

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

November 2, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, NOVEMBER 2, 2018, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui 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, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we will go to Member Carroll.

### OPENING REMARKS

The opening remarks were offered by Vice-Chair Robert Carroll.

CHAIR WHITE: Thank you, Mr. Carroll. And I would just add to those remarks as a reminder that all residents of Maui County can vote for all Councilmembers. So, one of the nice things that would, nice outcome would be to have fewer blank votes because people don't think they can vote for somebody outside their district. So, thank you for those remarks.

Would everyone please rise and join me in the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And please set your phones on silent mode. We will, and we'll begin the meeting.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolution.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 18-177

CONGRATULATING RETIRED POLICE CAPTAIN  
CHARLES HIRATA FOR BEING INDUCTED INTO  
THE 2018 CHILD PASSENGER SAFETY HALL  
OF FAME

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED  
"CONGRATULATING RETIRED CAPTAIN CHARLES HIRATA  
FOR BEING INDUCTED INTO THE 2018 CHILD PASSENGER  
SAFETY HALL OF FAME".

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

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

CHAIR WHITE: Certainly.

Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I'd like to ask my Members to support this resolution. And, I, I wanted to just mention that I've met Mr. Hirata during the course of my community work. And when I would do events, he would pop up and say he would like to set up a child passenger safety seat inspection point. He trained volunteers. He did it all on his own. It was all on his off time. I'm not even sure if he was a police officer then, but he was always there.

And with the kind of passion and commitment that he has to people, if you think about all the things he's done with his police years in Maui Police Department as well as just taking on this project, he's given a lot from his heart. And, I'm going to, we're going to hear from him later on. And I think he can probably explain to us where he got this passion from. But, this is a person who I'm, I'm grateful that we're honoring. He certainly deserves this.

I will tell you that one of his newest things that he's talked to me about is that he would like to see that children do not ride in the back of trucks. So, I can imagine that we're going to see action on that from him as he will take that passion to the Legislature. It's not something that belongs to this Council or this body. But, with that kind of commitment, he lives his life, and I'm so grateful he is a friend. And that I hope to hear him and see him continue his community work. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any other discussion on this item?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. We're so proud of this man. Not only has he saved how many lives with how many injuries over the years, he's continuing and he's saving lives and injury of children that haven't even been born yet. His legacy is really a service to the public, a service to the children of not only Maui, but Hawaii in a whole as an example that he set. There just aren't words enough to describe how proud we are of him and how lucky we are that we have had him with us. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

Mr. Guzman, followed by Ms. King.

COUNCILMEMBER GUZMAN: Thank you. I'd also like to congratulate Captain Hirata for his many accomplishments. I, I know back in the day, it wasn't too long ago, where I had two safety child seats and one booster. So, and I recall being a rookie prosecutor and attending the onsite training held by Captain Hirata. And he's one of those mover and shakers that really change the system. I know I grew up not having to sit in a booster chair in a car. And now it's the norm. And its people like Mr. Hirata that make that difference, and change the, the way that we do things in society for the betterment and safety of our children. So, I congratulate and thank Mr. Hirata, Captain Hirata for everything he's done. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I would like to add my congratulations. But, I especially want to thank Captain Hirata for the continued attention to this matter because, you know, I also grew up in a time even before Mr. Guzman where there were no booster seats.

But, when my children were little in the 80's, the booster seat law was for three years old, but it was a real rudimentary. And actually, three-year-olds can undo a buckle of the seat back then. So, I had to teach my daughter couple, couple blocks away from

home who undid the seat and fell over sideways and had to ride the rest of the way home sideways on the seat. And, I just had to tell her, "well, don't do that next time and that won't happen". And that's how I taught her to use that seat.

So, now they're much more effective, I think. And I, and I think the efforts of people like Captain Hirata have been extremely appreciated. And, I think there's been huge results from that. So, thank you for your efforts and your ongoing, not giving up. Thank you.

CHAIR WHITE: Thank you.

Ms. Crivello, followed by Ms. Cochran.

COUNCILMEMBER CRIVELLO: Thank you. On behalf of my island, Molokai, where Mr. Hirata served and what he's extended to all of Maui County, I join my colleagues and most of all to mahalo you for your contributions to truly allow us to be mindful of the safety for our children. So, thank you, Charles. Thank you.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I completely agree with everyone's comments so far. And just so honored to be here today to honor Captain Hirata. And not only in the reso it does mention that he's gone to Guam, Saipan, and American Samoa, I mean he's reached out to the rest of the world, not just our world here. So, this is amazing and awesome, and so happy to be here to congratulate him and pay respects to his efforts. And hopefully others that retire out don't really retire out, but continue, you know, the work they've been doing when, while working for the County or elsewhere. And so, I just appreciate that of himself and giving back to this community. Thank you, Chair.

CHAIR WHITE: Thank you. Well, I have to say I grew up when there weren't even seatbelts, much less child restraints. And with the, with my two older brothers in the backseat, I'm sure that my parents would have preferred to have significant restraints rather than put up with the rambunctiousness of us in the backseat.

But I, I know Captain Hirata from his time in Lahaina. And he's always been such a giving person, so supportive of the community, and always out there doing things that others might not take the time to do. And, I was asking him how he was enjoying retirement. And he said, well, I'm not exactly retired. I've got, I'm on several boards, and I've got lots of, lots of work that he's continuing doing, continuing to do.

And this is, his example has just been read by the Clerk is another example of how important it is for some people just to follow, follow their gut. You know, he came, obviously he'll share with us how he got started. But, something got started in him that made him take the time to become the first person who was certified as an instructor in the State. And then as Ms. Cochran said, to go to many other parts of, of our country; and it's just so heartening to see that someone who has developed a passion for something and followed it through and continues to make a big difference in the lives of so many kids.

None of us can count or ever imagine how many children have been saved. And at this point after, since it's been almost what 20, almost 20 years, there's some kids that are in college today that likely would not have been there had he not taken the time and made the effort that he did. So, it's with the heartfelt mahalo that we say thank you to Captain Hirata.

So, any further discussion? 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.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'd like to ask Captain Hirata to come up and receive our congratulations, as well as to say a few words, Chair.

CHAIR WHITE: Certainly. Please join us.

CAPTAIN CHARLES HIRATA: Do I have three minutes or more?

CHAIR WHITE: You can take whatever time you like.

CAPTAIN HIRATA: Thank you. No one, if you find somebody at the top of the mountain, chances are they didn't get there by them self. I've had the, the for, good fortune of having people who supported me over the years. I've had volunteers; there's people that would come out every week, every month rather, and to help out at the car seat check-up events. I had the support of several Chiefs, Chiefs of Police who allowed me to do all of this service to the community.

It got to the point where I saw people, kids getting killed, and kids getting seriously injured. So, I learned that nobody else was doing this education, and nobody else was providing the service. So, I said to everybody, I said if not us, who? So, it kind of fell on the Police Department.

Normally you would think of police officers as doing that, you know, the hard stuff; making arrests and going out there giving tickets. But, there's, there's also that education component that's so important when dealing with the public and trying to keep the public safe. Because, protecting and serving also means that we need to protect from something that hasn't happened yet.

And I feel particularly honored that you would, you would honor me in this fashion. And the, the Hall of Fame, the Hall of Fame, I consider it a particular honor being that several of the recipients were honored posthumously. So, it is indeed an honor to be given this honor while I'm still here.

So, being that we can't do this alone, as Councilmember Sugimura already stated, I tried to get a County ordinance passed that would keep kids out of the back of pickup trucks. But, it requires enabling legislation through the State. So, we did introduce something with, through Senator Keith-Agaran, and unfortunately it didn't even get a hearing. Hopefully, we're going to try to do that again to allow the County Council to raise the age from, currently it's 13, to perhaps go all the way to 18 so we can keep kids out of the back of pickup trucks. Because, once the law was changed to 13, we've done a really good job, but unfortunately kids 13, the teenagers and above are getting killed in the back of pickup trucks, and injured as well.

So, in the meantime, before we can get a enabling legislation done so that the County Council can pass an ordinance, I'd like to ask you to transmit a resolution to the, to the State Legislature supporting a bill that would keep kids out of the back of pickup trucks. Because one of the excuses that we hear from the State Legislature is they say that the Counties don't want it. So, if you can send a resolution to the State saying that yes we do want it, it kind of eliminates the excuse that, you know the Counties don't want it.

So, I would like to bring you into my little coalition of, you know, . . . Na Keiki, or the guardians of the children, to help protect the kids and keep them out of the back of pickup trucks. If there's anything you could do to help me, I think that is one thing I would ask for you to do. Thank you.

CHAIR WHITE: Thank you very much. Thank you so much for joining us this morning.

COUNCILMEMBER KING: Chair, can, can I just ask Mr. Hirata if he can maybe--

CHAIR WHITE: Oh, your three minutes are up, but we've got a question for you.

COUNCILMEMBER KING: I wanted to add another minute to your time.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: No, but can we get a copy of the legislation that you, you're proposing? Because, we have that, we have the HSAC Package that is on our agenda today, because we have Maui Legislative Package that we're sending forward. So, I, I would like to see if you have that.

CAPTAIN HIRATA: Okay. Yea, the, I'll pull up the bill and I'll send it to Councilmember Sugimura, and then she'll, she can disseminate it to the rest of you.

COUNCILMEMBER KING: Or the Chair.

CAPTAIN HIRATA: Okay.

COUNCILMEMBER KING: Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Thank you. Thank you very much.

CAPTAIN HIRATA: Any other questions? Seeing none, thank you very much, appreciate it, mahalo.

CHAIR WHITE: Okay. Mr. Clerk, let's proceed with the agenda.



COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 18-177.

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

Individuals who wish to offer testimony from our District Offices should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda. And pursuant to the rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested.

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

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

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono in the Hana Office, and the first testifier and only testifier that I have is Scott Crawford, testifying on item number 18-395.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. SCOTT CRAWFORD (testifying on County Communication No. 18-395):

Aloha Chair and Members of the Council. My name is Scott Crawford, and I'm testifying in support of Councilmember Carroll's proposed resolution "SUPPORTING THE GOVERNOR'S EFFORTS TO INTERVENE BETWEEN NĀ PO`E KŌKUA, THE HAWAII FAIR LENDING COALITION, AND THE BANK OF AMERICA TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150 MILLION LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS".

