chlorination) then into Pioneer tank.

-Open Tank- Supply from mountain to CLA-VAL model 211-01 (for automatic tank level control).

Proposal good for 60 days

Total

PROPOSAL

Maui Water Tanks, Inc.

P.O. Box 791687

Paia, HI 96779

mauiwatertanks@hawaii.rr.com

c 808 870 3041

Name/Address

Kaupo Ranch
Kaupo, Maui, Hawaii

Date	Estimate No.	Project
04/10/17	138	

Item	Description	Quantity	Cost	Total
	<p>Supply continues to NORWECO XT4000-S (tablet chlorination) then into Open tank.</p> <ul style="list-style-type: none">-Pioneer/Open Tank-Supply from well to NORWECO XT4000-S (tablet chlorination) with independent distribution to Pioneer and Open Tank. Manual flow control from well.-Main manifold- 4" Schedule 80 PVC manifold with 6-2" brass ball valves for distribution. Manifold is supplied from Pioneer tank via 2-4" brass gate valves (one set for full draw down, one set at partial draw down TBD). Manifold is also supplied from Open tank via 1-4" brass gate valve.-Temporary 3" Schedule 40 PVC manifold with 6-2" PVC ball valves from Open tank to maintain distribution during construction. <p>To be provided by customer as follows:</p> <ul style="list-style-type: none">-Demolition and removal of existing County tank.-Grading of existing tank site to create 50' diameter level and compact pad.-All poly line for supply and distribution.-Permitting as required.-Indemnification for Maui Water Tanks, Inc. against permitting requirements if customer chooses not to provide permitting.-Improved drive access to tank site across Kaupo Ranch for tandem dump trucks and 10			

Proposal good for 60 days

Total

PROPOSAL

Maui Water Tanks, Inc.

P.O. Box 791687

Paia, HI 96779

mauiwatertanks@hawaii.rr.com

c 808 870 3041

Name/Address

Kaupo Ranch

Kaupo, Maui, Hawaii

Date	Estimate No.	Project
04/10/17	138	

Item	Description	Quantity	Cost	Total
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yard concrete trucks.
-Chlorination tablets.

WATER FOR NON-POTABLE USE ONLY. Maui Water Tanks, Inc. MAKES NO REPRESENTATION AS TO WATER QUALITY. CUSTOMER ASSUMES ALL RESPONSIBILITY FOR WATER USE.

Hi State Tax			4.167%	8,121.48
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Proposal good for 60 days

Total \$203,021.48

From Pump Hse Powered by 20 hp. Electric Motor driving Bean pump @ 15 gpm This is used for cattle when Intake is lost and reservoir gets low.

These 2 tanks are what we call Division Tanks

Chlorine Tablet Injector is Located Here

97,000 gal Replacement tank

To Pastures for Cattle use

Pump Hse to Division Tanks

To Village House's

3" Line from Maua Booster Pumps @40 gpm

Heilani Intake
EL 5,200'

Open Reservoir
3.2 Million
EL 3,135

B-Tank 5
EL 2,854
PSI 118

B-Tank 4
EL 2,588
PSI 112

10,000 gal. Storage
EL 2,318
PSI 113

40,000 gal. Storage
EL 2,200

B-Tank 3
EL 2,022
PSI 107

B-Tank 2
EL 1,733
PSI 121

B-Tank 1
EL 1,432
PSI 126

Open Top
40,000 gal

DSW
3600 gal.

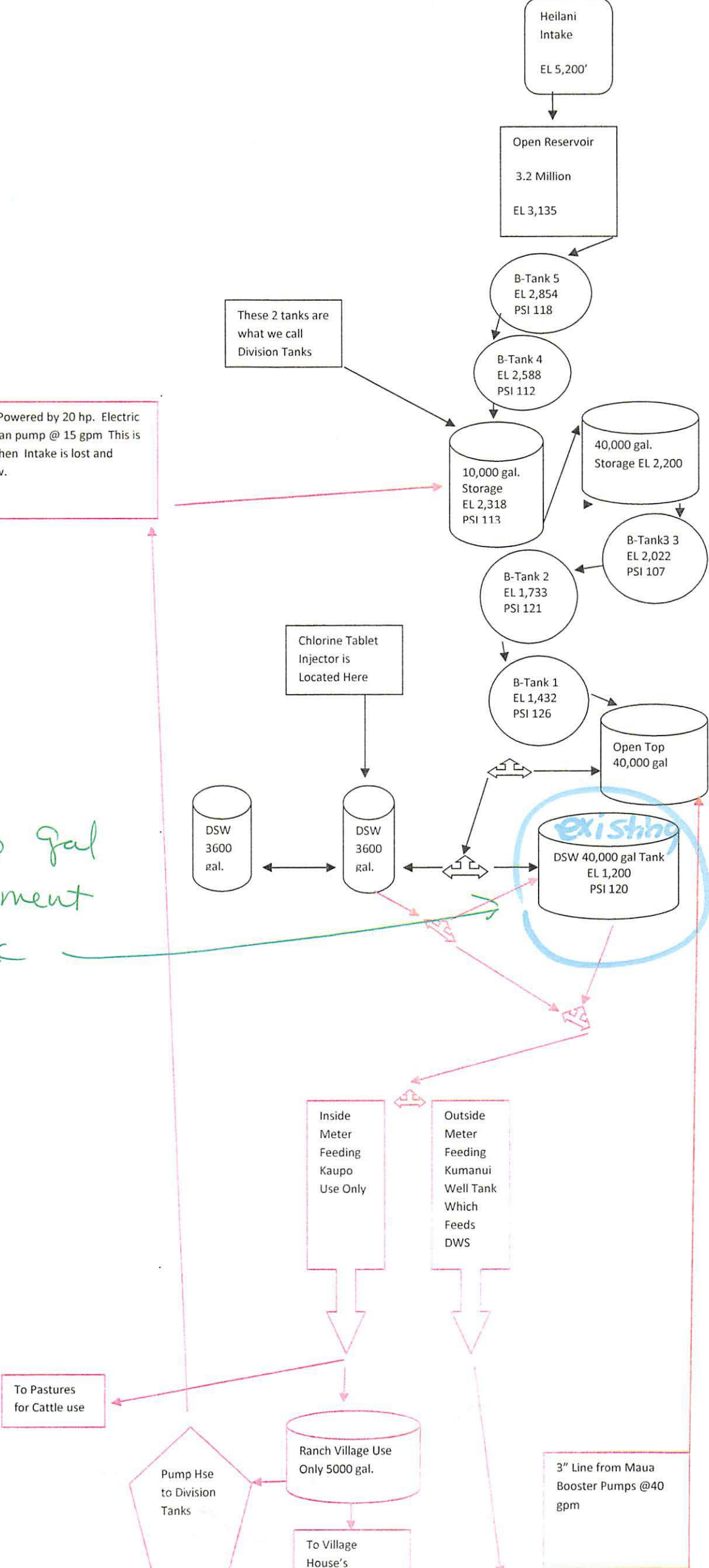
DSW
3600 gal.

Existing
DSW 40,000 gal Tank
EL 1,200
PSI 120

Inside Meter Feeding
Kaupo Use Only

Outside Meter Feeding
Kumanui Well Tank Which Feeds DWS

Ranch Village Use Only 5000 gal.



CLEAN AND SAFE PROVISIO

REQUIRING THE CLEAN AND SAFE PROGRAM TO Provide a report in relation to the monitoring the Wailuku Redevelopment Area properties, consultations with area landowners and businesses, training seminars, work with MPD and government agencies, community presentations. Develop a dashboard of measurements. Provide the report and dashboard to the Maui County Council prior to fiscal 2019 Budget.



Supporting Documentation for

Reset of CORA Permit Fees

to



MAUI COUNTY COUNCIL

May 19, 2017

Re: BF-1 Appendix B – CORA Fees

Purpose: Requesting support for resetting the CORA fees to 2016-2017 level instead of the proposed 400% (average) increase for 2017-2018.

1. Minutes from last year indicate Parks Chair Guzman intended to vet the topic in his Committee, yet there has been no vetting to date.
2. No fee increase of this magnitude is proposed anywhere else in the budget.
3. The fee is unaffordable and incentivizes unpermitted operations, as unpermitted operations are more profitable, and unrestricted by weekends, holidays, etc.
4. High fees pressure businesses to raise prices, which is counter to the Parks Department mission statement to: *“Provide safe, satisfying and cost effective recreational opportunities for the residents of and visitors to Maui County”*
5. It seems that there is a calculated policy of forced attrition. Two weeks to submit renewal/no forgiveness/no communication from Parks on new requirement to include the State permit. And why go from annual payments to monthly payments? It feels as if the landlord has just put the house up for sale. Additionally, month-to-month permits make lenders nervous too, and prohibits businesses from being able to qualify for bank loans without having the guarantee of an annual permit.
6. CORA fees go into a special fund, so they do not assist with balancing the budget. With over \$500,000 of unspent funds since CORA’s inception, it’s clear that there are very little costs associated with implementing CORA chapter.
7. With conflicting expenditure reports from Parks Department, and funds reported to be spent on items unrelated to CORA, it’s important that Council demand accurate reporting to base such important decisions on.

There was no justification for the fee increase last year and there still is none this year. We would like to ask for the full Council’s support toward an amendment of Appendix B – resetting CORA fees to the same level as 2016-2017.

**Excerpt from the Regular Meeting of the Council of the County of Maui
June 3, 2016**

**Full Meeting Minutes Available at:
<http://mauicounty.us/agendas/>**

COUNCILMEMBER COCHRAN: Thank you very much, Chair. And thank you, Budget Chair Hokama, for this opportunity.

I MOVE TO AMEND APPENDIX B OF THE FY 2017 BUDGET BILL AS IT RELATES TO FEES FOR COMMERCIAL OCEAN RECREATIONAL ACTIVITY PERMITS, CORA, TO MAKE THE FEE \$1,000 PER PERMIT PER PARK PER ACTIVITY, ANNUALLY, FOR THE FIRST TWO PERMITS ISSUED PER BUSINESS OR ENTITY, WITH EACH PERMIT THEREAFTER \$500 PER PERMIT PER PARK PER ACTIVITY, AND TO AMEND THE EXAMPLES ACCORDINGLY, AS NOTED ON THE ATTACHED MARKED-UP PAGE, WHICH ACTUALLY IS ON THE, IT'S A TWO-SIDED PAGE YOU FOLKS HAVE IN FRONT OF YOU, MEMBERS.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay. We have a motion from Ms. Cochran and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, and thank you, Member Couch.

Members, so, if you flip the page around, you will see the page 25 of the rates and fees, and the marked-up version. The red notating the underscoring to be inserted, the bracketed to be taken out.

And, we heard a few testifiers this morning, in their justifications. And I think the guiding reasoning for me was the point, having looked some things up that, that almost \$500,000 pot of money has not been tapped and utilized. And we continue to hear of illegal activities occurring at these parks when, such as the people testifying actually are current with permit, they pay their fees. They're, you know, law-abiding citizens creating a legitimate business. So at this time, I'm looking for some support to assist people with their fees.

And I did talk to Member Guzman, who is not here today, Chair for EAR, and we will, he will be bringing up this item to fully, fully vet and work out the details and have heavy discussion on the matter in his Committee.

So with that Members, looking for your support. Thank you very much.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I too spoke with Member Guzman to get his commitment to, to hear this. And I think we moved it up last year to this 1,500 in the anticipation of fully vetting out the, the process and, and redoing it and redoing the ordinances. Unfortunately, didn't get, didn't happen last year. I'm pretty sure it's going to happen this year.

So, I'm going to, because we said last year we, we were going to leave it at this until such time as the, the ordinance was reviewed, I'm going to support Ms. Cochran's.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And I too will be supporting Ms. Cochran's proposal. Between the closing of the budget and today, I had the opportunity to meet with a CORA operator, and it was very enlightening for me. She took the time to come and bring her records, not only her financial records, but her appointment book, and to kind of show me exactly how things work. And, I think that this requires a little bit more attention.

And, I'm really happy that I hear that Councilmember Guzman is going to look into this further. And, I think we can adjust it after that's done. But, I think for now I'm comfortable in supporting the amendment. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I, I'd just like to comment, Chair, that you know, we do, I guess, question the park rangers as far as, you know, I guess tagging if you want to say it to those that are not in compliance. But, you know, it's often been said they are on other properties other than County.