Back in the mid-90's, I was involved with the Hawaii Fair Lending Coalition. And at that time, through some statistical analysis and things, we were able to determine that Bank of America was essentially redlining Hawaiian Home Lands and discriminating against Hawaiians by not lending on the Hawaiian Home Lands. And at a, we had an opportunity when a Bank of America, and this was so long ago that the details are a little fuzzy, but we had an opportunity, I believe, when Bank of America was trying to merge with Liberty Bank to intervene in that process and bring this to the attention of

the regulators, the Office of Thrift Supervision, I believe at that time. And through, basically proving that the Bank of America was discriminating against Hawaiians in their lending practices, we were able to force them to commit as part of the condition of this merger to provide a \$150 million of lending onto Hawaiian Home Lands.

Unfortunately, Bank of America never fulfilled this commitment. And despite several years later, recommitting again, they just failed to follow through. You know, they were granted the merger that they requested, but they failed to fulfill this condition of the merger. The fact that this was so long ago shouldn't be a reason to forget it and just let it slide. I think that I'm, it's all the more reason that we should hold them to their commitment. And especially given the opportunity cost that Hawaiian families have suffered from the fact that they've failed to do this over the years and their ability to be able to get into their own homes, develop equity, develop financial security, and the impact that this has had on many Native Hawaiian families.

So, I am glad that Governor Ige is taking the initiative to hold Bank of America accountable, and I support Councilmember Carroll's resolution in support of Governor Ige's efforts. And I would urge the Council to, to support this resolution. Mahalo.

CHAIR WHITE: Thank you, Mr., thank you, Mr. Crawford.

Members, any need for clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

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

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

COUNTY CLERK: Thank you.

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

MS. TINA THOMPSON: Good morning. This is Tina Thompson from the Molokai Council Office, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have ten individuals who have signed up to testify in the Council chamber. The first individual to provide testimony is Katie Folio, Coalition for a

Tobacco-Free Hawaii Coordinator, on behalf of the Coalition for a Tobacco-Free Hawaii, testifying on Committee Report 18-188. To be followed by Richard Collins.

CHAIR WHITE: Good morning.

MS. KATIE FOLIO, COALITION FOR A TOBACCO-FREE HAWAII (testifying on Committee Report 18-188):

Good morning. Aloha, Chair White and Honorable Members of the Council. My name is Katie Folio. I'm here on behalf of the Coalition for a Tobacco-Free Hawaii to offer testimony in strong support of Maui County's adoption of proposal one, "A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS" into the Maui County Legislative Package.

This bill aims to repeal and amend provisions relating to the preemption of County laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices; often referred to as e-cigarettes or vapes.

The Coalition for a Tobacco-Free Hawaii is a program of the Hawaii Public Health Institute that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawaii, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

The Coalition is concerned that new preemption language included in House Bill 1895 will prohibit counties from advancing any tobacco selling and access laws, which are public health evidence-based strategies proven to reduce tobacco consumption and initiation, by removing the counties ability to provide protections to the residents if the, if the State decides not to pursue tobacco control policies.

HB1895 impedes County ability to protect the health of their residents through existing or future laws and regulations restricting the sales of tobacco, other tobacco products, or electronic smoking devices. For example, HB1895 makes null and void the existing Hawaii County Age 21 law that was passed in 2013. Thankfully our State 21 law was passed in 2015, no doubt inspired by the County legislation which came first, otherwise, those protections would now be removed for Hawaii County.

Preemption also prohibits future County policies that could reduce youth use of tobacco products or electronic smoking devices, including but not limited to prohibiting the sale of these products in pharmacies, or near schools, or creating a sales restriction

on candy-flavored tobacco and vaping products; legislation Maui County may want to consider in the future to help protect our youth. Especially considering that high school students in Maui County are experimenting and using ESD's at higher rates compared to the State average. With 50.7 percent of Maui County's students trying these products, high school students, as compared with 43.7 percent across the State, and 32.3 percent of our high school youth regularly vaping now, compared to 25.3 percent Statewide. Our middle school rates are also escalating at alarming rates. And, we hear frequently that these devices are now being confiscated in elementary schools as well.

HB1895 was passed out of Committee without any public participatory process for the county's and affected stakeholders to comment on the county's right to pass laws and, these laws and regulations.

The Coalition strongly believes the public should have the ability to work with our County officials to pass laws tailored to their unique needs. We thank Maui County Council for considering this important piece of legislation.

CHAIR WHITE: Thank you, Ms. Folio.

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

MS. FOLIO: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Richard Collins, testifying on Committee Report 18-188. To be followed by Barbara Henny.

MR. RICHARD COLLINS (testifying on Committee Report 18-188):

Good morning, Council Chair and Honorable Members of the Council. My name is Richard Collins, and I'm here testifying on behalf of myself. I too am in strong support of 18-188 of the Maui County's adoption of proposal number one, which is the bill for an act relating to the County authority on the sale of tobacco products in the Legislative Package. I believe that this is important because this bill aims to repeal and amend those provisions related to preemption of County laws.

Preemption is a step backwards in the public health world. It does not allow us to look at our community needs and address our community needs as needed. And it

requires, then us, to do it at the State level only. Counties need this ability to regulate tobacco products and e-cigarettes at a local level to address our specific issues. As Katie said in this last testimony, over a third of our high school youth are current users of these products of electronic smoking devices. We need to be able to have the ability to do something about that, locally.

Preemption limits our ability to protect the health of these young people and our unique communities. Examples of this include prohibiting the sale of tobacco near schools, creating a sale restriction on candy-flavored tobacco products and vaping products. Counties have often passed innovative and effective laws and can serve as catalysts for the State to take action. One example is the smoke-free restaurants and bars law, which passed in all counties before it passed at the State level. This is very important for us to have the ability to do this.

I want to encourage you to continue to support this and put this in this package. And, thank you for your time.

CHAIR WHITE: Thank you very much.

Members, any need for clarification?

COUNCILMEMBER KING: I actually have a question, Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Thanks for being here. And, I totally agree with you about these preemptive bills. Are you getting any support from our State Legislators on Maui for this proposal?

MR. COLLINS: I don't know the answer to that. Katie would probably know the answer to that. The answer is yes; she's shaking her head.

COUNCILMEMBER KING: Okay. Cause, it would be great to be able to work with the, the--

MR. COLLINS: I think Roz, Roz, Roz Baker was a proponent of that, right? A supporter--

COUNCILMEMBER KING: Okay. So, we're dealing with the same preemption on the, you know, the oxybenzone ban as well?

MR. COLLINS: Yes.

COUNCILMEMBER KING: Alright. Thank you.

MR. COLLINS: Yea. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Barbara Henny, testifying on Committee Report 18-180.  
To be followed by Tasha Kama.

MS. BARBARA HENNY (testifying on Committee Report 18-180):

Good morning--

CHAIR WHITE: Good morning.

MS. HENNY: --Chairman Mike, respecters and honorable colleagues. Can you hear me? Okay. . . . to go to the wrong way. I'm here today and thank you for the opportunity to address the concerns of Front Street Apartments. And also to urge you to pass with full approval the Budget and Finance Committee Report No. 18-180. This is the first reading of this bill in Council, and I trust there will be another to enable facilitation of an appraisal of the property, an eventual process toward eminent domain, condemnation of the ground lease, and purchase of the apartment complex.

I also want to take this opportunity to thank each and every one of you who participated at the West Maui Taxpayers meeting last week. This was a very enlightening and informative event for all attendees. Thanks to Joe Pluta and his organization for a very successful forum, presenting a wonderful opportunity to meet with candidates and existing members.

I want to acknowledge the empathy and concern expressed at the meeting for Front Street Apartments. And, I guess we wouldn't be here today to further the process if it wasn't an important agenda item. Proponents for FSA, and endeavors to retain affordable income status are so much appreciated and praised for their ongoing efforts.

In previous meetings, many of you have expressed willingness to pursue retaining affordable rental housing in West Maui. At the moment, Front Street Apartments is attainable entity; roofs over people's heads, working people able to live in an accessible, decent location to serve the area. Why change what is not broken? This is where our service people need affordable rental housing, and so do those people

who entrusted their futures in this complex when it was open to those on limited incomes.

Right now, we are encountering obstacles. We are scared cowering chickens in this big rooster fight and are having to adjust to each new maneuver by owners and management who ruffle our feathers. There is currently very little visible construction of infrastructure in the works for affordable housing in West Maui. A lot of talk, plans and proposals. But we at Front Street do not want to be displaced and moved elsewhere when there is nothing to move into, and seemingly will not be by August 2019, which is the deadline.

I, okay, I just want to say thank you for allowing me to be here, and to all of you who have considered our pleas and who followed with us and to uphold our rights. Mahalo to all.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Seeing none, appreciate your coming this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Tasha Kama, testifying on County Communication 18-395, on behalf of NPK.

MS. TASHA KAMA (testifying on County Communication No. 18-395):

Good morning, Mr. Chair and Members of the Council.

CHAIR WHITE: Good morning.

MS. KAMA: My name is Tasha Kama. I'm the founder of Nā Po`e Kōkua, or NPK as we call it, and also a member of the Hawaii Fair Lending Coalition since it was established over 30 years ago.

I wanted to come here today to say thank you to each and every one of you for giving us your time to listen to what we had to say, for giving us some suggestions as to how we can move this initiative forward. So, on behalf of NPK and the Hawaii Fair Lending Coalition, thank you for not only the suggestions that you gave us, but the time that you allowed us too. I know some of you said, okay, we'll give you a half an hour, whatever, but you gave more than that. So, thank you so much.

And, apologize to you, Chair White, for not being able to meet with you personally. We would have loved to, and we just couldn't kind of like get the time together. But, mahalo nonetheless for you being here. And I know you've read all the materials that's in the front of you.

But, I also want you to know that NPK's board members wanted to be here today, which is Kehau Filimoe`atu and Blossom Feiteira. But they're right now on a call with the National Community Reinvestment Coalition this morning. And, that call was, was scheduled weeks ago and we didn't have an opportunity to, for them to be here today. But, they did so want to be here. But, we are putting on, we have a call into them because they've offered to help us to strategize as to how other communities across our nation are working on the same issues that we are working on, and that they're willing to help us to strategize to move our initiative forward.