I, I think too, if Mr. Guzman will hear this further, we need to talk about our, the park rangers, their security there. And, we need to try and see if we want them to start being enforcers, like they do with the DLNR people. So, I think that's, that's a struggle or challenge that we have on that part. And, perhaps we can expand it further.

I, I understand what they're saying as far as the increase of the fees that were, and the struggles that they're having by carrying all the extra permits that, that brings it forth for them. I also note that, actually, with the DLNR or some other, they charge like 2400. And most other, I think Maui, Oahu, does based on RFP's for, for that.

So, I think we have lots of work to go further on this. And I can appreciate the Parks Department in, in their efforts to try and get more manpower perhaps. Or to, for their consideration to give us some plans on how we can have the park rangers be enforcers, cause we know they're not the enforcers per say. Thank you.

CHAIR WHITE: Thank you.

I'll, I'll just add my comments, that I think the, the lack of enforcement is a major challenge. And I think we, if we have people operating side businesses, similar to the way we have the vacation rentals that are operating illegally, we've got to adjust our ordinances to make sure that we have in place, the teeth that the, the park rangers need to enforce. And it's kind of my feeling that if we don't do that first, then we're, we'll really have a hard time justifying that increase when we've got \$500,000 balance in the fund.

COUNCILMEMBER COCHRAN: Yea.

COUNCILMEMBER BAISA: Right.

CHAIR WHITE: We have no fines. And, we have a bunch of unissued permits. So I think it's time for the, the Parks Department to come with recommendations as to how to fix the enforcement issue, and also provide us a roadmap as to why they're not issuing permits now. And that would obviously allow them to make additional money.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, wait, sorry. Go ahead.

CHAIR WHITE: Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you, Chairman. And, I appreciate my colleague from West Maui's proposal this morning. I will not support it at this time, Chairman.

You know, the Committee looked at various factors. So, one of the key factors of course is interesting how the State approached it. They approached it at \$200 a month, or three percent, whichever is greater. And when I told people about, you know, and they asked me about this 1,000 to 1,500, they thought that was the change per month. When I said that is the annual amount, people have a different view. We're talking about \$125 permit a month. It's still \$75 less than the State, less than the three percent if it's, goes over it. And yet, what does the State really provide besides saying that they can get into State waters? They don't do any administration. They don't really enter the State park. They don't do any enforcement.

So I would agree with some of the comments by those that speak for the industry about our weaknesses and shortcomings; very solid points.

I would ask the Members, look at how you structured the CORA fund through the ordinance. They cannot use it to fund positions, salaries, wages, fringes. The money cannot be used to fund CORA studies. We bring in approximately, maybe \$60,000 a year in revenue. And is that to fund the improvements? Ask every Member who has a park in their district, what it takes to maintain a, one facility.

So for me, Chairman, yes, I think the permittees have valid issues, valid concerns. But that doesn't take away where we need to get this program and this Department in the near future. And this is one of the steps, this Committee's recommending to move this whole Department forward. And for me, it's where I want to get to, under enterprise designation, Chairman.

So I thank you for letting me share that with the Members. And I look forward to see if Mr. Guzman will take it up. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further, oh, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank, thank you, Chair. And in closing, and thank you very, very much Mr. Hokama, for your comments. I appreciate that.

And I want to reiterate that, yes, we will, you know, we will evaluate the fee structure, the administrative rules relate, relating to the CORA permits. So, all the things that I think concerns Mr. Hokama, we can adjust and rewrite, and make sure that we address those things. And, so the CORA permit fees are deposited into the Ocean Recreational Activity Fund, Special Purposes Revenue. And this amendment will

have no effect on producing a balanced budget. So I just wanted to toss that in for closing comments. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further comments?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Second and final, Chairman, thank you. One of the things that I did mention to those from within this industry, and I'll let the Members know what I'm very open to, is the percentage. Obviously, like most visitor activities, and as I've been told by two companies that have done this for many years, the seasonal factor. And of course, to Budget, it's easy to just do a straight line across each month or each period. We understand that.

But this industry goes through seasons, and so I'm open to the percentages, set the base low so that if they don't make money, hey, we don't make money. But during the seasons when they do have great volumes, great clientele, great revenues, then I don't see a problem looking at the percentages, and then taking our share, appropriate share from those computations that if it can be worked out through an agreement, I'm happy to consider it. And that might be fair for the industry, that as the season goes, they pay according to the type of business generated.

So, there's ways to address this, Chairman. There's no silver bullet at this point in time. But, I have told them that I'm open to different ways of approaching this issue. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, AND CHAIR
WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

Item #1 - Victoria

Good morning and thank you Chair and Council members for the opportunity to speak. My name is Victoria Martocci, a Lahaina resident, and I'm here on behalf of a hui of CORA Permit holders, of which I have been employee for the past 19 years for Extended Horizons Scuba. We just heard testimony from the owner of Extended Horizons, but my job today is to tackle item #1 from the information packet, which each of you should have in front of you – item #1 has to do with familiarizing you with notes from last year's meeting.

As I was thinking of how to formulate my portion of the testimony, it reminded me of the cult classic film ... Groundhog Day ... Perhaps you remember it? Where Bill Murray is stuck in a loop of the same set of experiences day after day. And at first he doesn't quite realize what's going on, but he slowly becomes aware of the repetitive nature of his experience...

Well ... we are all stuck in a variation of our own Groundhog Day. I know for new Council members, it will not be familiar, but for seasoned Council members, and us CORA members, you all will recall last year – the notes of that meeting are in your packets – last year there was a similar proposal for a CORA fee increase, and as you can see from the underlined portions, the overwhelming intent from the Council members was to hold off on any increase in fees until the topic could be properly vetted by Council in the coming year. In fact on page 34 Councilmember Couch references the intent to not raise fees without proper vetting from even the year prior to that... so the Groundhog Day theme holds :-)

As things happen to do, the year has come and gone without CORA fees having an opportunity to be discussed and vetted.

You'll see several topics to be brought up in our following testimony, regarding bookkeeping irregularities, over a half million dollars in surplus unspent funds, as well as other issues... last year's Council members were not willing to institute a fee increase on this *tiny* population of rule-following, above-board business folk, when so many issues remained unanswered.

Those same questions remain today and we hope that you too will conclude that raising CORA fees is not justified and in fact inappropriate at this time. We are requesting that Council support an amendment of Appendix B, to reset CORA fees to the same level as the 2016-2017 fiscal year.

Any questions?

Permitted CORA	Last year County fee	Last year State fee	Proposed County fee	This year State fee	TOTAL This Year	Percentage Change
Aqua Sports	1100	0	2500	2400	4900	445%
Action Sports Maui	3600	0	12100	2400	14500	403%
B&B scuba	1100	0	2500	2400	4900	445%
Beach Club Maui	3600	0	12100	2400	14500	403%
Big Kahuna Surf	2100	0	4900	2400	7300	348%
Club Maui Beach	2100	0	4900	2400	7300	348%
Extended Horizons	2100	0	4900	2400	7300	348%
Goofy Foot	1100	0	2500	2400	4900	445%
Hawaiian Style Surf	2100	0	4900	2400	7300	348%
HST	5600	0	21700	2400	24100	430%
Kelii's Kayak	3600	0	12100	2400	14500	403%
Kihei Scuba Service	3100	0	9700	2400	12100	390%
Kite School Maui	1100	0	2500	2400	4900	445%
Lahaina divers	1100	0	2500	2400	4900	445%
Maui Beach Boys	2600	0	7300	2400	9700	373%
Maui Dive Shop	5100	0	19300	2400	21700	425%
Maui Dreams Diving	3600	0	12100	2400	14500	403%
Maui Eco Tours	2600	0	7300	2400	9700	373%
Maui Kayaks	2100	0	4900	2400	7300	348%
Maui Kiteboarding Lessons	1100	0	2500	2400	4900	445%
Maui Sports Unlimited	2600	0	7300	2400	9700	373%
Maui Surfer Girls	1100	0	2500	2400	4900	445%
Maui Undersea Adventures	1100	0	2500	2400	4900	445%
Maui Waveriders	2100	0	4900	2400	7300	348%
My Splash	2100	0	4900	2400	7300	348%
Opelus Surf	1100	0	2500	2400	4900	445%
Outrageous Surf	1100	0	2500	2400	4900	445%
Reef Encounters	2600	0	7300	2400	9700	373%
Royal Hawaiian Surf	1100	0	2500	2400	4900	445%
Scuba Shack	1100	0	2500	2400	4900	445%
South Pacific Kayaks	6600	0	26500	2400	28900	438%
Surf Shack	6600	0	26500	2400	28900	438%
Ultra Dive	3100	0	9700	2400	12100	390%
Wailea Watersports	2600	0	7300	2400	9700	373%
Windsurf School Maui	1100	0	2500	2400	4900	445%
\$86,500	\$0	\$265,100	\$84,000	\$349,100	404%	

CORA Fee Comparison

CORA	2007		2008		2009		Change
	County Fee	State Fee	County Fee	State Fee	County Fee	State Fee	
Aqua Sports	0000	0000	0000	0000	0000	0000	445%
Action Sports Maui	0000	0000	0000	0000	0000	0000	373%
B&B scuba	0000	0000	0000	0000	0000	0000	445%
Beach Club Maui	0000	0000	0000	0000	0000	0000	445%
Big Kahuna Surf	0000	0000	0000	0000	0000	0000	348%
Club Maui Beach	0000	0000	0000	0000	0000	0000	348%
Extended Horizons	0000	0000	0000	0000	0000	0000	445%
Goofy Foot	0000	0000	0000	0000	0000	0000	445%
Hawaiian Style Surf	0000	0000	0000	0000	0000	0000	373%
HST	0000	0000	0000	0000	0000	0000	445%
Kelii's Kayak	0000	0000	0000	0000	0000	0000	348%
Kihei Scuba Service	0000	0000	0000	0000	0000	0000	373%
Kite School Maui	0000	0000	0000	0000	0000	0000	403%
Lahaina Divers	0000	0000	0000	0000	0000	0000	425%
Maui Beach Boys	0000	0000	0000	0000	0000	0000	373%
Maui Dive Shop	0000	0000	0000	0000	0000	0000	445%
Maui Dreams Diving	0000	0000	0000	0000	0000	0000	390%
Maui Eco Tours	0000	0000	0000	0000	0000	0000	403%
Maui Kayaks	0000	0000	0000	0000	0000	0000	430%
Maui Kiteboarding Lessons	0000	0000	0000	0000	0000	0000	373%
Maui Sport Unlimited	0000	0000	0000	0000	0000	0000	445%
Maui Surfer Girls	0000	0000	0000	0000	0000	0000	348%
Maui Undersea Adventures	0000	0000	0000	0000	0000	0000	348%
Maui Waveriders	0000	0000	0000	0000	0000	0000	348%
My Splash	0000	0000	0000	0000	0000	0000	403%
Opelus Surf	0000	0000	0000	0000	0000	0000	445%
Outrageous Surf	0000	0000	0000	0000	0000	0000	403%
Reef Encounters	0000	0000	0000	0000	0000	0000	445%
Royal Hawaiian Surf	0000	0000	0000	0000	0000	0000	445%
Scuba Shack	0000	0000	0000	0000	0000	0000	445%
South Pacific Kayaks	0000	0000	0000	0000	0000	0000	445%
Surf Shack	0000	0000	0000	0000	0000	0000	445%
Ultra Dive	0000	0000	0000	0000	0000	0000	445%
Wailea Watersports	0000	0000	0000	0000	0000	0000	445%
Windsurf School Maui	0000	0000	0000	0000	0000	0000	445%
TOTAL	0000	0000	0000	0000	0000	0000	404%

CORA Fee Comparison

CORA Permitted

CORA Fee Comparison

Windsurf School Maui
Wailea Watersports
Ultra Dive
Surf Shack
South Pacific Kayaks
Scuba Shack
Royal Hawaiian
Reef Encounters
Outrageous Surf
Opelus Surf
My Splash
Maui Waveriders
Maui Undersea Adventures
Maui Surfer Girls
Maui Sports Unlimited
Maui Kiteboarding Lessons
Maui Kayaks
Maui Eco Tours
Maui Dreams Diving
Maui Dive Shop
Maui Beach Boys
Lahaina Divers
Kite School Maui
Kihei Scuba Service
Kelii's Kayak
HST
Hawaiian Style Surf
Goofy Foot
Extended Horizons
Club Maui Beach
Big Kahuna Surf
Beach Club Maui
B&B scuba
Action Sports Maui
Aqua Sports

Windsurf School Maui
Wailea Watersports
Ultra Dive
Surf Shack
South Pacific Kayaks
Scuba Shack
Royal Hawaiian
Reef Encounters
Outrageous Surf
Opelus Surf
My Splash
Maui Waveriders
Maui Undersea Adventures
Maui Surfer Girls
Maui Sports Unlimited
Maui Kiteboarding Lessons
Maui Kayaks
Maui Eco Tours
Maui Dreams Diving
Maui Dive Shop
Maui Beach Boys
Lahaina Divers
Kite School Maui
Kihei Scuba Service
Kelii's Kayak
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Beach Club Maui
B&B scuba
Action Sports Maui
Aqua Sports

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Wailea Watersports
Ultra Dive
Surf Shack
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Lahaina Divers
Kite School Maui
Kihei Scuba Service
Kelii's Kayak
HST
Hawaiian Style Surf
Goofy Foot
Extended Horizons
Club Maui Beach
Big Kahuna Surf
Beach Club Maui
B&B scuba
Action Sports Maui
Aqua Sports

Teri White's testimony

Aloha Council Members, thank you for hearing our testimony.

My name is Teri White and I have been employed by Maui Dreams Dive Company since 1999 in variety of roles including dive instructor.

I am very concerned that CORA businesses are once again being singled out for rate increases while no other activity businesses are. I have to wonder why the County of Maui is actively seeking to harm these particular businesses and I hope you will consider this question too.

I urge you to keep permit fees at the same level as the 2016-2017 rate. If the proposed increases are approved, it will force us to relinquish permits, thereby obliterating our ability to maintain our current level of business or take on any additional customers or employees.

Yes, raising these fees has the power to hurt our business significantly. In our sport, people can not participate unless they have received formal training and earned a certification. Our type of business requires that we create our own customers by offering them entry level training and then maintaining their interest with further training and guided dives. These are among the reasons that we need to maintain multiple permits.

Over the years, I periodically hear that "word on the street" is that CORA businesses "hoard" permits and that is the reason no other permits are issued. This is simply not true.

Most, if not all CORA operators, now have fewer permits than we have had in the past. Some of this is the result of a period when some beach parks were removed from the list of beaches we access the ocean from. Some businesses have closed. Some operators, after comparing the permit fees they pay to the income they make have simply given up permits, realizing it didn't make

financial sense to keep the them. Despite all this, **the parks department still doesn't issue new permits. This is something that no CORA operator has a say in or control of.**

We have permits to use five beach parks. Over the years, we have continued to pay for these parks because different levels of training require different conditions. Also, weather conditions affect where we can go to maintain safe dive practices. If we have a swell coming from one direction, having a permit at another site provides us with the opportunity to change locations and not have to cancel the morning's dive. We have repeat customers who will not continue to do business with us if we can only take them to the same site over and over again.

Respectfully, I would like to clarify that CORA operators are simply maintaining the permits that we need to conduct business. Once you relinquish a permit, it is gone forever.

Personally, I am in favor of more permits being issued and more beach parks being re-opened to commercial activity and have no desire to "hoard" anything – there is enough business to go around and I would prefer that we are all on the same LEGAL playing field than not.

At this moment, the businesses operating without these permits have got it made. No fees to the county, no budget meetings to testify at each year, and no fuss or enforcement from anyone.

Forced attrition of permits due to rate increases will severely limit our ability to meet customer needs and this will also cause us to have to reduce our work force. Fewer sites available equals fewer choices for consumers which also equals the need for fewer dive professionals to provide training and guided dives.

On another note, every time a business relinquishes a permit, it causes other permitted sites to become more crowded. Let's say I had two permits and 10 customers today – I would send these customers to different sites. The rate



increase forces me to relinquish a site, so now all 10 customers have to go to one site. This increases the impact at one site where before, the divers were more spread out among multiple locations.

It seems that there is a calculated policy of forced attrition. Two weeks to submit renewal/no forgiveness/no communication from Parks on new requirement to include the State permit.

And why go from annual payments to monthly payments? It feels as if the landlord has just put the house up for sale. Beyond that, month-to-month permits make lenders nervous too, and prohibits businesses from being able to qualify for bank loans without having the guarantee of an annual permit.

Thank you for your time and I welcome any questions.



Parks Department Financial Reports to County Council
CORA Fees & Expenditures 2105 RFL.xlsx; Fees.Revenues

- CORA fees go into a special fund designated to “implement the chapter” as required by Maui County Code 13.04.030. ***** They do not help to balance the budget. *****

- **Surplus Unspent Funds Don’t Justify a Fee Increase:**
Parks Department is collecting CORA fees way faster than they can spend them. Per Parks own reports the total fees collected by the county since inception of the CORA program in Parks Department are approximately \$650,000. (CORA Fees & Expenditures 2105 RFL.xlsx; Fees.Revenues) The CORA fund balance is projected to be over \$500,000 at the end of this fiscal year. That would seem that Parks has spent no more than 20% of the total CORA fees collected over the years, seemingly because there is very little cost associated with implementing the CORA chapter.

- **Bookkeeping Irregularities:**
These last two expenditure reports - both from Parks Department - provided to Parks committee and the members, do not reconcile. By example - look at Fiscal year 2016. The blue and yellow report, dated 2/16/2106 shows $(6000 + 25,598) = \$31,598$ in expenditures, but the other report, dated 7/22/16 and approved for transmittal on 8/1/2016, shows “No expenditures” in FY 2016. It also shows the \$25,598 as a 2015 expenditure. At least one of these reports is wrong - maybe both – which in and of itself warrants further inquiry before making a fee increase decision.

- **Potential Misappropriation of Funds:**
2011 expenditures show approximately \$13,000 for a beach nourishment projects at Kalepolepo Beach Park and Kamaole II Beach Park - neither of which have CORA permitted activities. At best, this is just an erroneous report or at its worst it is a misappropriation of CORA funds.

- **Accurate Accounting is Needed Before a Council Decision to Increase Fees.**

	ESTIMATED BALANCE AS OF 6/30/17	ANTICIPATED REVENUES FOR FY 2018	TOTAL FOR FY 2018
(3) Grants and disbursements for land acquisition subject to Chapter 3.88, Maui County Code, to the Hawaiian Islands Land Trust for Keanae, Maui, Hawaii, TMKs: (2) 1-1-03:041 and (2) 1-1-03:065, totaling approximately 6 acres for a perpetual conservation easement in the amount of \$210,000.			
K. Emergency Fund (Section 9-14, Revised Charter of the County of Maui (1983), as amended; Chapter 3.96, Maui County Code)	28,924,919	0	28,924,919
L. Ocean Recreational Activity Fund (Section 13.04.340, Maui County Code)	521,468	243,900	765,368

Ocean Recreation Activity Fund
Fiscal Year Comparison
FY2013 - FY2016

Parks and Rec Admin Prog. - Revolving Fund	Budget	Actual YTD Plus Emcum.	Budget	Actual YTD Plus Emcum.	Budget	Actual YTD Plus Emcum.	Budget	Actual YTD Plus Emcum.
	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016 - As 2/16/16	FY 2016 - As 2/16/16
Revenues								
3299 ocean recr permit fees		57,050.00		72,200.00	0.00	53,300.00	0.00	84,000.00
Total Revenues	0.00	57,050.00	0.00	72,200.00	0.00	53,300.00	0.00	84,000.00
Operations								
6005 Auto Parts	0.00	0.00	5,000.00	0.00	0.00	0.00	0.00	0.00
6020 Film & Camera Sup	0.00	1,178.00	0.00	0.00	0.00	0.00	0.00	0.00
6031 Maint & Repair Supplies	0.00	0.00	2,000.00	0.00	0.00	0.00	0.00	0.00
6034 Medical/Safety Supplies	0.00	208.00	0.00	0.00	0.00	0.00	0.00	0.00
6035 Misc. Supplies	0.00	1,814.00	0.00	0.00	0.00	0.00	0.00	0.00
6037 Office Supplies	0.00	182.00	0.00	0.00	0.00	0.00	0.00	0.00
6059 Traffic Signs	0.00	3,121.00	10,000.00	0.00	10,000.00	0.00	10,000.00	0.00
6060 Small Equipment - Under 1K	0.00	354.00	0.00	0.00	500.00	1,105.00	400.00	0.00
6129 Other Services	12,480.00	12,480.00	6,240.00	6,240.00	6,240.00	0.00	0.00	0.00
6132 Professional Svcs	0.00	109,905.00	49,213.00	3,948.00	0.00	6,000.00	6,000.00	6,000.00
6235 Rental-Others	0.00	0.00	10,000.00	0.00	10,000.00	0.00	0.00	0.00
6402 Project Income - Prior Year Carryover.	312,265.00	0.00	229,034.00	0.00	329,788.00	0.00	357,018.00	0.00
Total Operations (minus carryover)	12,480.00	129,242.00	82,453.00	10,188.00	26,740.00	7,105.00	16,400.00	6,000.00
Equipment								
7040 Motor Vehicles	0.00	0.00		23,536.00	60,036.00	49,134.00	62,098.00	25,598.00
7044 Other Equipment	0.00	23,519.00	17,166.00	17,140.00	1,202.00	4,508.00	18,500.00	0.00
Total Equipments	0.00	23,519.00	17,166.00	40,676.00	61,238.00	53,642.00	80,598.00	25,598.00
Fund Balance as of 2/16/2016								422,418.00

41%

RECEIVED AT EMR MEETING ON 2/16/16
Director of Parks + Recreation

**Department of Parks and Recreation
Commercial Ocean Recreational Activity
Summary of Expenditures**

Fiscal Year	Date	PO or Contract #	Vendor	Amount	Qty	Purpose
FY 2016						No expenditures
FY 2015	2/19/2015	319903	Harmer Radio and Electronics	\$ 558.86	1 each	Supply and install siren speaker for truck
ee Amounts	2/2/2015	318955	Harmer Radio and Electronics and Revenue Collected By CORA Cycle	\$ 546.88	1 each	Whelen siren with switch controller for truck
	1/26/2015	C5668	Jim Falk Motors of Maui Inc	\$ 25,597.84 *	1 each	4x2 Extended Cab Compact Pickup with tool box and tow hitch; replace vehicle #1268/CM-2064
	11/13/2014	315620	Harmer Radio and Electronics	\$ 3,305.71	1 each	Supply and install emergency lights and speaker on truck
FY 2014	5/13/2014	C5513	Jim Falk Motors of Maui Inc	\$ 23,536.29 *	1 each	4x4 Extended Cab Compact Pickup with tool box and tow hitch; replace vehicle #1269/CM-2065
FY 2013	6/27/2013	292213	Hopaco	\$ 72.92	100 each	Letter size lamination sheets
	6/27/2013	292214	Hopaco	\$ 109.37	150 each	Letter size lamination sheets
	6/25/2013	297022	Cycle City Ltd	\$ 208.31	2 each	IS-2 black xlg helmets
	5/14/2013	289989	Xerox Corporation	\$ 15,983.00	1 each	Multifunction color copier
	4/19/2013	288965	GP Roadway Solutions	\$ 3,121.09	400 each	Sign post supplies
	4/10/2013	288471	Home Depot	\$ 1,202.08	1 each	5x10 flatbed utility trailer
	4/4/2013	288095	Service Rentals and Supplies Inc	\$ 354.13	1 each	Cargo bag, cover, rear rack for ATV
	1/30/2013	285344	Sign Source Inc	\$ 820.31	21 each	No Parking signs for Kanaha Beach Park
	12/28/2012	284012	Service Rentals and Supplies Inc	\$ 6,353.08	1 each	400cc ATV
	12/27/2012	283997	Sign Source Inc	\$ 993.74	18 each	Signs - (4 each) Kanaha Beach Park with HRS signs; (5 each) HRS signs; (5 each) Commercial Activity is Prohibited signs; (2 each) Parking for Park Users and Campers signs; (2 each) Kanaha Beach Park Campground signs
	12/17/2012	283623	Lighthouse Camera	\$ 1,177.80	2 each	Canon SW-50 digital camera and case
	11/7/2012	C5194	R.T. Tanaka Engineers Inc	\$ 64,640.21	6 payments	Civil engineering and land surveying services for Kanaha Beach Park infrastructure improvements
FY 2012	3/1/2012	270669	Alice Lee LLC	\$ 24,960.00	4 phases	Comprehensive review, analysis and recommendations on rules of practice and procedure for CORA permits; phase I - data collection; phase II - survey; phase III - data distribution; phase IV - conclusion (finalize draft, conduct public hearing, amend rules) Note: 3 phases paid
FY 2011	3/4/2011	253730	Ameron HC&D	\$ 4,036.43	125 tons	Beach quality sand for Kalepolepo Park
	3/4/2011	253731	Rojac Trucking Inc	\$ 781.25	5 each	Hauling of beach quality sand from Ameron to Kalepolepo Park
	2/28/2011	253516	Ameron HC&D	\$ 9,687.44	300 tons	Beach quality sand for K-2 flood damage repair
	2/28/2011	253517	Rojac Trucking Inc	\$ 1,874.99	12 each	Hauling of beach quality sand from Ameron to Kamaole II Beach Park (fill in large hole caused by flooding)
FY 2010						No expenditures
FY 2009						No expenditures
FY 2008						No expenditures
FY 2007						No expenditures
FY 2006						No expenditures
FY 2005						No expenditures
FY 2004						No expenditures
FY 2003						No expenditures

CORA?