But, mahalo again for your letters of support, and now for this resolution. Thank you for, Councilmember Bob Carroll, for opening up his office and giving us the time, and also doing the reso even when you were going through your illness. So, we thank you so very much for that. But to all of you Councilmembers, thank you, aloha, mahalo.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification?

COUNCILMEMBER KING: Chair. Chair, I do have a question for Ms. Kama.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you for being here. And you can punt this to, to Shay if you want. But, I just wondered, several of the Councilmembers wrote letters to Bank of Hawaii asking to--

MS. KAMA: I'm going to pass that to Shay, cause she has a whole--

COUNCILMEMBER KING: Yea, I was just wondering what the response was, if they're coming.

MS. KAMA: Yea, she's going to let you know that. Thank you.

CHAIR WHITE: Thank you very much.

Mr. Clerk.



COUNTY CLERK: Next testifier is Barbara Halai-Fernandez, director, Maui Green & Beautiful, testifying on Committee Report 18-185. To be followed by Shay Chan-Hodges.

MS. BARBARA HALAI-FERNANDEZ, MAUI GREEN & BEAUTIFUL (testifying on Committee Report 18-185):

Aloha and happy aloha Friday; yea. My name is Barbara Halai-Fernandez. I'm the past vice-president and current director of Maui Green & Beautiful. I am here to testify on CR 18-185.

As you probably already know, our group's goals are to care for the aina to protect, preserve, and to educate. I'm here to testify on behalf of the exceptional tree nominations to be included with other Maui Exceptional Trees. Maui Green & Beautiful were the folks who submitted these grand trees to the County Arborist Committee. Some have been waiting to get voted on eight plus years. And finally, we got it all together for them to get these passed.

I hardly go to Lahaina. Yesterday I drove there to visit my friends, since they lost their house that burned. They both told me how calming the Olowalu Canopy was, because they had to leave and now they're able to return to their home; that's first if you had the list before Olowalu Tree Tunnel. We all know who those trees are and know you all take a deep breath going through them, the beauty they give us.

Councilman Cochran, you know these trees super well; in and out, in and out the west side with the trees greeting you. Of course, those of us who know, know the Olowalu Menehune that sits on the mauka trees. These trees certainly give you peace of mind; second tree, Kahoolawe, the four Wili Wili trees. How proud and how much taller can these trees stand? Look what these trees have been through. And as Councilman Crivello knows, from your ohana, how onipa`a they stand even today. Mahalo to the Helm ohana. . . . Harry Mitchell.

Okay, back to my school, Old Maui High. Everyone should go to the campus to enjoy these trees. They've been placed and grew just like the students did who went there. Please go by and enjoy. Pu`u Mahoe, every inch of the place is an honor to Fleming's. Wailuku, the Honoapiilani trees. Councilman Atay, back and forth, back and forth; you on the way work too for Olowalu. And finally, the Monkeypod; tourists and local enjoys the Kihei.

So the trees are sure exceptional, as you know. And the trees and myself, with Maui Green & Beautiful, we're asking you for this last lap; to do this on the first reading today so everyone, including the trees, can be thankful and joyful to start the holidays. Mahalo nui. Sorry.

CHAIR WHITE: Thank you very much.

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

COUNCILMEMBER SUGIMURA: Chair. Chair, if I could?

CHAIR WHITE: Oh, I'm sorry. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I, yea, I just want to thank Barbara Fernandez for her passion. She's, I think somebody was cutting down trees in Kihei and I got a call from her about those trees. But, just the way that she has expressed her support for the resolution, you can tell she's talking about her children, right? All these trees that have been growing for really a lifetime in different places. So, I want to thank you.

She also did a glycine bind removal to save the Jacaranda trees in Kula. So, I just wanted to express my thank you. Thank you for being here.

MS. HALAI-FERNANDEZ: You're welcome.

COUNCILMEMBER SUGIMURA: And thank you for what you do. Please continue your passion. Thank you.

MS. HALAI-FERNANDEZ: Thank you. I will.

CHAIR WHITE: Thank you. Thank you very much.

MS. HALAI-FERNANDEZ: And mahalo to Council too for everything you've done. A hui hou.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Shay Chan-Hodges, testifying on County Communication 18-395, on behalf of Nā Po`e Kōkua. To be followed by Kaleo Waiiau.

MS. SHAY CHAN-HODGES (testifying on County Communication No. 18-395):

Thank you. I'm Shay Chan-Hodges, testifying for Nā Po`e Kōkua. First of all, I wanted to thank Councilmember Bob Carroll for introducing the resolution to support the Governor's efforts to reach a fair and final resolution between Nā Po`e Kōkua and the Hawaii Fair Lending Coalition with Bank of America, relating to the \$150 million loan commitment to Native Hawaiians on Hawaiian Home Lands which was originally made in 1994 and recommitted to in 1998, and which is now over 20, or 20 years overdue.

And mahalo also to the Councilmembers who've expressed support of the work of Nā Po`e Kōkua, Hawaii Fair Lending Coalition, and those who've written individual letters to Bank of America and continue to correspond with BofA executives and to hold them accountable. And, I'll answer your question after, Kelly.

We can tell that it's making a difference, that so many diverse members of our community are working together to urge BofA to meet its obligations. So, in addition to Governor Ige and the Members of this Council, Office of Hawaiian Affairs Trustee Hulu Lindsey has written two letters, because we've had a back and forth. Both mayoral candidates and almost every Maui County Council candidate has written or is working on a letter. We have teachers, State Legislators, community nonprofit leaders, pastors; they've all been reaching out to Bank of America expressing concerns and asking BofA to come to Hawaii to meet with NPK. As Tasha mentioned, we're also working nationally with NCRC. Over 160 members of our community have signed a petition. A lot of them are homesteaders, and they are making the same request.

And, we're also continuing to work with the Governor's office. We met with Governor Ige most recently this past Saturday to consider the next steps, including reviewing of documents that the Federal Reserve Board has assured the Governor will become available next week. This will be after their second delay as a result of his Freedom of Information Act request. And, we are working with Brian Schatz's general counsel to encourage the Federal Reserve to follow its own rules, which is to hold Bank of America accountable and to enforce \$150 million.

So, with so many people in Hawaii working together to hold Bank of America accountable and to honor the commitment made to Native Hawaiians 20 years ago, we are confident that with your support this injustice will be made right. And we do hope that after you pass this resolution that you can help us work with the other counties so that we get full support throughout the State.

So, at this time I would like to respectfully request that you guys add an additional name to the recipients of the certified copies of this resolution; Ms. Lael Brainard. She

is a member of the Board of Governors of the Federal Reserve System and serves as Chair of the Committee on Consumer and Community Affairs, so if that would be possible. And, thank you guys all again. It was great meeting with all of you, and all of your support and suggestions were really, really helpful. And, we hope we can continue to work on this. Thank you.

VICE-CHAIR CARROLL: . . .

MS. CHAN-HODGES: I will. Yes, I will tell Morris, yes. Thank you.

And, Kelly, your question, I believe, was that, have there been responses from Bank of America? So, I know it seem, it's a little bit kind of random, and your office would have received a response directly, I think. But, I know Councilmember Cochran received a response. She received the same response that Trustee Hulu Lindsey word for word received. And, I know Councilmember Carroll received a response a few weeks previously.

Basically, what is happening is that Cathy Bessant, who you all wrote the letter to, who is currently ranked the most powerful woman banker in the country and who was the person who made the commitment back in '98, she has punted it down to Andrew Plepler, who is executive of Bank of America. And, what he consistently does is he writes back and says the commitment is fulfilled, provides no documentation.

And, we do have the HUD documentation that you folks refer to in the resolution, that I received through the Freedom of Information Act Request this summer; clearly showing that Bank of America only fulfilled \$13 million. So, I know Councilmember Cochran, and Trustee Lindsey, and Councilmember Carroll have all written back again, and said we would require documentation. He is also stating that the meeting that you folks are requesting from, oh, sorry.

CHAIR WHITE: I'm sorry. This is our, our time for testimony.

MS. CHAN-HODGES: Oh, sorry.

CHAIR WHITE: But will you be available--

MS. CHAN-HODGES: Yes.

CHAIR WHITE: --later this morning?

MS. CHAN-HODGES: Yes. Absolutely. Sorry.

CHAIR WHITE: As the, as the item comes up, and we may call on you.

MS. CHAN-HODGES: Okay. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kaleo Waiiau, pastor on behalf of Nā Po`e Kōkua. To be followed by Ernest Rezens.

PASTOR KALEO WAIIAU (testifying on County Communication No. 18-395):

Okay, thank you for hearing and considering the resolution we've been talking about. I'm just going to read the letter that I wrote to Cathy Bessant.

Dear Ms. Bessant, I'm writing to you in support of Governor Ige's invitation to you to come to Hawaii to meet with Kehau Filimoe`atu, President of Nā Po`e Kōkua, in order to reach a fair and final settlement of Bank of America's outstanding \$150 million commitment to the Hawaiian people on their homelands.

I'm a pastor of a local church and a high school teacher working at a public school in Kahului, Hawaii. As a teacher, numerous parents of students attending my school struggle to simply keep their families together, much less under the same roof. Families are desperate for housing. Many students, for many students, school work is secondary to make sure the family stays together, and enough money is being garnered from among family members; this includes students. An overwhelming number of students bear responsibilities, responsibilities other than scholastic burdens.

So, in 1994, as a condition of the Bank of America's acquisition of Liberty Bank, the Federal Reserve ordered Bank of America to provide \$150 million in FHA-247 mortgages/loans on Hawaiian Home Lands within four years. I was there at that meeting. I testified at the hearing held by the Office of Thrift and Supervision. I was a standing board member as was Kehau of Nā Po`e Kōkua, as well as being a member of the Tri-Isle Association of United Church of Christ. At the time when the hearing was convened, I was working with lessees from the Department of Hawaiian Home Lands to become credit-worthy for loans from Bank of America. And, I too am a lessee. I had children in elementary school then. They are now all adults fighting to make the same things happen for their young families that I was back then.

Almost 25 years after the Federal Reserve ordered Bank of America to provide the 150 million in mortgages, the Bank of America has provided only 13 million. So, Ms. Bessant, you are the executive who chose to be the lion in the room when the representative, when as a representative of the Bank of America, you committed in person to our people and our kupuna in 1998.

So, where are we now? The deadline of that commitment has come and gone. Hundreds of Hawaiian families, mine included, have missed out on the opportunity to build equity, reap the benefits of a booming housing market, and pay affordable mortgages rather than being forced into playing Russian Roulette with skyrocketing rents over the past 20 years in the island. And, we took you at your word.