CORA? Really? CORA? Really?

- Not CORA

(NIGHT HOURS - Not CORA)

Campground signs were not related to CORA

Non-CORA Parks

What happened to this study? May we see it?

#189,922

** 2 vehicles fully charged to CORA Special Fund. Are these trucks used solely for the implementation of 13.04?*

Attachment 3

CR17-69

Testimony for the Council of the County of Maui

Public Hearing

May 19, 2017

Aloha mai Kakou,

My name is Jennifer Noelani Ahia and I oppose any of my tax dollars going to fund the non profit for the Ka'ehu project.

In 2012 when the county was considering purchasing the 60 plus acres of shoreline at Ka'ehu bay I testified in favor of that purchase. At the time I was ignorant about kuleana land titles and I made a mistake in supporting the county's purchase. I take this time to apologize to the kuleana families injured by that sale. The sale was a continuation of a long history of illegal transactions since the sugar plantation first stole the land.

The kuleana land commission awards come with allodial titles. That means forever. The county is in violation of it's own ordinances by purchasing land that doesn't have clear title. Can you tell me how the land commission awards were extinguished? You must oppose any money for this project and begin the process of remediation.

I am here today because my relationship to this 'aina has become much more personal. My niece Hinaaiinameleonalani, who is also my hanai daughter, has her piko and iewe in the 'Aina at Maluhia in Waiehu. She is a lineal descendant of LCA3386. She crossed over on October 25, 2014. Her ho'o lewa, funeral service was held there, as was her first year baby lu'au. It is the place we gather every year on her birthday, and on the anniversary of her crossing. It is the place where her kupuna on the other side watched over her and the place where they comfort us now.

This project and the county's illegal claims to the land, would have the families OF that land asking permission to the non profit to go on the families own land as per an email sent to the `ohana by the project manager. This is A'ole pono., legally, culturally and spiritually. Oppose funding for the ka'ehu bay project and stop the continued violence against the kuleana families.

Mahalo nui,



Jennifer Noelani Ahia

Testimony for the Council of the County of Maui
Public Hearing
May 19, 2017

CR-1769

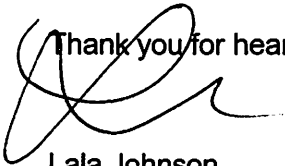
Aloha Council Members,

My name is Lala Johnson. I represent my ohana from Waiehu, our Tutu Kane and Tutu Wahine because we are the heirs of Pehuino and Kalili.

The 2018 County funding of the Kaehu Bay project should not be allowed because they are not the title owners of the property to begin with. I am here to strongly request that you look into the illegal acquisition of this property because they do not have any 'good title' and you are funding an agency and their activity that you shouldn't. The property belongs to our family and when we were advised by the non-profit of their intent to come onto our property and instill their plans of cultural activity on it, something is wrong about this. It must be stopped immediately because they have no ownership to it.

We only learned about this project and their intent over the last few weeks by the non-profit and were given the OPTION to be allowed activity on our own property. How does a foreigner allow the owner an option to allow activity on their own land? You have an ordinance to ensure that the County only accepts real property with good title. This property that I am talking about, which the County purportedly has 'good title' to, doesn't, and I am adamant that you do the research on who has that good title.

Thank you for hearing my testimony.



Lala Johnson
631 Kalakaua Street
Wailuku, Maui, HI 96793



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Testimony on BF-1

Re: Proposed Fiscal Year 2018 Budget for the County of Maui
Friday, May 19, 2017

Dear Chair White, Vice Chair Carroll &
Members of the County Council

Aloha and Mahalo for the opportunity to provide testimony on the proposed FY2018 budget.


Real Property Taxes – As said in our previous testimony, we support a fair and equitable across the board real property tax increase and find that the Council's proposal unfairly hits the business sector primarily made up of small businesses in industrial and commercial areas at 12% and 10.3% respectively. As we are looking to build and support niche manufacturers in Maui County, we need to understand that as these micro businesses grow they will need to move into commercial and industrial areas where we have increased the taxes the most. We already felt that the 7.5% across the board increase was too high. Now the Council is raising it even higher for businesses. Further we feel that hotels and timeshares are also getting a considerable hit. The more we hit hotels and timeshares, the more it increases the cost for our visitors who have many other options for vacation destinations. We feel it is best not to hurt this economic engine and the jobs it creates. While there was discussion that our real property taxes are lower than Honolulu, that is an apples to oranges comparison and you would have to look at all rates across the board, not just how much businesses pay. Additionally, valuations are going up and it appears that hasn't been adequately weighed.

Maui Visitors Bureau— There have been discussions on proposed provisions in the budget on what the Maui Visitors Bureau must spend a portion of their budgeted funding on. Visitor industry spending should be allocated to visitor industry marketing to keep Maui County top of mind and not siphoned off for other causes or environmental purposes. This county's historically higher end investment in our Maui County visitor industry spending is what keeps us on the top of the charts. We advocate that this be given to the Maui Visitors Bureau for its intended marketing purpose without further stipulations and conditions.

Building Permit Fees — We appreciate the Council removing the building permit fees, which is beneficial to the construction industry and what we are trying to achieve in the development of affordable housing.

Office of Economic Development — We appreciate the Office of Economic Development funding, which supports many small businesses.

CORA Rates — While CORA members were deeply concerned over the concessions bill and continued to interject themselves during the process while the bill did not address them and a separate bill would be required if CORA was addressed, please understand they only did so because they feel under attack and are fighting to keep their businesses open. While they may have ruffled some feathers in that process, that should not allow the industry to be singled out and unfairly hit with an astronomical rate increase over personality conflicts or politics.



Testimony on BF-1 Re: Proposed Fiscal Year 2018 Budget for the County of Maui
Friday, May 19, 2017
Page 2.

CORA Rates — These are people who have invested in their businesses for many years, have provided our community with wonderful ocean activities and should not be fully put out of business recessed by a thousand cuts from the County. The Ocean Recreational Activity Fund has been built up with a current balance of \$521,468 so there is no justification for increasing the CORA permits with such a high balance in the fund and only \$105,000 budgeted to be used for enforcement vehicles this year. Further, there is no rationale for why CORA is being unfairly singled out and hit with such an astronomically high rate increase. There are no proposed permit rate increases for any other activity-related permit and none of the other proposed permit fee increases are nearly as high as those proposed for CORA permits. Many of these small businesses may be forced to give up essential permits or worse, go out of business completely. This is both a detriment to our County and beaches, but also to the owners of these small businesses who have put their time and money to invest in a business that they could pass on or sell for retirement. We ask that Council Members stand in support of these small businesses and not allow this rate increase.

Waiehu Golf Course – Many in the Chamber and the community wanted to see the golf course kept open, however we understand the importance of sustaining the operation and don't feel the current fees will be able to do that. We encourage the Council to find additional methods to make the golf course a sustainable resource for our community.

Solid Waste Fees– We appreciate that the commercial landfill charges have been reduced from \$18 to \$9 per ton, but still feel an 11% increase is too high. While we appreciate that the County is looking to offset some of the expenses by charging residents who dump in the landfill \$3 per car, we are still concerned that will end up costing the County more to collect than they will take in.

Water Rate Increases – While we agree with using carryover savings, it is our understanding that the Water Department continues to need an increase to maintain and help upkeep our water system and therefore we continue to support the Department's 5% increase across the board as originally proposed.

We appreciate the opportunity to testify on the proposed revisions to FY2018 budget.

Sincerely,



Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

May 5 , 2017

Mayor Alan County of Maui 200 S. High Street Wailuku, HI 96793

SUBJECT: Revocation of illegal grading permit No. G20140191 issued to Maui Lani Partners
12/08/14

Dear Mayor:

While we appreciate your support for a moratorium on sand exports, we are not confident that it will happen or that it will correct all the wrong that has been done. The last time the council attempted a moratorium in 2006, they could not get support or approval from corporation council to enact such legislation and it would not stop the continuing destruction of what remains of the Pu'uone Sand Dune, listed in our community plan as a Wahi Pana to be preserved.(WKCP, pg.18). Soon there will be no remnants of the Wahi Pana that holds important cultural significance to our people, the host culture.

We are calling on you to exercise your authority to instruct your Public Works Director to enforce the county code and revoke the Maui Lani grading permit on the basis of incorrect information supplied by the permittee and because grading is not being performed in accordance with the terms and provisions of the permit.

MCC 20.08.120 - Permit—suspension or revocation.

The director may, in writing, suspend or revoke a permit issued under the provisions of sections 20.08.040 through 20.08.160 whenever the permit has been issued on the basis of incorrect information supplied by the permittee or whenever the grubbing, stockpiling or grading is not being performed in accordance with the terms and provisions of the permit.

First, this is not a normal grading project. This project is not "excavating" for building purposes, but instead is extracting thousands of tons of sand for commercial export and use. This is by definition, sand mining, and must be **regulated** by the Mine Safety and Health Administration of the Department of Labor.

MCC 20.08.030 - Exclusions.

This chapter shall not apply to the following:

B. Mining or quarrying operations which are regulated by the department of labor, mine safety and health administration.

Sand mining is not a permitted use in the Wailuku-Kahului Project District 1 (Maui Lani) (MCC 19.78) and would require a Conditional Use Permit and/or a Special Use Permit. A Conditional Permit only permits a conditional use that is compatible with permitted uses (MCC

19.40.010) and a Special Use Permit (MCC 19.510.070) requires the same process as a change in zoning. It is not likely that Maui Lani could acquire a 'conditional use' or 'special use' to operate

a Sand Mining project, so they intentionally ignored the requirement in hopes no one would notice. No one did until our protest. Maui Lani Partners are well staffed with employees who know the requirements of the county code. In fact, the representative that signed the grading permit as the permittee, Daren Suzuki, was once a stellar planner in the County Planning Department.

MCC 20.08.040 - Permit—required.

Unless otherwise provided in this chapter:

D. A permit or exclusion pursuant to this chapter does not obviate the need to obtain other permits or approvals.

The permit requires the permittee to “Identify critical areas on or affecting the property.” The permittee checked the box “No” for “Are there known burials, cemeteries, or other historic sites on the property.”

The section on the permit for Special Conditions is left blank. Yet, on November 26, 2014, two weeks before the issuance of the grading permit, Maui Lani Partners received approval from the state historic division for the Archaeological Monitoring Plan (AMP) required for this permit **“due to the known sensitivity of the area for containing Native Hawaiian burials.”** Yet, the permittee states on the permit there are no known burials. This is misleading at best and an error of omission in the least.