The Governor and others who are charged with the responsibility for serving the people in our community are asking you now to sit down with Nā Po`e Kōkua and reach a fair and final settlement as you would expect someone were it your own family or tribe. Honor your commitments and the Bank of America's obligations as made to the Federal banking regulators for the benefit of the Hawaiian people. Thank you.

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

Members, any need for clarification?

COUNCILMEMBER KING: I have a question, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, thank you. I think this came up, I mean I've been talking about this issue with Chan-Hodges for couple years now. But, is there a figure, obviously beyond a 150 million, that this settlement is worth today since it's over, since it's about 24 years old? If you--

MS. CHAN-HODGES: . . .

CHAIR WHITE: No, we can't, you can't speak from the, actually we'll cover this when we get to the item.

COUNCILMEMBER KING: Okay, so, I mean.

PASTOR WAIU: I think it's in excess of 300 million.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Thank you.

Any other need for clarification? Thank you for being here this morning.

PASTOR WAIU: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Ernest H. Rezens, arborist, testifying on Committee Report 18-185. To be followed by Laksmi Abraham.

MR. ERNEST H. REZENTS (testifying on Committee Report 18-185):

Good morning and thank you for having me.

CHAIR WHITE: Good morning.

MR. REZENTS: Aloha to you Mr. Carroll, Mr. White. Good morning to all. I'm very fortunate to have been reared on Maui. I'm a Maui boy through and through; St. Anthony School, 12 years; followed by that, University of Hawaii; Stanford University; University of California, Davis; and University of Oregon in Eugene. So, education, buku.

Trees are special. After retiring, I trained about 100 people to become certified arborists, and they are practicing. So, trees are important. As you all know, without trees our environment would be very different. So, we need to protect, especially the important trees from destruction due to development.

Now, the Olowalu trees are great. Recently, I had an, hired to be a consultant when they were changing the guardrail. And, the shade they provided, it slowed down the traffic. It was just exhilarating. So, these definitely are exceptional.

You take the trees at Kahoolawe. I have never been there to check those trees out. But, any tree that survived the bombing that Kahoolawe was exposed to deserve to be exceptional.

Now, the Old Maui High School. I was hired years ago by Jan Dapitan and they paid me like \$600; that's peanuts. It was a big job. I had to compete with chickens, wild chickens to boot. Anyhow, the Royal Palms that lead to the campus were phenomenal. They expressed an importance to the campus. The Mango Tree Orchid was used for propagation by the Ag students. There's a Monkeypod Tree by the cafeteria with a canopy spread of 120 feet; 120 feet it's phenomenal. And so forth, and so on. So,

those trees certainly are exceptional and should be so named. They have Plumerias with the petals bi-colored. I normally see Plumeria with one color. These were variegated pinks and lavender, and so forth. I'd never saw that before.

Now, number four; the D.T. Fleming Arboretum. I'm on that board. And that, if propagation, well, preservation through propagation and distribution. The trees you have on the list to be exceptional are like one of a kind. The last species, and there if you want to protect it and not have it destroyed, so that's important to be declared exceptional.

Now, the Honoapiilani Highway, 290 trees, that provides a beautiful driving experience. It calms your stress for driving and you appreciate the mountains and the ocean. This is precious. I think Kauai has such a channel, or tunnel of trees that they have declared exceptional.

Now, Kihei Road, ten Monkeypods. We have already four Monkeypods, and there's ten close by. And, I think these are the only shade trees on South Kihei Road that exist. And they certainly would be exceptional and should be preserved and protected from destruction. Too often we destroy trees to build buildings and build highways, and we forget how important trees are to our personal well-being, and the nature, and the environment.

Thank you very much for hearing me. And, I congratulate this body, and hope you the best of luck in your future endeavors. Some of you are departing, and I have appreciated your friendship and your support over the many years. Aloha.

CHAIR WHITE: Thank you, Mr. Rezens.

Members, any need for clarification? Seeing none, I'd just like to thank you for your passion and you're always welcome here.

MR. REZENTS: You're very welcome. It's been my pleasure. Aloha to all.

CHAIR WHITE: Aloha.

Mr. Clerk.

COUNTY CLERK: Calling Laksmi Abraham, Community Program Manager, testifying on Committee Report 18-187 and 18-188, on behalf of Blue Zones Project. To be followed by Patricia Hunt.



MS. LAKSMI ABRAHAM, BLUE ZONES PROJECT (testifying on Committee Reports 18-187 and 18-188):

Good member, Chair White, honorary Members of the Council. Thank you for your time. My name is Laks Abraham, and I'm the Community Programs Manager for Blue Zones Project, Central Maui.

I am testifying today in support of 18-187 and 18-188, which are resolutions that would restore the County's ability to regulate the sale of tobacco products which currently, because of preemption, can only be done at the State level. During the 2018 Legislative Session, Bill 1895 to regulate electronic smoking devices was replaced with new language, which included preemption. Preemption invalidates County law. And in this case, ties our hands from enacting local policies to address growing tobacco concerns in our local communities.

The boom of youth e-cigarette uses in our community is nothing short of disturbing. Maui County, only second to Hawaii Island leads the State in youth vaping with 32 percent of high school teens and 25 percent of middle school students actively using. This is not one time; this is actively. The statistics increasing, are increasingly disturbing when you consider that one in two high school student teens tries e-cigarettes; one in two students. And right now, we've learned that Hawaii ranks in the top three percent of youth vaping in the nation.

This is a growing national concern which prompted a statement from FDA Commissioner on steps to address the national epidemic of youth e-cigarette use. The Commissioner quotes, "I use the word epidemic with great care. E-cigs have become an almost ubiquitous and dangerous trend among teens. The disturbing and accelerating trajectory of use we're seeing in youth and the resulting path to addiction must end". I'm sharing this with you because we as a community are facing this epidemic right here in our backyard, rearing some of the highest youth vaping usages in the nation.

Preemption is a deceptive and strategic attempt to constrain our County's ability to take care of our own. I urge you to consider the challenges we are facing to support this resolution. Keep in mind this would not affect the State's ability to regulate tobaccos products. State law can still set the minimum standards of protection, and counties would be able to enact more stringent protection if needed. In fact, counties have often passed innovative and effective laws, and in some cases can serve as the catalyst for the State to take into action.

Over the next year, Blue Zones Project Hawaii will continue to support legislation on a statewide level to protect our keiki from tobacco products and continue to encourage smoke-free lifestyles and preventative measures for youth vaping. Please support this resolution so we can fight preemption and ensure our County legislators maintain the right to protect it. Mahalo for your time.

CHAIR WHITE: Thank you, Ms. Abraham.

Members, any need for clarification?

MS. ABRAHAM: Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Patricia Hunt, testifying on County Communications 18-383 and 385. To be followed by Zandra Amaral Crouse.

MS. PATRICIA HUNT (testifying on County Communication Nos. 18-383 and 18-385):

Good morning, Vice-Chair and Committee Members. My name is Patricia Hunt, and I'm here to speak about working with Maui PD and to obtain grant money for two different matters. One has to do with cyberstalking, and I am a victim of Statute 18 U.S.C. 2261; that because of two falsified documents done with the Maui Police Department and lower and higher courts it has now cost me a six-figure job on another island. I use to reside here on Maui. I am now here, and I am displaced because of it. And the people that I worked for, I get fingerprint and background checked, I've done for over 25 years. I've worked for people like Betsy DeVos, who is now the head of Department of Education. So, my family good name, my good name, and my parents late good name means a lot to me. And I worked hard for that good reputation.

This, because of these two women; Diane Yoshimura and Jennifer Wise, I have, I've had to request for your request recently to the Maui Police Department. It has been approximately six months and another 12 months, since December of last year, that my car insurance and myself have not been able to get correct police reports. Instead I've gotten other police reports violating a juvenile's HIPAA law rights.

The one report that I have been trying to get corrected, 18-033036, I have left numerous phone calls and sent certified letters to the Chief of Police, who I believe is in Washington DC, I was told. I don't know if he still is, or where he is. But, I have

been given the runaround and delays and this has cost me my employment, my place of residence, and I have nobody supporting me but me. So, I am going to also speak at the legal committee, which is later, I guess, after this.

But, my other issue is, since I've been back here on Maui, is I keep running into family members who have had children. And I've never been married, no children. I've been praying about this and it's been lead in my heart, to get grant money for children who have been teen suicide, or suicide, or loss of people here on the island. And I would like to start a support group called "Angels Among Us". The families that I keep running into here who have actually lost children, and police officers, it would be open to police officers in the line of duty, fire fighters and EMT's. But, I can speak about the rest of this at the legal committee part. So, thank you so much for your time and mahalo.

CHAIR WHITE: Thank you for being here this morning.

COUNCILMEMBER GUZMAN: Chair. Chair, which items was?

COUNCILMEMBER CRIVELLO: 18-383.

COUNCILMEMBER GUZMAN: Oh, okay.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Zandra Amaral Crouse, testifying on Committee Report 18-180 and 18-395.

(Councilmember Crivello was excused from the meeting at 10:08 a.m.)

MS. ZANDRA AMARAL CROUSE (testifying on County Communication No. 18-395 and Committee Report 18-180):

Good morning, Council Chair White.

CHAIR WHITE: Good morning.

MS. AMARAL CROUSE: You will be missed. And Councilmembers, thank you for being here. My name is Zandra Amaral Crouse, testifying first on 18-180, recommending first reading of bill to authorize the Mayor to enter into an intergovernmental agreement with the Hawaii Housing Finance and Development Corporation relating to the Front Street Apartments, to establish the terms of the County's financial obligation, and to

encumber the appropriation for the appraisal and other preparations for the condemnation of the ground lease for the Front Street Affordable Housing Project.

I think it is imperative for our County's legislators, to protect those who in good faith sign a lease agreement with a developer who moves here, comes here, and under pretenses makes these people believe that at least for a good part of their life they're able to stay and live in a place where they can make their home.

I humbly ask that we support, and I am in favor of 18-180. We need to protect our citizens, and we need to protect them from investors that come in and take advantage of them. Thank you.