The AMP places Special Conditions on the grading permit and requires an archaeologist to monitor all earth-moving activities of each piece of ground disturbing equipment. Yet, there is no mention on the permit of the required Archaeological Monitoring Plan or the requirement to have an archaeologist on-site to observe all earth-moving activities. Attached, as Exhibit A, is the grading permit received from DSA, stamped “Inspector’s Copy”. How is he, or anybody else looking at this permit, going to know that an archaeologist should be on-site observing earth-moving activities at all times?’

These critical omissions should be seen as “incorrect information supplied by the permittee”.

Our members have been observing grading activities at the site for several months and have never seen an archaeologist monitoring the heavy equipment. We have many photos verifying this. If you aren’t looking for the iwi, you won’t find them. Who monitors the Monitor? Can your permittee verify that Maui Lani Partners has had an archaeologist on site to monitor all earth-moving activities? Hundreds of iwi kupuna have been found in the dunes surrounding this 8.9 acre site. No one can tell us how many iwi kupuna have been found in this pu’u since the sand mining began in 2015. Why? We have little faith that proper protocol is being followed.

The required Archaeological Assessment Report (2014.04885 JP) for this site, produced as a precedent for the approval of the Archaeological Monitoring Plan, was approved October

2014, It states “Based on data from the surrounding parcels, the presence of Native Hawaiian burial features is **highly likely**, however their locations within the sand dune matrices are not predictable.” Could it possibly be because 300 years of wind erosion have reshaped the sand

dunes over time, making the “highly likely” burials difficult to find without a bulldozer? This is why the Pu’u One Sand Dune complex was listed as a significant traditional place to be preserved “insitu” in our community plan, untouched by the bulldozer. It has long been known by the Hawaiian community that the sand dunes were burial grounds.

Equally egregious to us is that the assessment report completely leaves out any mention of the cultural significance of the Wailuku Sand Hills and the famous Battle of Kakanilua that took place in the sand dunes.

We have informed Maui Lani Partners on several occasions over the years that the Battle of Kakanilua took place in these dunes. Their consultants have always responded, “There is no evidence to substantiate this.” That is clearly untrue, as the famous Hawaiian historian, S.M Kamakau writes in *The Ruling Chiefs of Hawaii* about the battle of Kakanilua in the sand hills between Waikapu and Wailuku. Later, in the *Writings of Lorrin A. Thurston*, he recounts being told by Maui natives that the battle took place on the Sand Hills and how he came upon a mass of skulls and skeletons scattered by the hundreds in his trek across the Sand Hills.

The Archaeological Assessment makes no mention of this pre-contact history, even though state preservation regulations require that the assessment provide “pre-historic and early historic times as revealed by any eighteenth or nineteenth century literature on Hawaii.” (HAR 13-276-5)

To give these historical accounts of our history the dignity they deserve, we include them here for the record and for your enlightenment;

From the Ruling Chiefs of Hawaii, S. Kamakau, 1866:

“Said Ka-leo-pu’upu’u to Ka-hekili, “The fish have entered the sluice; draw in the net.” Like a dark cloud hovering over the Alapa, rose the destroying host of Ka-hekili seaward of the sandhills of Kahulu’u, the “smoke head” (*po’ouahi*) and the “red coconut” (*niu’ula*) divisions. **They slew the Alapa on the sandhills at the southeast of Kalua.*** There the deal lay in heaps strewn like *kukui* branches; the corpses lay heaped in death; they were slain like fish enclosed in a net. This great slaughter was called *Ahulau ka Pi’ipi’i i Kakanilua* (Slaughter-of-the-Pi’ipi’i-at-Kaka- nilua). Keawe-hano, the governing chief of Hilo, was discovered by Ka-po-lua almost dead among the heap of corpses, and he alone was taken alive before Ka-hekili, because of an agreement between Ka-po-lua and Keawe-hano [that each should spare the other in battle]; but it was too late to save him for he was fatally injured. (*Kalua: beach and shallow reef fronting Waiehu Beach Park. Hawaiian Place Names, Ulukau)

Only two men escaped, perhaps over the top of the net when it was drawn, slipping past Manu Hopu who was at Wailua on the Ko’olau side and running along

by deserted places. At Kiheipuko'a Ka-lani-'opu'u was just boastfully exclaiming to the chiefess Ka-lola and to Ka-lani-kau-i-ke-aouli Kiwala'o, "My Alapa have perhaps drunk of the waters of Wailuku!"..." Pages 85-86 Ruling Chiefs of Hawaii, S. Kamakau

, "What about fighting Ka-hekili?" Everyone answered, **"Tomorrow we will drink the waters of Wailuku and rest in the shade of Hekuawa."** Thus encouraged, Ka-lani-'opu'u prepared for an attack on the day following.

Ka-hekili was the younger brother of Kamehameha-nui, both being sons of Ke-kau-like whose family were ruling chiefs on Maui at that time. He prepared for the battle and Kahahana, the ruling chief of Oahu and Molokai, came to his aid. **The great battle took place between Waikapu and Wailuku. Ka-lani-'opu'u expected to enter Wailuku at Kakanilua, but Ka-hekili's men rose at dawn and occupied the sandhills of Kama'oma'o, and a portion of them took their stand on the side toward Waikapu turn, so that the forces of Ka-lani-'opu'u, who had supposed that the battle would be at Kakanilua, found a divided front from which spears, javelins, and other missiles poured like water.** Death-dealing weapons poured down like a swift rainstorm beating the sides of the fisherman's canoe and agitating the surface of the sea like a cloudburst over the deep ocean. The terrified soldiers were surrounded and took to flight; they were driven by Ka-hekili's men like leaves before a whirlwind. The plains of Kama'oma'o became like a fishpond through whose sluice gate the sea flooded, Ka-lani-'opu'u's men [became] like the mullet driven by the sound of beating into the sluice gate of 'Uko'a; and the sea rose up to the walls. Like the fiery petals of the lehua blossoms of Pi'iholo were the soldiers of Ka-hekili, red among the leaves of the *koa* trees of Liliko'i or as one glimpses them through the *kukui* trees of Ha'iku. Like the creeping branches of the *'ulei*, so moved the cloaked warriors, young and middle-aged, over the *'ilima*-covered plain of Paholei. A chill seized Ka-lani-'opu'u as he crouched in the canoe, mourning the dead who lay like fish stupefied by the poison spread by the great fisherman, Ka-hekili. Like grasshoppers on the plain, easily to be caught by women, so they lay in the heat of the sun snuggled close to the blossoms of the grasses." Page 87, The Ruling Chiefs of Hawaii, S. Kamakau

From the Writings of Lorrin A. Thurston, 1936:

"Going a short distance inland, in his attack on Maui, Kamehameha soon ascertained from some of the Maui natives that **the bodyguard (elite forces of Hawaii) had been met on the Sand Hills, which extend from Kahului to Maalaea**, by the forces of Kahekili, and that, in a desperate battle, the bodyguard had been slain almost to the last man." Page 32

"The present point of this Kamehameha story, is that **in my tramp across the Sand Hills, I came upon the scene of the battle of the feather-caped guard, indicated by a mass of skulls and skeletons scattered by the hundreds in every direction.**" Page 33

Ironically enough, the author of the assessment report lists these works in her Reference list but then fails to cite them in her report. This is a purposeful omission to keep the historical

significance of the sand dunes out of the records. This vital pre-contact history has been omitted from all the archaeological reports done for Maui Lani Partners from the beginning.

They have denied the existence of the wahi pana of the dunes. Why? Because if they acknowledged it during the historic preservation review process, the sand dunes would have qualified as a cultural landscape that “holds traditional cultural significance to Native Hawaiians” and therefore would have merited some form of preservation. Through their omissions, they have wiped out our history in the archaeological record for this area. Too bad no agency of the county required them to comply with the community plan provision safeguarding the Pu’u One Sand Dune complex.

MCC 2.80A “All agencies of the county shall comply with the provisions of the general plan. All community plans, zoning ordinances, subdivision ordinances and **administrative actions by county agencies shall conform to the provisions of the general plan.** The community plans...upon adoption by the council (become) part of the general plan of the county.”

We are sharing all of this with you in the hope that you might get an understanding of why we are so angry. When you disrespect our iwi kupuna and our history, you disrespect us, the kanaka maoli of Maui.

You have every legal justification to stop the illegal sand mining being done under the cover of your county grading permit. We are asking you to revoke the permit now for violations of the terms of the permit and save what remains of the wahi pana Pu’u One and allow those undiscovered iwi kupuna to rest in peace.

Sincerely,

Clare Apana
Kaniloa L. Kamaunu Victoria Kaluna-Palafox

Amy Halas, Iwi Protector

Exhibit A –Grading Permit

cc:
State Historic Preservation Division, Director

Kamana’opono Crabbe, CEO, Office of Hawaiian Affairs Kawika Riley, Chief Advocate, Office of Hawaiian Affairs

Kai Markell, Compliance Officer, Office of Hawaiian Affairs Gina Mangieri, KHON2

Delivered 5/5/2017, No response

Amy Halas



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, HAWAII 96793
Ph: (808) 270-7242 Fax: (808) 270-7972 Inspector: (808) 270-7366

GRADING AND GRUBBING PERMIT APPLICATION

PROJECT/PROPERTY INFORMATION

PROJECT NAME: Maui Lani - Phase 9 Site Grading
TAX MAP KEY: (2) 3-8-07:153 (Por.) ADDRESS: Maui Lani Parkway

OWNER / PERMITTEE INFORMATION
DECLARATION: The undersigned accepts the permit subject to conditions described in the General Provisions, construction plans, County Code Section 20.08, and any other document associated with the permit.

OWNER NAME: Maui Lani Partners
ADDRESS: 1100 Alakea Street, Suite 2200, Honolulu, HI 96813

PHONE: 808 244-8730
EMAIL: dsuzuki@mauilani.com
SIGNATURE: [Signature] PRINT NAME: Daren Suzuki

If Permittee is not the owner:
PERMITTEE NAME: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

SIGNATURE: _____ PRINT NAME: _____

PERMIT INFORMATION

GRADING PERMIT
Fill: 0 (cubic yards)
Excavate: 213,920 212,280 15 (cubic yards)
Graded Area: 8.9 8.8 (acres sq. ft.)
Maximum height/depth of excavation or fill: 45 (feet)

GRUBBING PERMIT
Grubbed Area: _____ (acres sq. ft.)

IDENTIFY CRITICAL AREAS LOCATED ON OR AFFECTING THE PROPERTY

- Yes No Is any portion of the property located in the Special Management Area?
- Yes No Are there Special Flood Hazard Areas or drainageways on the property?
- Yes No Is the property located along the shoreline?
- Yes No Are there wetlands located on the property?
- Yes No Are there known burials, cemeteries, or other historic sites on the property?
- Yes No Will grading affect an existing slope with a height greater than 15 feet and with a grade steeper than 35% (10H:3.5V)?

Estimated Dates: Start: _____ Completion: _____

PERMIT APPROVAL (For county use only)

APPLICATION NUMBER: GT20140090
Fee \$ 4,242.00 Bond \$ 403,920 Mt. St. Indemnity, Inc.

SPECIAL CONDITIONS: MBI 1013

APPROVED BY: [Signature] 12/5/14
For: Department of Public Works
PERMIT NUMBER: GT20140191
DATE OF ISSUANCE: 12/8/14

GENERAL PROVISIONS are considered a part of this permit and are included herein by reference. Hard copy is available at Development Services Administration or can be viewed/downloaded online at County website: www.co.maui.hi.us

(Rev. 1/12)

INSPECTOR'S COPY

Fwd: Public Testimony Council Meeting May 19, 2017

Gaye Hayashida <gayehayashida@gmail.com>

Tue 5/16/2017 3:05 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Mike White <Mike.White@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; yukillei.sugimura@mauicounty.us <yukillei.sugimura@mauicounty.us>;

📎 1 attachments (145 KB)

memorandum parking.pdf;

I would like to submit the following for public testimony.

May 16, 2017

TO: Council Chair White and Members of the Maui County Council
FROM: Gaye Hayashida, Commission Support Clerk, Department of Water Supply
SUBJECT: Maui County Council Meeting of May 19, 2017
Public Testimony on Council Agenda CR 17-69, Item 8
Specifically on the Proposed Increase in Fees - Parking Permits

I do not understand why the County Council wants to charge parking fees for those employees who park in Lot E (Old Wailuku Post Office). When I got my parking placard I was told that Lot E was OVERBOOKED and there was no guarantee that I would have a parking space when I come to work. See attached Memorandum from Managing Director Keith Regan dated August 26, 2014.