I would now like to testify on Number 18-395. Councilmember Carroll, thank you for caring enough for the people of this land to take this initiative. Much mahalo. Councilmember Carroll transmitting a proposed entitled "SUPPORTING THE GOVERNOR'S EFFORTS TO INTERVENE BETWEEN NĀ PO'E KŌKUA, THE HAWAII FAIR LENDING COALITION, AND THE BANK OF AMERICA TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150 MILLION LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS".

As a realtor, I know redlining is illegal and we all know that. Even if it wasn't the law, it's not right. Because someone is poor does not make them unable or ineligible to live on their land. No bank, no person, no establishment, and no institution has the right to judge our people by our status.

Being born and raised in Paukukalo, right next to Hawaiian Homes in Paukukalo, I know what it's like to grow up poor. But, I also know what it is like to move out of Paukukalo, work hard, get a home, get a job, because of my upbringing, because of my father. I was very proud to befriend many families in Hawaiian Homes growing up. In fact, Wayne Uwekoolani and the Uwekoolani family was, went to school with me; St. Anthony. And I'm very proud to say that many of them, though poor in stature at the time, has gone on to be doctors, lawyers, and some of them Indians and Chiefs.

It is my hope that this Council will do what is right and pass this on first reading, because our people deserve better. We may be poor in stature, but we are rich in heart. We may be poor financially, but we are rich in heritage, we are rich in humility, we are rich because this land has given us much. And all we ask from the investors that move in, from the developers that move in, from the banks that move in; treat us like the people we deserve to be. We may be poor, but we are able and willing to work. Give us a chance. And when we sign the documents, do not let us down. Don't make a liar of yourselves. We humbly ask. And I ask you, Council, thank you for your time.

But I humbly ask again, please pass this. It is only right for us the people of Maui Nui. Mahalo.

CHAIR WHITE: Thank you for your testimony this morning.

MS. AMARAL CROUSE: You're welcome.

CHAIR WHITE: Members, any need for clarification? Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the chamber. If there's any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify at the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

(Councilmember Crivello returned to the meeting at 10:13 a.m.)

MS. THOMPSON: There is no one waiting to testify at the Molokai Office.

COUNTY CLERK: Thank you.

Mr. Chair, there is no other individuals in the District Offices nor the chamber who wish to offer testimony at this time.

(Councilmember Cochran was excused from the meeting at 10:14 a.m.)

CHAIR WHITE: Thank you, Mr. Clerk.

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

MEMBERS VOICED NO OBJECTION.

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

1. Katie Folio, Coalition for a Tobacco-Free Hawai`i;
2. Barbara Fernandez;
3. Barbara Barry;
4. Kristin Mills;
5. Diana Shaw, Lana`i Community Health Center;
6. Cori Takesue;
7. John Tomoso;
8. Mary Santa Maria, Coalition for a Tobacco-Free Hawai`i;
9. Pamela Tumpap, Maui Chamber of Commerce; and
10. John Blumer-Buell.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of September 21, 2018, were presented at this time.

CHAIR WHITE: Mr. Carroll.

Your microphone.

VICE-CHAIR CARROLL:

I MOVE TO APPROVE THE MINUTES OF THE REGULAR  
MEETING OF SEPTEMBER 21, 2018.

COUNCILMEMBER CRIVELLO:

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: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN AND HOKAMA.

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

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-382 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated October 10, 2018)

Transmitting 87 contracts/grants for September 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. With no objections, may I please ask the Clerk to also bring up 18-383 to 385?

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

Mr. Clerk.

(Councilmember Cochran returned to the meeting at 10:16 a.m.)

NO. 18-383 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated October 16, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant in the amount of \$134,080.

NO. 18-384 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated October 16, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement grant in the amount of \$163,444.50.

NO. 18-385 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated October 19, 2018)

Informing of the receipt of \$34,287.16 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.



CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 18-382  
THROUGH 18-385.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The first communication is the listing the contracts and grants executed for the month of September 2018. And the next three items are notifications to the Council of grants awarded, or awards received by the Department as required by the general budget provisions. I request County Communications 18-382 through 385 to be filed. Thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, may I request that the following contracts and grants be referred to your Housing, Human Services, and Transportation Committee?

CHAIR WHITE: Please list them.

COUNCILMEMBER CRIVELLO:

C6543-1, TIME EXTENSION, MAUI BUS FIXED ROUTE  
TRANSPORTATION SERVICES, RFP NO. 17-18, ROBERT'S  
TOURS AND TRANSPORTATION; CONTRACT G4764,  
KAHOMA HOMES PROJECT, HOUSING AND LAND  
ENTERPRISE OF MAUI, DBA NA HALE O MAUI, \$1 MILLION;

AND THE SPAY/NEUTER PROGRAM, G4696, DEPARTMENT  
OF HUMAN AND HUMAN CONCERNS, MAUI HUMANE  
SOCIETY. THANK YOU, CHAIR.

CHAIR WHITE: Okay. Any other requests for referral from the list of contracts? Seeing none, 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.

Mr. Clerk.

NO. 18-386 - WILLIAM R. SPENCE, DIRECTOR OF HOUSING AND HUMAN  
CONCERNS, (dated October 18, 2018)

Transmitting a status update on the Kula Ridge Affordable Housing Subdivision.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair, may I request that the County Communication 18-386 be referred to your Housing, Human Services, and Transportation Committee.

VICE-CHAIR CARROLL: Second.

CHAIR WHITE: So, I don't think we need a motion. I think we can just, without objections, Members, we'll refer that to Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

The recommended action is that County Communication No. 18-386 be referred to the Housing, Human Services, and Transportation Committee.

NO. 18-387 - ALAN M. ARAKAWA, MAYOR,  
(dated October 22, 2018)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Edward Codelia on October 19, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor sent us a notification on October 19, 2018, to inform us of the resignation of Edward Codelia. I'd like to thank him for his service. And we appreciate his work. Thank you, Chair.

CHAIR WHITE: Thank you.

COUNTY CLERK: Make a motion.

COUNCILMEMBER SUGIMURA: Oh sorry.

CHAIR WHITE: You were so excited to get--

COUNCILMEMBER SUGIMURA: We'll do that first.

CHAIR, SO I MOVE TO FILE COUNTY COMMUNICATION  
18-387.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura, any further discussion?

COUNCILMEMBER SUGIMURA: No further discussion.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, 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. Clerk.

COUNTY CLERK: Mr. Chair, the following communications are being recommended to be referred to the following Committees.

NO. 18-388 - JOHN D. KIM, PROSECUTING ATTORNEY,  
(dated October 11, 2018)

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

The recommended action is that County Communication No. 18-388 be referred to the Budget and Finance Committee.

NO. 18-389 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated October 22, 2018)

Transmitting a report of short-term investments for the quarter ended September 30, 2018.

The recommended action is that County Communication No. 18-389 be referred to the Budget and Finance Committee.

NO. 18-390 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated October 25, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – COUNTYWIDE EQUIPMENT)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT"; and
4. A consolidated bid for five trucks received from Hughes Fire Equipment.

The recommended action is that County Communication No. 18-390 be referred to the Budget and Finance Committee.

NO. 18-391 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated October 25, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, MAUI REDEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS;

AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and

2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 18-391 be referred to the Budget and Finance Committee.

NO. 18-392 - WILLIAM R. SPENCE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 22, 2018)

Transmitting a letter from the Chair of the Commission on Persons with Disabilities, requesting the reinstatement of monthly para transit bus passes and closed captioning of County meetings broadcasted on AKAKU.

The recommended action is that County Communication No. 18-392 be referred to the Housing, Human Services, and Transportation Committee.

NO. 18-393 - MIKE WHITE, COUNCIL CHAIR, (dated October 26, 2018)

Relating to amendments to Chapter 16.13, Maui County Code, relating to commercial signs.

The recommended action is that County Communication No. 18-393 be referred to the Housing, Human Services, and Transportation Committee.

(COUNTY COMMUNICATION NO. 18-393 WAS LATER REFERRED TO THE PLANNING COMMITTEE. See pages 47 and 48 for discussion.)

NO. 18-394 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, (dated October 17, 2018)

Transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON CERTAIN STREETS AND HIGHWAYS"; and a copy of the Public Works Commission's recommendation letter.

The recommended action is that County Communication No. 18-394 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-395 - ROBERT CARROLL, COUNCILMEMBER,  
(dated October 24, 2018)

Transmitting a proposed resolution entitled "SUPPORTING THE GOVERNOR'S EFFORTS TO INTERVENE BETWEEN NĀ PO'E KŌKUA, THE HAWAII FAIR LENDING COALITION, AND THE BANK OF AMERICA TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150 MILLION LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS".

The recommended action is that County Communication No. 18-395 be referred to the Land Use Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-395 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-178. COUNTY COMMUNICATION NO. 18-395 WAS THEN FILED. See pages 40 through 47 for discussion.)

NO. 18-396 - RIKI HOKAMA, COUNCILMEMBER,  
(dated October 22, 2018)

Transmitting a proposed resolution entitled "SUPPORTING A COMPREHENSIVE REVIEW OF THE CONSTITUTION OF THE STATE OF HAWAII".

The recommended action is that County Communication No. 18-396 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-397 - ALAN M. ARAKAWA, MAYOR,  
(dated October 17, 2018)

Transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE SAN CRISTOBAL (CHATHAM) ISLAND – GALAPAGOS, REPUBLIC OF THE ECUADOR".

The recommended action is that County Communication No. 18-397 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-398 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated October 23, 2018)

Relating to Community Facilities Districts.

The recommended action is that County Communication No. 18-398 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-399 - TEENA RASMUSSEN, ECONOMIC DEVELOPMENT DIRECTOR,  
(dated October 25, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE MAUI COUNTY WORKFORCE DEVELOPMENT BOARD AND THE AMERICAN JOB CENTER NETWORK PARTNERS".

The recommended action is that County Communication No. 18-399 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-400 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,  
(dated October 16, 2018)

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

The recommended action is that County Communication No. 18-400 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk. And we have one item to take action on.

Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 18-395**

VICE-CHAIR CARROLL: Thank you, Chair. May I request for consideration of County Communication 18-395?



COUNCILMEMBER CRIVELLO: Second.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, may I ask that the Clerk read the resolution in its entirety?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

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

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, just for clarification, when I asked for consideration of County Communication 18-395, I was only asking for the Chair's permission to continue. That wasn't the motion.

CHAIR WHITE: Okay. Proceed.

MR. CHAIR, I MOVE TO ADOPT THE RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 18-395, AND TO  
FILE COUNTY COMMUNICATION 18-395.

COUNCILMEMBER CRIVELLO:

SECOND.

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

VICE-CHAIR CARROLL:

MR. CHAIR, I MOVE TO AMEND THE FIRST WHEREAS  
CLAUSE ON PAGE TWO OF THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 18-395 BY

STRIKING THE YEAR "2017" AND INSERTING IN ITS PLACE  
THE YEAR "2012", TO READ AS FOLLOWS:

"WHEREAS IN 2012, THE HAWAIIAN HOMES COMMISSION  
UNANIMOUSLY CONFIRMED THAT THE BANK OF AMERICA  
COMMITTED, COMMITMENT REMAINED UNFULFILLED, AND  
EXPRESSED SUPPORT FOR HFLC'S CONSISTENT AND  
ONGOING EFFORTS TO HOLD BOFA ACCOUNTABLE; AND"

And that would be the replacement language.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: Okay. Do we have a second?

VICE-CHAIR CARROLL: Do we have a, did we have a second.

COUNCILMEMBER COCHRAN: Second.

COUNCILMEMBER SUGIMURA: I thought Stacy made the second?

CHAIR WHITE: Okay. Any further discussion on the item, on the amendment? 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. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The amendment will correct the year 2017 to  
'12 pursuant to information received by the Hawaii Fair Lending Commission.

MR. CHAIR, I MOVE TO AMEND THE FOURTH LET IT BE RESOLVED PARAGRAPH BY INSERTING A NEW RECIPIENT "LAEL BRAINARD, CHAIR OF THE COMMITTEE ON CONSUMER AND COMMUNITY AFFAIRS, BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM," AFTER JEROME H. POWELL, CHAIRMAN OF THE BOARD GOVERNORS, FEDERAL RESERVE SYSTEM.

COUNCILMEMBER CRIVELLO:

I SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The amendment will add Lael Brainard to, as a recipient to the resolution as recommended in testimony provided today by Ms. Shay Chan-Hodges.

CHAIR WHITE: Thank you. Any further discussion? 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: The amendment passes with a vote of eight, eight "ayes", and one "excused".

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The proposed resolution supports the Governor's efforts to intervene between Nā Po'e Kōkua, the Hawaiian, Hawaii Fair Lending Coalition, and the Bank of America to reach settlement agreement relating to a \$150 million loan committed for Native Hawaiians on Hawaiian Home Lands.

This matter was brought to my attention through the advocacy of members of Nā Po`e Kōkua and the Hawaii Fair Lending Coalition, many who have devoted their time and energy to the 24 years, since 1984 [sic], when this commitment was first made and subsequently, not met.

Bank of America took part in discriminatory practices and has failed to fulfill the commitment to make \$150 million in the FHA-247 mortgage available to Native Hawaiians on Hawaiian Home Lands by 1998, and instead only originated \$13,092,000.14 [sic] on loan on Hawaiian Homes Land since 2012.

As a result of the prolonged delay, the Bank of America's actions, lost the opportunity, the lost opportunity cost over the last 20 years 890 Native Hawaiian families who are unable to reap the benefits of a booming housing market, build equity, and pay affordable mortgages rather than skyrocketing rents totaling approximately \$360.6 million. Thank you, Chair. No further discussion.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, could we, could I just ask Ms., I have a question for Ms. Chan-Hodges if we could, if I could ask her to come up?

CHAIR WHITE: Without objection, we'll call Ms. Chan-Hodges up.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Please come to the podium.

COUNCILMEMBER KING: Thank you for staying as a resource, Shay. So, my question to you is, because you mentioned the other counties, this is a statewide issue correct?

MS. CHAN-HODGES: Yes, it is.

COUNCILMEMBER KING: Okay. It seems like it's coming mostly out of Maui and, and I don't know if it's just because of discussions that that I've been having with your group over the last few years, but do you think it would be appropriate, because we're, we're

sending a resolution from the Council, from one County Council to include the other Councils as recipients of certified copies of this resolution?

MS. CHAN-HODGES: Yea, that would make a lot of sense.

COUNCILMEMBER KING: Are you working on that; trying to get the other Councils to also follow suit?

MS. CHAN-HODGES: Yes, definitely. And it is statewide, and we have, the people on Oahu have been working on it. But, it is an initiative that came out of Maui, so that's part of why it's kind of focused here.

COUNCILMEMBER KING: Okay.

MS. CHAN-HODGES: But, there is, Kauai has also additional 30 million that they're owed in addition, so I'm sure they'd be interested.

COUNCILMEMBER KING: Okay. Thank you.

COUNCILMEMBER COCHRAN: Chair, I have a--

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Ms. Hodges. So, I'm wondering if, even to, up to the level of the Presidential Administration; if they need to be made aware of? And, what type of pressure or, you know, support if they need, they could?

MS. CHAN HODGES: Yea, definitely on a Federal level, because it is the Federal Reserve. And that's why we have been in communication with Brian Schatz's office and Mazie Hirono's office. So, people, folks from Maui were meeting with them recently. And we're in constant communication with Brian Schatz's general counsel, and he is on the banking committee. So, we think that's the appropriate sort of place to start.

COUNCILMEMBER COCHRAN: Okay. Yea, very good. Thank you.

CHAIR WHITE: Okay. Any further questions? Thank you very much. Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING:

YEA, I'D LIKE TO PROPOSE AN AMENDMENT TO THE FOURTH "BE IT RESOLVED" TO ADD INTO THE CERTIFIED COPIES, THE, THE COUNTY COUNCIL OF KAUAI, THE COUNTY COUNCIL, THE KAUAI COUNTY COUNCIL, THE HAWAII COUNTY COUNCIL, AND THE CITY AND COUNTY COUNCIL OF HONOLULU.

CHAIR WHITE: Okay, so make a friendly amendment to the, to address it to the Council Chairs of the Counties of Kauai, Island of Hawaii, and the City and County of Honolulu.

COUNCILMEMBER KING: Right. Okay.

CHAIR WHITE: Any further discussion, Members? 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".

Back to the main motion. Any further discussion on the main motion? 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".

Members, are there any other concerns about the referrals as read to the, as read by the Clerk?

COUNCILMEMBER KING: Chair.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 18-393

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, I just had one inquiry, because I met with some folks about, let me find the item, your item 18-393, of why--

CHAIR WHITE: Could you speak a little more directly?

COUNCILMEMBER KING: Oh, I'm sorry. Your, your item, Communication 18-393, about why this is going to Housing and Human Concerns. Because I, the folks I met with, I think I met with you, and they said they, they don't know how they missed the previous, the previous bill that this is trying to correct. But, probably because they've, they're not following Housing and Human Concerns when they're looking for sign items. So, I, you know, I did say that I would offer to have it referred to the Planning Committee.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: If that's appropriate?

CHAIR WHITE: I think it's, well, if Ms. Crivello feels that she has limited time. This is something that we, we will want to take some action on relatively quickly.

COUNCILMEMBER CRIVELLO: I don't have a problem. This was referred from the beginning in Housing, where the signage--

CHAIR WHITE: Yea, no, it is, it's being referred to the proper Committee. I'm just asking if, if you have other items that you feel need to take care of and cannot hear this, then we can refer it to the Planning Committee.

COUNCILMEMBER CRIVELLO: I don't have a problem referring it to Planning.

CHAIR WHITE: Refer to Planning? Okay, without objection, Members, we'll refer that to the Planning Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER KING: Thank you, Chair, and Ms. Crivello.

CHAIR WHITE: Any other objections to the items read by the Clerk, or the referrals read by the Clerk?

Seeing none, we'll move along on the agenda.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communications.

### GENERAL COMMUNICATIONS

NO. 18-12 - EVERETT DOWLING, H2R, LLC,  
(dated October 9, 2018)

Notifying that ownership of property identified as TMK (2) 2-1-005:085 was transferred from Hawaii Development LLC to H2R, LLC.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, if there's no objection, I would ask if the Clerk could call General Communication 18-13 as well?

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.



NO. 18-13 - DANIEL Y. YASUI, A&B PROPERTIES HAWAII, LLC,  
(dated October 12, 2018)

Submitting the 2018 Annual Report in accordance with Condition 2 of Ordinance  
No. 4385, Wai'ale Project District South – Change in Zoning.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE GENERAL COMMUNICATIONS 18-12 AND  
18-13.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, these general communications are strictly informational,  
and no further action is needed by the Council. I respectfully ask the Members to  
support my motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you. Any further discussion on these items? 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".

Members, we're going to take a ten-minute break. Sorry that I went right past the hour  
and a half portion. So, we're in recess until 10:55.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:44 A.M., AND WAS RECONVENED AT 10:58 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS HOKAMA AND KING, EXCUSED.)

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

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

COUNTY CLERK: Mr. Chair, in regards to County Communication 18-395, for the record, that's RESOLUTION 18-178.

Proceeding with Committee Reports.

### COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 18-179 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-179, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, FISCAL YEAR 2019 BUDGET," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, with no objections, may I also ask the Clerk to bring up Committee Reports 18-180 through 18-183?

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: No objections. So ordered.

COMMITTEE REPORT  
NO. 18-180 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 101 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION RELATING TO THE FRONT STREET APARTMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-181 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 102 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-182 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 103 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That Bill 104 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-183 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 105 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, PARKS AND RECREATION, UPCOUNTRY SKATE PARK; TOTAL CAPITAL

IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 106 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, UPCOUNTRY SKATE PARK," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-348, from the Budget Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

WITH NO, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORTS 18-179 THROUGH 18-183.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

(Councilmember King returned to the meeting at 11:01 a.m.)

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Budget and Finance Committee makes the following recommendations. Committee Report 18-179 recommends adoption of a resolution for the Department of Housing and Human Concerns, Housing Program, to transfer 25,000 from Category A (Salaries) to Category B (Operations) to relocate their offices.

Committee Reports 18-180 recommends passage on first reading of a bill to authorize the Mayor to enter into an intergovernmental agreement with HHFDC for the final, I'm sorry, Front Street Affordable Housing Project.

Committee Reports 18-181 and 182 recommends passage on first reading of bills that amend Fiscal Year 2019 Budget as it pertains to Appendix A, Part I, Grants/Revenues – Schedule of Grants by Departments and Programs.