I come to work before 7 a.m., park my car and wait for the county building doors to open at 7 a.m. If I have a morning doctor's appointment I may not have parking when I arrive at work. So I schedule all my appointments in the afternoon if at all possible and take vacation or sick leave for the rest of the day. There are times when I need to run an errand during my lunch hour but I dare not take my car for fear that when I return I will not have parking.

When there is the Picnic For Poki concert across the street the concert-goers park in Lot E, grab their beach chairs and cross the street. The same happens when there is a contentious council meeting and the public can't find parking in the stalls in front of the County Building so they park in Lot E. I have personally witnessed the public using this lot so they can go to the

RECEIVED
2017 MAY 16 PM 3:10
OFFICE OF THE
COUNTY CLERK

State Building or the courthouse. There is no parking attendant to tell them this is for county employees only. There is a small sign that says this lot is reserved for county employees; it states that the consequence for parking in this lot without a placard is that they "will be reported." Ahh, reported to whom? I was told the county does not tow away cars because it takes too long for the tow truck to get here and when it finally arrives the offending vehicle has left and the county is stuck with paying the towing charge.

Please do not allow these new fees to take place because it is so unfair to the employees parking in Lot E. But if we have to pay for parking then the county administration and the council have to guarantee that there will be enough parking for all those with placards and not continue to overbook Lot E. As it is now, there are cars that double park in that lot. Before the council implements any new fees or increases for existing parking rates the county has to assure the employees that they will have a guaranteed parking space, parking lot attendant (s), and security in all the lots.

I waited over 8 years to be able to park in Lot E. That was more than 2 years ago. It has been 10 years and 11 months since I started working at the County Building and I am still waiting to get a permanent parking space.

Thank you for your time and consideration in this matter.

COUNTY OF MAUI
REVENUES - FEES, RATES, ASSESSMENTS AND TAXES

ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
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**DEPARTMENT OF LIQUOR CONTROL
LIQUOR FUND (Cont.)**

C = Carryover savings (prior fiscal year) in excess of 20% as provided in Section 281-17.5, Hawaii Revised Statutes

EGS = Estimated Gross Sales (prior fiscal year)

Any licensee who fails to pay the percentage fee by the due date shall be assessed a late charge of 5% per month on the balance due until such fees are paid in full. The 5% late charge shall be a flat fee (not be prorated) that will be charged for any portion of the month payment is due.

Any licensee who failed to file the gross sales of liquor report by the due date, shall be assessed the percentage fee equal to the highest percentage fee due and payable by the licensee of the same class or the highest percentage fee due and payable by any licensee if there is no licensee in the same class.

3207	Direct Wine Shipment	Permit for direct shipment of wine by wineries..... \$48 per calendar year		281-33.6	
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**DEPARTMENT OF LIQUOR CONTROL
SPECIAL REVENUE/TRUST AND AGENCY FUND**

MISCELLANEOUS:

	Fines, Infractions of Liquor Laws and Rules and Regulations	The amount of penalty assessed and collected by the liquor control adjudication board from any licensee for any particular offense shall not exceed the sum of \$2,000.		281-91	
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**DEPARTMENT OF MANAGEMENT
GENERAL FUND**

NON-BUSINESS LICENSES & PERMITS:

3610	Fees - Parking Permits	County employee parking is permitted in five lots designated A, B, C, D, and E: Lot A is an L-shaped lot situated at the corner of Kaohu Street and Napua Street. Lot B is situated on both the Wells Street side and the Kaohu Street side of Kalana O Maui (County Building, 200 South High Street, Wailuku, Maui, Hawaii 96793). Lot C is the covered parking area beneath Kalana O Maui. Lot D is situated on the south side of Kaohu Street, and its intersection with South High Street. Lot E is situated at the Old Wailuku Post Office.			
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Monthly employee parking shall be:

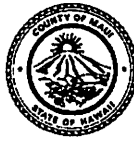
Uncovered stall in Lot A.....	[\$7.50]	\$ 25.
Covered stall in Lot A.....	[\$15]	\$ 45
Uncovered stall in Lot B, C, D, and E.....	[\$10]	\$ 25
Covered stall in Lot C.....	[\$15]	\$ 50

and

Placard unassigned parking in Lot E		\$ 15
Miyahira Property covered stall		\$ 45
Miyahira property - 20-uncovered stall		\$ 25

The county operates its facilities that are not owned by the county but are leased. In situations where parking in private facilities may be available for employees, the rate paid by employees for parking in those facilities shall be the same rate charge to the county by the

ALAN M. ARAKAWA
Mayor



KEITH A. REGAN
Managing Director

COUNTY OF MAUI
DEPARTMENT OF MANAGEMENT
200 SOUTH HIGH STREET
WAILUKU, HI 96793

MEMORANDUM

DATE: August 26, 2014

TO: GAYE HAYASHIDA
Department of Water Supply

FROM: KEITH A. REGAN, MANAGING DIRECTOR *kg*

SUBJECT: **EMPLOYEE PARKING AT THE TEMPORARY PARKING LOT**
Deadline for Response: Wednesday, September 3, 2014

We are happy to inform you that you are eligible for parking at the Temporary Parking Lot at the corner of Wells Street and High Street. Temporary parking assignment in this lot is being offered to employees on the Parking Stall Open List (aka parking wait list) based on their position on the wait list. Due to the high number of vacant stalls throughout the day, the Temporary Parking Lot is overbooked. This means that the number of parking assignments to this parking lot is more than the total number of stalls.

Please read the following carefully. Should you choose to accept this assignment, you are notified of and shall comply with the following:

- 1) The availability of a parking stall will be on a "first-come, first-served" basis. A parking stall is not guaranteed at any given time.
- 2) The monthly salary assignment of \$10 does not apply to those employees assigned to the Temporary Parking Lot.
- 3) A placard is issued to employees assigned to park in the Temporary Parking Lot. Only the employee assigned to the Temporary Parking Lot is authorized to use the placard. The assigned employee shall not temporarily or permanently loan, rent or lease their assignment (includes the placard) to any person. Placards are required to be hung on the rear view mirror and visible from the outside of the vehicle when parking in the Temporary Parking Lot.

August 26, 2013

Page 2

- 4) To accept the assignment to the Temporary Parking Lot, please complete the attached registration form, "Temporary Parking Lot – County Employee," and submit **no later than end of day, September 3, 2014** to the Department of Management (ATTN: Wendy Taomoto). Once we receive your completed form you will be notified when and where you may pickup your placard.
 - a) If the registration form is not submitted by deadline above, you will be considered to have involuntarily declined the assignment and the next employee on the parking wait list will be offered the assignment.
 - b) To voluntarily decline the assignment to the Temporary Parking Lot, please complete the attached form, "Declination of Assignment, Temporary Parking Lot" and submit and submit to the Department of Management (ATTN: Wendy Taomoto).
 - c) An employee who is determined to have declined assignment to the Temporary Parking Lot either voluntarily or involuntarily shall forfeit their rights to a parking assignment in the Temporary Parking Lot in the future.
 - d) An employee who is determined to have declined assignment to the Temporary Parking Lot either voluntarily or involuntarily shall still retain their position on the Parking Stall Open List.
- 6) Employees who do not comply with the above items, shall have their right to park in the Temporary Parking Lot terminated immediately.

Should you have any question, please contact County CIP Coordinator, Wendy Taomoto, at 270-7855 or via email to Wendy.Taomoto@co.maui.hi.us.

Testimony for May 19th meeting re: Parking Fees

Jamie Adams <Jamie.Adams@co.maui.hi.us>

Tue 5/16/2017 3:39 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2017 MAY 16 PM 3:40
OFFICE OF THE
COUNTY CLERK

To Members of the County Council,

I am submitting my written testimony regarding Committee Report, CR 17-69. Specifically, the Department of Management General Fund, 3610, Fees - Parking Permits.

I have been a civil service employee for the County of Maui since 2007. I was told at the time that it took 7-10 years to gain the opportunity to have a permanent parking stall when I put my name on the parking list. From day one, I've parked at the municipal lot and walked over to the County building. Then, I would come to work earlier to park up across from the Wailuku Library off-street parking.

In 2015, I received notice that I could park in Lot E (Old Wailuku Post Office). I accepted to park there and was given the placard. I was told I would not be charged to park there since more parking permits were issued than available stalls, and I would not be guaranteed a stall. When I return from an off-campus meeting, the majority of the time there are no stalls available and I have to search for off-street parking. It has been very difficult to find parking that is not in the 2-hour zone.

The proposed fee especially for Lot E is not fair.

Why would you charge an employee \$15/month to park in a lot where they are not guaranteed a parking stall?

It is unassigned parking therefore, employees should not be charged to park there. I am testifying against a parking fee for Lot E.

I appreciate your time and understanding in how this proposed fee affects many of us, County employees. I hope you reconsider and remove this fee from the Fiscal Year 2018 budget.

Thank you,
Jamie L.I. Adams

Teri S. Evans
P.O. Box 791255
Paia, HI 96779

RECEIVED
2017 MAY 18 AM 11: 21
OFFICE OF THE
COUNTY CLERK

May 18, 2017

Maui County Council
200 S. High Street
Wailuku, HI 96793

Dear County Council Members,

My name is Teri Evans and I work at the Department of Water Supply. I am requesting that you remove the proposal to increase parking fees from the fiscal year 2018 budget. I have a lot of concerns regarding the parking situation at the Kalana O Maui Campus; however, at this time I will share with you my concern regarding the rate increase.

Many of the employees, including myself, are members of HGEA bargaining unit 03. I want you to realize the rate increase is a substantial burden for many of us. Our current two year contract provides a 1.6 % across the board pay increase and step movements. Many of us did not receive a step movement and we had to wait eighteen months into the contract to receive the above mentioned pay increase. Some employees received less than a \$50 per month increase in their pay. On July 1, 2017 we will be getting a 2% across the board pay increase. That amounts to approximately \$60 per month more pay for many of us.

We, along with other Maui residents, expect we will be paying higher property taxes, rubbish fees, vehicle registration fees, rent, etc. Please consider keeping the current rates for employee parking. Substantially increasing the parking fee will truly be a burden for us.

Sincerely,



Teri S. Evans

May 18, 2017

Honorable G. Riki Hokama
Chair, Budget and Finance Committee
Maui County Council
20 South High Street
Wailuku, HI 96793

RECEIVED
2017 MAY 18 PM 4: 03
OFFICE OF THE
COUNTY CLERK

Dear Chair Hokama:

SUBJECT: Fiscal Year 2018 Budget Rates & Fees
Account No. 3610, Fees – Parking Permits

Attached please find a petition regarding the proposed increase in parking fees for county employees at the Kalana O Maui campus. This budget item took most people by surprise and therefore our voices were not heard earlier in the budget process.

We believe the parking fee increases are substantive, especially considering county employees at other locations are afforded ample and free parking. The proposed fee increases are particularly onerous for staff at the lower end of the pay scale. We respectfully request that the County Council retain our existing rates for monthly employee parking fees.

If you have any questions please contact me at 270-7305.

Sincerely,



Teri S. Evans

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus

The County of Maui, Department of Management charges parking permit fees for employees using parking stalls in the County of Maui's Kalana O Maui campus area. The County Council's proposed version of the Fiscal Year 2018 Budget includes significant increases to the monthly employee parking fee rates.

The parking fee increases are substantive. Currently, workers must sign up and wait more than ten years for onsite parking and then pay a fee! County employees at all other locations are afforded ample and free parking. It is unfortunate that this same benefit is not provided to the employees at the Kalana O Maui campus.

The proposed fee increases are particularly onerous for clerical staff at the lower end of the pay scale. They, along with the rest of Maui's residents, expect they will be paying higher property taxes, trash collection fees, vehicle registration fees, etc. It is an unfair burden to raise their parking fees 150% or more.

The proposed fee increases are capricious and unconscionable. We ask that the parking fee increase be removed from the Fiscal Year 2018 budget.