Committee Reports 18-183 recommends passage on first reading amending Fiscal Year 2019 Budget for the Upcountry Skate Park for perimeter fencing. I ask the Members for your support. Thank you.

CHAIR WHITE: Thank you. Any, any further discussion on these items? 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. Clerk.

COUNTY CLERK: Mr. Chair, for the record; Committee Report 18-179, RESOLUTION 18-179. Committee Report 18-190 *[sic]*, BILL NO. 101 (2018). Committee Report 18-181, BILL NO. 102 (2018). Committee Report 18-182, BILLS NO. 103 and 104 (2018), respectively. And, Committee Report 18-183, BILL NOS. 105, 106, respectively.

COMMITTEE REPORT  
NO. 18-184 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS  
COMMITTEE:

Recommending the following:

1. That Resolution 18-180, entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS," be ADOPTED; and
2. That County Communication 18-354, from the Fire Chief, be FILED.

CHAIR WHITE: Thank you. Mr. Guzman.

COUNCILMEMBER GUZMAN:

CHAIR, MOVE TO ADOPT THE RECOMMENDATIONS IN  
REPORT 18-184.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on October 16, 2018 to consider the proposed resolution to authorize the Mayor to enter into the agreement with the Rotary Club of Lahaina Sunrise and Rotary Club of Lahaina to place and maintain rescue tube flotation devices at ten County parks in West Maui.

Rescue tubes would be deployed by beachgoers to assist distressed swimmers while they await rescue.

Your Committee requested the agreement to be extended to a three-year term instead of a one-year term. I ask that the Council support the Committee's recommendations. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor 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. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-180.

COMMITTEE REPORT  
NO. 18-185 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS  
COMMITTEE:

Recommending the following:

1. That Bill 107 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO EXCEPTIONAL TREES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-319, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE  
REPORT 18-185.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Your Committee met on October 16, 2018 to consider the proposed bill to add the recommended trees located throughout the County of Maui to the list of exceptional trees.

Your Committee notes that the Maui County Code provides that the Maui County Arborist Committee may recommend to the Council for designation as exceptional "any

tree, tree stands, groves or trees which has historic or cultural value; or, by reason of age, rarity, location, size, aesthetic quality, or endemic status, is worthy of preservation and designated as an exceptional tree, and to be protected for the County".

Your Committee notes that the trees nominated for the designation as exceptional trees include Monkey Pod Trees, Royal Palms, Hala stands, Plumeria, Mango, Halapepe, and Kokio on the islands of Maui, and Wiliwili on Kahoolawe.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. I ask for the Council's support for this Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion? 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. Clerk.

COUNTY CLERK: For the record, BILL NO. 107 (2018).

COMMITTEE REPORT

NO. 18-186 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Resolution 18-181, entitled "APPROVING THE ACQUISITION OF REAL PROPERTY, APPROXIMATELY 262 ACRES, LOCATED IN PULEHUNUI AND OMAOPIO, MAKAWAO, MAUI, HAWAII," be ADOPTED; and
2. That County Communication 18-116, from the Economic Development Director, be FILED.



CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 18-186.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, I would like to also make a friendly amendment to the resolution. Is that when I do it, now or?

CHAIR WHITE: Well, you can make an amendment.

COUNCILMEMBER SUGIMURA: Yea, I'll make an amendment. Basically, in the resolution, it states that certified copies be transmitted to Parks and Recreation. And actually, as you can tell by reading all the material that it's really the Office of Economic Development that's driving this project and has from the very beginning, like over the last six years. So, I just want to make that correction.

SO, CERTIFIED COPIES BE SENT TO THE OFFICE OF  
ECONOMIC DEVELOPMENT, ALONG WITH OTHERS THAT  
ARE LISTED.

CHAIR WHITE: So the motion is to change the, the recipient from Parks and Recreation--

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: --to Office of Economic Development--

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: --which is where the Ag Park--

COUNCILMEMBER SUGIMURA: Yes, resides.

CHAIR WHITE: So, the motion is just to change the recipient.

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

Any further discussion? 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".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee met on August 20, September 17, and October 15 on this matter to consider the proposed resolution to approve the acquisition of 262 acres of real property, identified for real property tax purposes on tax map key (2) 2-5-001:002, for \$5,929,000 for the expansion of the Kula Ag Park.

The parcel is designated as Parcel *[sic]* I in the master plan for the future expansion of the Park. The expansion will provide famers an opportunity for business expansion and growth in a location that is remote from homes, allows farmers to share resources with one another, and allows for an area for organic farming designated for a buffer zone.

The parcel will have access to one million gallons of non-potable water per day, more than adequate for this acreage.

And, State funding in the amount of five million is contingent on the County's approval of this purchase that we're talking about today, or their money will lapse June 30, 2019. The County has appropriated the remaining funds in its Fiscal Year 2018 Budget that must be encumbered by December 31, 2018.

The County and Alexander and Baldwin revised the contract agreement date to be no later than December 31, 2018.

We also had waited to take our last, to take this item up so that the Kula Ag Park Committee could also discuss this on October 12. It was reviewed, and five out of the six members present were in favor of this acquisition.

Your Committee supported the need for additional agricultural land for small farmers and farming industry as a way to promote food sustainability. Members, I'd like to ask for the Council's support. Thank you, Chair.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, from Committee, I did not support this during that discussion. And, I'm continuing to stand by my vote. Water was the issue. I have walked the land, and there's, and there were photos transmitted also as to infrastructure and opala still left on the property. And so, it's just, it was numerous, you know, my, my issues and justifications and the cost.

So, but not anti-park agricultural practices and things, but just felt it could be better utilized in a, in a better manner and not be detrimental in, as for water resources. I heard, yes, there is enough, but I've been told otherwise via people in the department. So, there is still issues at this time. So, I am not in support. Thank you, Chair.

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

Any further discussion?

COUNCILMEMBER SUGIMURA: So, Chair.

CHAIR WHITE: Ms.

COUNCILMEMBER SUGIMURA: If I could just kind of clarify some of that. So, in my Committee discussion which didn't all go into the Committee Report, though, it was stated that A&B will do, after this purchase is approved and everything moves forward, that they would do some visits on the property just to take care of issues that Ms. Cochran had brought up.

And the water agreement which is also connected to this, which the Committee asked to be attached, also talks about the availability of water and its relationship to the Kula Ag Park, existing ag park. And the water issue was also discussed, and it was deemed to be appropriate. So, I just wanted to make those statements. Thank you, Chair.

CHAIR WHITE: Thank you. And yea, there's a, just to make a comparison, the cost to the County of this 262 acres is, as 3,800 per acre compared to our purchase of Launiupoko at over 70,000 per acre. And that was all County funds. This one is largely carried by the State portion of the funding.

So, any further discussion? Seeing none, oh, I'm sorry, Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chairman. I'm in support of moving forward with this in regards to supporting small farmers. However, I have this written testimony that came in from Hana, a John Blumer-Buell. And, before I, I move with my vote of support, I wanted some clarification of what he's claiming. He's saying that he requests that we support and enforce Hawaii Revised Statute 343, and require an environmental assessment for the County of Maui's proposed acquisition of 262-acres for agricultural purposes. Can, can Corp. Counsel give us a rule? I, is he citing something that we're supposed to do with a major purchase or?

CHAIR WHITE: Yea, Ms. Sugimura may have--

COUNCILMEMBER SUGIMURA: Yea, I have a--

CHAIR WHITE: Yea, Ms. Sugimura may have a, the answer on that.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair. Yea, so, that request did come in. And Office of Economic Development, we have Teena Rasmussen here in the chambers. And, I'll read to you, it was in response to John Blumer-Buell's email and regarding the EA. So, what it says is, pursuant to Section 343-5, Hawaii Revised Statutes, an EA is required for certain actions proposing the use of State or County funds. However, said section lists nine specific actions which do not require an EA,

one of which Section 343-5(a)(1) is the use of funds to be used for the acquisition of unimproved real property. The property is to be purchased referenced above is "unimproved real property". According to, accordingly, no EA is required for this proposed acquisition. So, that was the response that Teena Rasmussen submitted with the help of Corp. Counsel. I think that should answer Mr.

CHAIR WHITE: Yea, and we had, we didn't have that same issue brought up during Launiupoko or any other purchases that we've done through the land--

COUNCILMEMBER SUGIMURA: Open space.

CHAIR WHITE: --or the, the open lands fund and so forth, so.

COUNCILMEMBER ATAY: Yes, I just, before I go forward with the vote, I just wanted to, to make sure that we're not in violation of that HRS.

CHAIR WHITE: No, we're, we're not. Thank you.

Any further discussion?

COUNCILMEMBER SUGIMURA: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: We have, measure passes with seven "ayes"; one "no", Ms. Cochran; and one "excused", Mr. Hokama.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-181.

COMMITTEE REPORT  
NO. 18-187 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE  
COMMITTEE:

Recommending that Resolution 18-182, entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2019 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE  
REPORT 18-187.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, and Agriculture, we met on October 15 to consider the proposed resolutions from, from you, yourself to approve inclusion in the 2019 HSAC Legislative Package. The proposals are all listed in our agenda for our Members to see. There are eight of them. So, and all the Members approved, and this is going to be then presented as a, as a legislative package from the State through HSAC. I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: No, actually it wasn't all Members. I think there were two of us that voted against the package. But, for myself, it was because I didn't feel that this is

a complete package. It, it's got some things that are island-specific and it's missing a huge piece that we had to put into our Maui package, because apparently all the other islands didn't want to support us again asking for additional TAT funding. So, that was kind of disappointing. I'm not going to vote against it now, because I, I don't think it matters one way or another. But, I just want to say that this is, the HSAC should be jointly supporting the request for additional TAT funds for all islands, and it's disappointing that they chose not to. So, that's just my objection. I'm not going to vote against it, but I just wanted to get that on record.

CHAIR WHITE: Well, as you can, as we can imagine, I'm just as offended.

Any further discussion on this item? 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. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-182.

COMMITTEE REPORT

NO. 18-188 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE  
COMMITTEE:

Recommending the following:

1. That Resolution 18-183, entitled "APPROVING FOR INCLUSION IN THE 2019 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ADOPT AND ENFORCE ADDITIONAL LOCAL LAWS REGULATING THE SALE OR USE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES," be ADOPTED; and

2. That Resolution 18-184, entitled "APPROVING FOR INCLUSION IN THE 2019 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOCATE ADDITIONAL TRANSIENT ACCOMMODATION TAX REVENUES TO MAUI COUNTY," be ADOPTED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee met on October 15 to consider proposals to include in Maui County Legislative Package. The two items which were--

CHAIR WHITE: We need a motion.