**Action Petitioned for Employees of the County of Maui's Kalana O Maui campus:
We the undersigned are concerned citizens who urge our County Council to retain the existing rates for monthly employee parking fees.**

Date	Signature	Printed Name	Address
5-15-17	<i>Helene Kau</i>	Helene Kau	616 Akoka St. Wailuku, HI 96793
5-15-17	<i>Gail U. Martinelli</i>	Gail U. Martinelli	200 S. High Street Wailuku, HI 96793
5-15-17	<i>Verna McPacheco</i>	Verna McPacheco	171 Kuula St. Kahului
5-15-17	<i>Sharon Yamamoto</i>	Sharon Yamamoto	695 S. Alu Rd. Wailuku, HI 96793
5-15-17	<i>Nancy Carpio</i>	NANCY CARPIO	780 MAKAALA DR WAILUKU, HI 96793
5-15-17	<i>Eugene Quamado</i>	Eugene Quamado	114 Eucly St Wailuku HI 96713
5.15.17	<i>Jenny Hesta</i>	Jenny Hesta	497 S Oahu St 96732
5-15-17	<i>Lori Perreira</i>	Lori Perreira	51-D Kealahou Ave. Makawao
5.15.17	<i>Mary Medeiros</i>	Mary Medeiros	1080 Mahanani Pl. Makawao, HI 96768
5-15-17	<i>Lilia Hudson</i>	Lilia Hudson	303 Kaipii Pl. Kihei, HI 96753

Date	Signature	Printed Name	Address
5/15/17	<i>Elise Moniz</i>	Elise Moniz	105 S LEHUA ST. KAHALUI HI 96732
5/14/17 5/16/17	<i>Ray Honda</i> <i>Colin Y. Yoshida</i>	Ray Honda Colin Y. Yoshida	463 KIMBA DL KAHALUI HI 96732 335 Holua Dr. Kahului, HI 96732
5/16/17	<i>Celeste R.H. Guitermo</i>	Celeste R.H. Guitermo	200 S. High ST. Wailuku, HI 96793
5-16-2017	<i>Paul Silva</i>	Paul Silva	791 Hoaloha Pl. Kah. HI. 96732
5-16-17	<i>Holly Ho</i>	Holly Ho	2807 Kekaula Ave Kula, HI 96790
5/16/17	<i>Rochelle Amadeo</i>	Rochelle Amadeo	2560 POKO PL. HAIKU, HI 96708
5-16-17	<i>Joyce Higuchi</i>	Joyce Higuchi	383 Palama Dr Kahului HI 96732
5/16/17	<i>Joyce Takahashi</i>	Joyce Takahashi	361 S. Oahu St Kahului, HI 96732
5/16/17	<i>Helaine Borge</i>	Helaine Borge	8299 Makana Rd Kihui HI 96753

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus

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The parking fee increases are substantive. Currently, workers must sign up and wait more than ten years for onsite parking and then pay a fee! County employees at all other locations are afforded ample and free parking. It is unfortunate that this same benefit is not provided to the employees at the Kalana O Maui campus.

The proposed fee increases are particularly onerous for clerical staff at the lower end of the pay scale. They, along with the rest of Maui's residents, expect they will be paying higher property taxes, trash collection fees, vehicle registration fees, etc. It is an unfair burden to raise their parking fees 150% or more.

The proposed fee increases are capricious and unconscionable. We ask that the parking fee increase be removed from the Fiscal Year 2018 budget.

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Date	Signature	Printed Name	Address
5/15/17		Sharon Matsuura-Dardel	209 Kaulani Dr. Pukalani 96768
5/15/17		TOM OCHWAT	P.O. Box 1835, Wailuku HI
5-15-17		CURRENTON	200 S High St
5/16/17		GAYE HAYASHIDA	70 WAIAKANA, WAILUKU, HI
5-16-2017		Kris McPhee	1095 Kuhio Pl Wailuku HI
5/16/17		PIYALERG KONGSIL	36 KAMELA ST., KULA, HI
5/16/17		NICHY MEDANO	P.O. Box 480 Kaniuni, HI 96727
5/16/17		Derek Takahashi	22 Moolu St. Wailuku
5/16/17		SAGE MIYAMOTO	40 KA'ANAPA PL, PUKAANI
5/16/2017		Herbert Chang	65 Likiep Ave, 96708

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus

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Date	Signature	Printed Name	Address
5/16/17		Melvin D. Yagin	131 Pūkani St., Kahului
5/16/17		Russell M. Higo	213 Hōkai Kamae, Kahului
5/16/17		SHAUL RIBAO	488 KAMAHI PL. WAILUKU
5/14/17		Darrell Honda	729 Papeete St. Wai
5/16/17		Roscoe Poom	153 Kōhōkai St, Wailuku
5/16/17		Cora Honka	453 Kipuka Pl. Kahului
5/16/17		SHARYN R. AGAWA	700 OLDWALK VILLAGE RD., LAHAÏNA
5/16/17		KURT WATANABE	25 UNAKIA PL. WAILUKU
5/16/17		Linda N. Monden	P.O. BOX 2246, Wailuku, HI
5/16/17		Ty Takano	1305 Hōkai St. Wailuku, HI

Date	Signature	Printed Name	Address
5/16/17		Denise Nibrig	P.O. Box 1414 Puneha, HI 96784
5/17/17		Cary Yamashita	P.O. Box 2486 Wailuku, HI 96793
5/17/17		Wendy Kobashigawa	45 Ili Kupono St, Wailuku
5/17/17		Wessun Furumoto	268 S. Ala rd. Wailuku
6/17/17		JULLIO ANO	PO BOX 900114, PUK 96790
5/17/17		NOLLY I. YASIN	30 Kolopua Pl, Wailuku 96793
5/17/17		Mary S. Carvalho	511 I mi Pl. Apt. 401 Wailuku, HI 96793
8/17/17		Lela Martin	512 Mooi Pl Wailuku HI 96793
5/17/17		Troy K. Urayama	499 Kaulana St. Kahi, HI 96732
05/17/17		RAT MACAPULAT	1139 Nakulua St. Wailuku, HI 96793
7/17/17		Walter Bauls	188 Ininiiki St. Wailuku 96793

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Date	Signature	Printed Name	Address
5/17/17		Karen Apana	17 Denise Cir. Wailuku, HI
5/17/17		Diane P. Chaves	41 Iliian Way, Wailuku HI
5/17/17		Sage Kyonaga	2085 Helena Pl, Wailuku, HI
5/17/17		James Levitzwing	563 Laan St, Kahului, HI
5/17/17		Bob Schmidt	46A Kaloa, Kihei HI
5/17/17		Susan Picard	74 Molehuolo Loop Kahului HI 96732
5/17/17		Jennifer Rivera	6 Iao Ln, Wailuku 96793
5/17/17		Paul Barany	49 Molehu Circle, Kahului 96732
5/17/17		ELAINE BAKER	P.O. Box 993 WAILUKU, HI 96793

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Date	Signature	Printed Name	Address
5/17/17		Joy PAREDES	OMP-601
5/17/17		RICHEVE LESA	OMP #601
5/17/17		Mike Napier	OMP #601
5/17/17		Tiffany Bostwick	OMP #601
5/17/17		Peter Graves	OMP #601
5/17/17		Annal Seichter	OMP #601
5/17/17		Dan McNulty-Huffman	"
5-18-17		Kathleen Hoke	OMP 601 601
5-18-17		Pam Eaton	OMP 601
5-18-17		Jen Magdan	OMP 601

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus



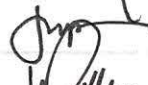


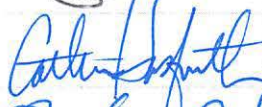


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Date	Signature	Printed Name	Address
5/17/17		Lei Smith	PO Box 592 Wailuku
5/17/17		Inalani Poaipuni	91-D Loha Pl., Pukalani, HI
5.17.17		JO ANN NAGATA	875 HAWAIIAN PLACE; WAILUKU
5.17.17		Jayzel Mattos	2111 Kahookole Ct. Wailuku
5-17-17		Kiecha Cabatingan	P.O. BOX 2700 Wailuku
5/17/17		CATHERINE HASFUERTER	829 HAWAII ST., WAILUKU
5/17/17		DARLYN ATAY	2246 Main St., Wailuku
5/17/17		Gelvin Ika	586 Halemalu Pl. Wailuku

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Date	Signature	Printed Name	Address
5/16/17	<i>[Signature]</i>	<i>Pivake Fernandez Ruiz</i>	Wailuku ^{2200 Main St. Wailuku}
5/16/17	<i>[Signature]</i>	<i>Rulan Waikiki</i>	Wailuku
5/16/17	<i>[Signature]</i>	<i>Renee Segundo</i>	Kahului
5/16/17	<i>[Signature]</i>	<i>Chelsey Furon</i>	Kahului
5/16/17	<i>[Signature]</i>	<i>Charmaine Keaweha</i>	Wailuku
5/16/17	<i>[Signature]</i>	<i>Summer Carlos</i>	2200 Main Street, Wailuku
5/16/17	<i>[Signature]</i>	<i>Paul Critchlow</i>	Kahului
5/16/17	<i>[Signature]</i>	<i>AYELINA ARENAS</i>	Wailuku
5/16/17	<i>[Signature]</i>	<i>Jose Bruttt</i>	Pukalani
5/16/17	<i>[Signature]</i>	<i>Sheila Nakagawa</i>	Pukalani

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus

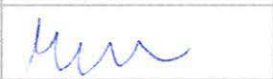

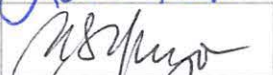

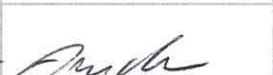
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Date	Signature	Printed Name	Address
5/17/17		MARTI BUCKNER	897 MAKAALA DR WAILUKU
5/17/17		Lori DelBello	588 Kulaiwi Dr. Wailuku
5/17/17		Edna Manzano	608 Ahihiani St Wailuku
5/17/17		B. Alex Buttar	22 Alania Pl. Kihei, HI 96753
5/17/17		Alex de Roode	PO Box 1147 Kula, HI 96790

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus







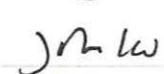
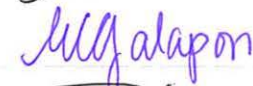

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Date	Signature	Printed Name	Address
5/16/17		Debra Hayase	338 Makua St Wailuku
5/16/17	Jiniba	JEAN INIBA	165 KUHUA ST. Kahului
5/16/17		Shariynne Papagayo	348 Haulani St. Pukalani
5-16-17		Terrie Ream	334 Kaomi Place, Makawao
5-16-17		Grace Andam	105-A Haulani St Pukalani
5-16-17		Victoria Constantino	663 WAKA Pl. Wailuku HI. 96793
5-17-17		Guy Hironaka	126 Ku Dr., Wailuku, HI
5/17/17		John Lo	83 Halelani Place Kihui HI 96753
5/17/17		E. Carlos Galapon	691 S. Papa Ave Kahului, HI 96732
5/17/17		Jared Hedani	36 Ainaola St. Wailuku, HI 96793

Petition to Retain Existing Rates for Parking Fees at Kalana O Maui Campus


The County of Maui, Department of Management charges parking permit fees for employees using parking stalls in the County of Maui's Kalana O Maui campus area. The County Council's proposed version of the Fiscal Year 2018 Budget includes significant increases to the monthly employee parking fee rates.

The parking fee increases are substantive. Currently, workers must sign up and wait more than ten years for onsite parking and then pay a fee! County employees at all other locations are afforded ample and free parking. It is unfortunate that this same benefit is not provided to the employees at the Kalana O Maui campus.

The proposed fee increases are particularly onerous for clerical staff at the lower end of the pay scale. They, along with the rest of Maui's residents, expect they will be paying higher property taxes, trash collection fees, vehicle registration fees, etc. It is an unfair burden to raise their parking fees 150% or more.

The proposed fee increases are capricious and unconscionable. We ask that the parking fee increase be removed from the Fiscal Year 2018 budget.

**Action Petitioned for Employees of the County of Maui's Kalana O Maui campus:
We the undersigned are concerned citizens who urge our County Council to retain the existing rates for monthly employee parking fees.**

Date	Signature	Printed Name	Address
5/18/17		Katherine Tanaka	497 Puahani St Wailuku HI 96793
5/18/17		Ricky Villegas	480 Kaula Pl. Kihei
5/18/17		JASON	HAIIKU
5/18/17		Kyle Kimizaki	Kahului
5/18/17		Kacer Sharma	K. Hwy
5-18-17		MARK KLUTH	Kihei

RECEIVED

2017 MAY 18 PM 12: 29

OFFICE OF THE
COUNTY CLERK

May 18, 2017

To: Maui County Council

Subject: Written testimony regarding Parking Fee increase

Aloha,

Budget and Finance Committee Chairman Riki Hokama and Distinguished Members of the Maui County Council

My name is Rochelle Amadeo and I am a Maui County Employee.

I am writing in response to the proposed budget increase regarding parking stalls assigned to Employees who work here at the Kalana O' Maui campus. I work at this campus and I have assigned parking. I do not agree to this increase for the following reasons. In 1999 I was assigned to a stall and I was informed that the stall would cost \$10 a month and would be taken directly from my paycheck. That fee when calculated, amounts to \$120 a year or in my case \$2160 over the past 18 years.

I had been told through the "Grapevine" that this money goes into the General Fund. Also, let's not forget employees who have come before me that have retired and have also paid into this General Fund. That's a lot of money to sock away in a "General Fund". Any person who is fiscally responsible with their hard earned money should know exactly where their money is at any given time. In the case of the General Fund, where a portion of my money is going to, I don't know for what or why.

Some would say, "That's a great deal" considering what others in the community are paying for parking in the Wailuku area. Yes, I would agree to that, but this is where it is different.

I receive no benefits for the fees that I have paid, only the privilege to not have to hunt around Wailuku and find a safe place to park. Then again, even that remains questionable.

In the years of having a fee based assigned parking stall, my car was vandalized 3 times. I did not have access into the "General Fund" to fix the damages done. I had to pay out of pocket what my insurance would not cover. Also, there have been numerous instances when I have arrived to work in the mornings or come back from lunch and have been inconvenienced and arrive to work late, because someone from the public has parked in my fee assigned stall.

I have seen fellow workmates cars stolen, vandalized and individuals harassed in their assigned parking stalls. In a past Administration when I experienced the vandalism, I wrote a letter and had a meeting with an Executive Assistant to voice my concerns. I had asked that security cameras be placed in our parking lots to deter such activity and to keep us safe especially in times when we found ourselves working late into the night and would have to walk in the dark to get to our car.

Security cameras are only placed on and under this building. There are no cameras in parking lot (D) across on Kaohu St. and no cameras that go beyond lots A, B and C.

I had also asked that the Employee Only Parking signs be made more visible to the public. The signs are either too high, hidden in hedges or placed in areas that have no impact. I have also asked why the county could not install at the entrances to all of the employee parking areas, secured gates that would allow us access and exit using our Employee ID's.

All of these questions were never answered.

Until recent, for many months and sometimes years the parking areas were overgrown with weeds, un-manicured trees and cracked or uprooted asphalt. It was an embarrassment to the surrounding area of our County Building.

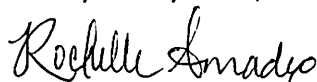
So the question is, where has my money gone, why has it not been used to maintain or improve the parking area, why has it taken so long to see the improvements that we have now and why has so many years gone by for anyone to address these real problems?

Your proposal to increase our parking fee 150% more is not justified. As an employee who has to pay to park near my work site I deserve an explanation as to why the increase is being proposed and how the monies will benefit myself, the other employees and the community, if there is a need.

The increase proposal with no reason is comparable to someone reaching into my wallet and taking \$25 or more each month just because someone felt like doing it? That's stealing. Please remember, I/we wear two hats on this island. The first hat is a Citizen of Maui County, who is subjected to property tax increases, refuse increases, water/sewer increases, oil/gas increase, food price increases and the list goes on. Secondly as a Civil Servant, I along with all other Civil Servants that work for the County of Maui are the first "Go to People" here at work who are asked to annually contribute to the Maui United Way, the Food Bank, the American Heart Association, the Blood Bank, the Cancer Society and...the list goes on.

I know that these request are voluntary and I like to live my life being able to give cheerfully. Those gestures help to remind me all the time how fortunate I am to have my job and all the blessings that come with it. I am proud and privileged to work in an environment surrounded by the movers and shakers of our island and I never take that for granted. So in closing, I humbly ask that you reject the parking increase proposal and most of all not take your Maui County Civil Servants for granted too.

Thank-you very much,



Rochelle Amadeo



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

Maui County Council

Testimony by
Hawaii Government Employees Association
May 18, 2017

COST ITEM PROPOSAL (HAWAII
GOVERNMENT EMPLOYEES
ASSOCIATION, BARGAINING UNITS
02, 03, 04 and 13) (County Communication
17-206, 17-207, 17-209)

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the proposed resolutions for our members included within bargaining units 02, 03, 04 and 13 collective bargaining agreements for fiscal year 2018 and 2019.

Thank you for the opportunity to provide written testimony in strong support of the cost item proposals..

Respectfully submitted,

Randy Perreira
Executive Director

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2017 MAY 18 PM 2:35

OFFICE OF THE
COUNTY CLERK


Testimony for the council of the County of Maui
Public Hearing
May 19, 2017

CR-1769

To whom it may concern,

My family and I would like to inform you that the area you would like to build a Hawaiian Cultural Center in the Kaehu Project is that we are in opposition of the proposal for this project. This specific piece of land is very special to my family. Allow me to give you a brief history lesson of my family's life upon this land. First of all my mother was born and raised in Waiehu. She has also passed away there so I would like to continue to honor her memory there. The tree I used to play on when I was a child is still there. I have watched my own children play on it and would like to watch my grandchildren play on it for years to come. This is the place where I learned how to fish and surf. This is the place where more than one generation of my family has been raised. You are trying to take away our land which has been passed down from generation to generation. We want to keep the land just the way it is and we don't want anything built upon it. It has its own purpose and beauty there. This is where my family have our family reunions, parties, camps, and a place where we talk about and honor our ancestors. To have anything built there that would prevent or restrict us in anyway in the way our family uses this land which has been as much as a part of our family as my parents, brothers, sisters, and children who this land will be passed down to will be very unwelcome. So once again I would like to say that we strongly oppose your proposal for the Kaehu Project.

Sincerely,



Winfred Aperto

111 Iao Loop

Wailuku, Hawaii 96793

Testimony for Council Of The County of Maui

Public Hearing

May, 24, 2011

Bill No. 23 (2011)

CR-1769

My name is Henry Maio and I am the title holder of lot 4 which is a portion of the 'Ahupua'a of Waiehu.

I am hereby objecting to the ammended budget that was recommended at the first reading approving spending \$1.7 million for the negotiated purchase of approximately 64 acres of wetland between Iao Stream and Waiehu Stream fronting Kaehu Bay. I hereby object to the fact that the County wants to use taxpayers money to purchase said property that has no warranty or clear title.

My grandfather was given land in the Mahele both in Waiehu and Paukukalo and we are still occupying the land, lot 4 in Waiehu. Lot 1 in Paukukukalo LCA3386-Pehuino. When Councilman Wayne Nishiki was on the Council, a bill was passed whereby the County would not accept any donation of real property if the title was not clear (attachment A, COW, Dec. 17, 2001)

The amended foreclosure of the property was being sold with no warranty and by Quit Claim Deed, which would automatically raise a concern with the Corporation Council. I spoke with all three partners of North Shore at Waiehu LLC, Paul Werner, Giovanni Rossati, and Robin Williams and their third party agent, Dave Ivy, and made it known to them that my family owns all of lot 4 in Waiehu, approximately 35 acres as an heir of Pehuino LCA3386 but today it is noted on TMK 3-3-01, parcel 1.

This action to purchase this property is in direct conflict to County code 3.44.

Sincerely,



Henry Maio

82 Lower Waiehu Beach Road

Wailuku, Maui, Hawaii 96793

808-249-8012

5/18/17 Re-submit

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 17, 2001
Page 2

Committee
Report No. 01-249

There being no public testimony, Councilmember Nishiki provided a brief introduction, followed by a brief overview of the revised draft bill by the Corporation Counsel.

Your Committee briefly discussed eminent domain procedures as well as quiet title.

Your Committee noted the importance of having flexibility to make decisions pertaining to the acquisition of real property based upon each individual situation.

Your Committee inquired whether the Corporation Counsel would be willing to approve the revised draft bill entitled "A BILL FOR AN ORDINANCE TO ENSURE THAT THE COUNTY ONLY ACCEPTS REAL PROPERTY WITH GOOD TITLE" as to form and legality. The Corporation Counsel indicated he would be willing to approve the revised bill.

At its meeting, the Corporation Counsel signed and approved the revised bill as to form and legality.

Your Committee voted to recommend passage of the proposed bill on first reading.

Your Committee of the Whole RECOMMENDS the following:

1. That Bill No. _____ (2001), attached hereto, entitled "A BILL FOR AN ORDINANCE TO ENSURE THAT THE COUNTY ONLY ACCEPTS REAL PROPERTY WITH GOOD TITLE" PASS FIRST READING and BE ORDERED TO PRINT; and
2. That County Communication No. 01-108 be FILED.

Adoption of this report is respectfully requested.

cow:cr:0141aa:rkk



5/18/17

Re-Submit

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 17, 2001

Committee
Report No. 01-249

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on December 4, 2001, makes reference to County Communication No. 01-108, from Councilmember Wayne K. Nishiki, requesting consideration of a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.44, MAUI COUNTY CODE, REGARDING ACCEPTANCE OF REAL PROPERTY ONLY WITH INSURABLE TITLE AND BY WARRANTY DEED.

The purpose of the draft bill is to ensure that the County avoids costly legal disputes by prohibiting the acceptance of real property without clear title.

By correspondence dated November 16, 2001, Councilmember Nishiki requested that the item be scheduled for discussion.

By correspondence dated December 3, 2001, Councilmember Nishiki transmitted a revised draft bill entitled "A BILL FOR AN ORDINANCE TO ENSURE THAT THE COUNTY ONLY ACCEPTS REAL PROPERTY WITH GOOD TITLE".

The purpose of the revised draft bill is to prohibit the County from acquiring real property, unless the Director of Finance and the Corporation Counsel certify in writing that the interest conveyed constitutes "good title" or that the Council waive this requirement by a two-thirds vote. "Good title" means the interest conveyed must be free of any present litigation, obvious defects, or reasonable doubts concerning its validity or merchantability.

At its meeting, your Committee met with the Corporation Counsel, a Deputy Corporation Counsel and the Director of Finance.

5/18/17
Re-Submit


COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 17, 2001
Page 3

Committee
Report No. 01-249

DAIN P. KANE Chair

PATRICK S. KAWANO Member

G. RIKI HOKAMA Vice-Chair

MICHAEL J. MOLINA Member

ALAN M. ARAKAWA Member

WAYNE K. NISHIKI Member

ROBERT CARROLL Member

CHARMAINE TAVARES Member

JO ANNE JOHNSON Member

Henry Cleas Tr
5/18/17
Re-submit

Testimony for the Council of the County of Maui

Public Hearing

May 19, 2017

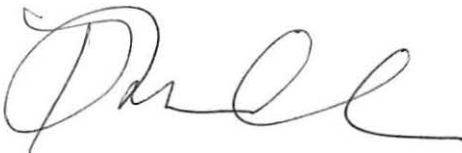
CR-1769

Aloha. My name is Terry Miller.

I write on behalf of myself and my `ohanas kupuna, Pehuino. I oppose the grant for the Ka'ehu project. This is my 'Ohana's kuleana land. I will not ask anyone besides my own family for use of our 'Aina.

I am saddened by the fact that the county of Maui is blatantly continuing acts of violence against our Ohana again, and for for the past 17 years and beyond. Our Ohana still to this very day continue to gather and utilize our 'Aina which the county is encroaching upon by funding a non -profit to use our land. Since when is this Pono? We have been connecting with the 'Aina as an Ohana with our lu'aus, reunions, ho'o lewa (funerals) and 'Ohana nights where the keiki come to learn the history and to make connections with each other. Our kupuna that have passed come to me in my dreams and tell me to teach the keiki about how we can honor and respect those who have passed and for us, the living, to come together.as one. We malama this land because it is our kuleana.

Thank You,

A handwritten signature in black ink, appearing to read 'Terry Miller', written in a cursive style.

Terry Miller

74 Lower Wiehu Beach Road

Wailuku, Maui, HI 96793