COUNCILMEMBER SUGIMURA: Oh sorry. Alright.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 18-188.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Overzealous. Thank you, Chair. Your Policy, we met on October 15. There's two items as read by the Clerk. One is the additional TAT for Maui County which will take us up to 38.3 million. And the other one is regarding the electronic smoking devices, as was discussed with the, with Katie Folio, as well as Rick Collins who came and testified, and the Blue Zone Project; just the concerns about that for the Maui community. So, I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. Crivello, followed by Ms. King.



COUNCILMEMBER CRIVELLO: I, I just want to, on the item 2 for the, to allocate additional transient accommodations tax revenues to respond to Councilmember King's concern about HSAC, accepting this as a, into the full package. The discussion and the conclusion was, the other counties have the GET, and for, for their own reasons, not that we may agree, but for their own reasons, they chose to not really pursue, though they do support additional accommodation taxes. So, this is why Maui is like a standalone with this legislative package. Thank you.

CHAIR WHITE: Okay. Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I still have the same concerns. And I think we've got things in the HSAC Package that are just for Kona or just for Kauai, so I'm not sure why they chose to. But, and then our bill is actually asking for money for all three counties, not just our own in our legislative package. But, I have a, two things; we had a couple of outstanding bills that, that were in Committee and I just want to make sure that if we pass this, we're not passing a package that we cannot add to later on. Because I know we, we talked about still having time to massage the burial site recommendation, that legislation. And, the other, and then there's other legislation that I mentioned that the preemptive sunscreen bill that, that some folks are working on.

But, the other issue I wanted to bring up, and looking at the draft of the bill, the second bill for the TAT, I noticed there was a paragraph taken out which I wanted taken out, but I don't think we had done it at the Committee level. So, I just wanted to make sure that what we're looking at is what we're passing through. There was a section on page 17 in our Granicus, under C, that required reporting out of how we were using the money that I had spoken with, who is, Chair Sugimura, about wanting to take that out. And, I see that it is taken out, but I just wanted to make sure that we use proper channels. There were, you know, that, that was a section under C that required, it just seemed like it was just for Maui County. But it's not in there anymore. So, I'm not sure if that was, if that's, was an oversight or if we meant to do that?

COUNCILMEMBER SUGIMURA: I'm not sure what your question is. Sorry.

COUNCILMEMBER KING: Was that, that piece that's been taken out, because, I didn't make that part of the motion. But, you know, I'm happy that it's taken out. I just want to make sure that that was a deliberate, you know, that, that's not an oversight.

COUNCILMEMBER SUGIMURA: I think what it was about reporting the outcomes of the additional TAT. Right?

COUNCILMEMBER KING: Right.

COUNCILMEMBER SUGIMURA: So, that was taken out, right.

COUNCILMEMBER KING: Okay. So, so that's deliberate. That's what we're voting on today? Okay.

COUNCILMEMBER SUGIMURA: Yea, right. Well, that's the whole thing. On your other question, which is the rest of the Maui County Legislative Package; we did have a discussion of it Monday of this week, just talking about the two additional items. And, it's still under discussion.

COUNCILMEMBER KING: Okay. But, I, my question was, is it--

COUNCILMEMBER SUGIMURA: But, we're not voting on all that today.

COUNCILMEMBER KING: --is it, right. My question is, that there's still, is there still time to get that into the Maui Legislative Package.

COUNCILMEMBER SUGIMURA: Jan, the Legislature starts January 15, I think, next year. And this is not like HSAC where we're trying to meet deadlines to present as a, as a, you know, statewide, Hawaii State Association of Counties Package. So, we have no deadlines. This is our package that we're presenting forward. So, I think that answers your question.

COUNCILMEMBER KING: Okay. Yea, that's, that's mainly what I wanted to know. Because I think, Chair, that because it's an endorsement by Maui County, it probably wouldn't also, it wouldn't even preclude if, if Councilmember Atay had proposed those two pieces of legislation wanted to, got a sponsor to actually submit the legislation then brought it back to the Council for endorsement, it could still go into our package? Is that, is that a fair statement?

CHAIR WHITE: Yea, we have, we have no time frame. We can, we can add things at any time.

COUNCILMEMBER KING: Okay. Great. Thank you.

CHAIR WHITE: Okay. Any further discussion? 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. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-183 and 18-184, respectively.

COMMITTEE REPORT  
NO. 18-189 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Bill 108 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-209, from the Deputy Director of Water Supply, be FILED.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 18-189.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Chair, the purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the USGS to construct two stream gages at Kanaha Stream. The cost to the County for the project will be \$37,050.

The Department of Water Supply will be using data gathered from the gages to plan for West Maui's future water needs.

As well, the State Department of Transportation is going to be contributing \$6,950 to the cost of installing gages so that it can gather data on peak instream flows, which they will be using when it designs bridges.

The Commission on Water Resource Management will also be using data from the gages to create and evaluate the interim instream flow standards for Kanaha Stream, and to conduct other studies. I respectfully ask for the Members support of this motion.

CHAIR WHITE: Thank you, Mr. Atay.

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. Clerk.

COUNTY CLERK: For the record, BILL 108 (2018).

Proceeding with ordinances for second and final reading.

**ORDINANCES**

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 89 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX A, PART I,  
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND  
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,  
DEPARTMENT OF PARKS AND RECREATION  
(PRIVATE DONATIONS – WAILUKU HEIGHTS EXTENSION COMMUNITY ASSOCIATION)

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. With no objections, may I ask the Clerk to bring up Bills 90 (2018) through 98 (2018).

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 90 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF PARKS AND RECREATION,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
CENTRAL MAUI PARKS SYSTEM

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 91 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,  
KIHEI-MAKENA COMMUNITY PLAN AREA, SEWER;  
SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION;  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL  
APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 92 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,  
KIHEI-MAKENA COMMUNITY PLAN AREA,  
SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 93 (2018)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4856, BILL NO. 52  
(2018), RELATING TO 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 2019 BUDGET ORDINANCE

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 94 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;

DEPARTMENT OF FINANCE, COUNTYWIDE,  
OTHER PROJECTS, COUNTYWIDE EQUIPMENT;  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL  
APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 95 (2018)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,  
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(COUNTYWIDE EQUIPMENT)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 96 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF FINANCE,  
COUNTYWIDE,  
COUNTYWIDE EQUIPMENT

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 97 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF WATER SUPPLY,  
HANA COMMUNITY PLAN AREA, WATER SUPPLY,  
KAUPO WATER TANK IMPROVEMENTS;  
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL  
APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 98 (2018)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF WATER SUPPLY,  
HANA COMMUNITY PLAN AREA,  
KAUPO WATER TANK IMPROVEMENTS

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: I thought there was one more?

COUNCILMEMBER SUGIMURA: I went all the way down to 98.

CHAIR WHITE: Was that, was that 98 you just, oh I'm sorry. Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO PASS BILLS 89 THROUGH 98 AS READ BY THE  
CLERK ON SECOND AND FINAL READING, CHAIR.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER COCHRAN: Second.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. No further discussions.

CHAIR WHITE: Any further discussion, Members, on the other items? 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. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 99 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTIONS  
10.48.220 AND 10.56A.010, MAUI COUNTY CODE,  
RELATING TO TOW-AWAY ZONES AND LOADING ZONES

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you.

I MOVE TO PASS BILL 99 (2018) ON SECOND AND FINAL  
READING.

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Bill 99 would amend Sections 10.48.220 and 10.56A.010 of the Maui County Code, relating to tow-away zones and loading zones by adding 12 parking stalls in length as a tow-away zone on school days

between the hours of 7 a.m. and 3 p.m. to the area on the makai west side of Front Street adjacent to King Kamehameha III Elementary School in Lahaina, Maui, Hawaii; and to amend the time limits of the loading zone for the same area to the same hours.

Your Infrastructure and Environmental Management Committee, having met on September 11 and October 1, 2018 to discuss County Communication 18-283 from the Director of Public Works, noted that that the Public Works Commission unanimously recommended approval of this proposed bill at its meeting of April 25, 2018.

The Director of Public Works also stated that amending the hours and establishing a tow-away zone would, would allow for better enforcement.

And an officer from Department of Police said extending the time of the loading zone and establishing a tow-away zone would ensure parents are able to actively load and unload students at the start and end of the school day. This amendment would support safety for students and the community at large by preventing traffic congestion. For these reasons, I respectfully ask for my Members support, your Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, 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. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 100 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16,  
MAUI COUNTY CODE, RELATING TO THE  
WAIEHU MUNICIPAL GOLF COURSE

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO PASS BILL 100 ON SECOND AND FINAL  
READING.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Bill 100 updates the provisions in Chapter 13.16 in the Maui County Code, relating to the definitions and, of fees, as well as management and operations of the Waiehu Municipal Golf Course. I ask the Members for the support of this motion. Thank you.

CHAIR WHITE: Thank you.

Any further discussion on this item, Members? 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. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, Mr. Clerk. Thank you all for being here today. And with that, we are adjourned.

### ADJOURNMENT

The regular meeting of November 2, 2018 was adjourned by the Chair at 11:35 a.m.



\_\_\_\_\_

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



OFFICE OF THE  
COUNTY CLERK

2018 OCT 30 AM 9:14

RECEIVED

Date: October 29<sup>th</sup>, 2018

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Members of the Maui County Council

From: Katie Folio, Maui, Molokai and Lana'i Coalition for a Tobacco-Free Hawai'i Coordinator, Hawai'i Public Health Institute

Re: **STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)**

Hrg: November 2, 2018 at 9:00 am at Kalana O Maui Building, 8th Floor

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Thank you for the opportunity to submit testimony in **STRONG SUPPORT** of Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

1. The Coalition is concerned that new preemption language included in Part II of HB 1895 (Act 206, Session Laws of Hawaii, 2018) will prohibit counties from advancing any tobacco selling and access laws, removing their ability to provide protections to county residents if the state decides not to pursue tobacco control policies.
2. HB1895 Page 10, lines 15-18: Restricts county decision to protect the health of their residents through existing or future laws and regulations by restricting the sales of tobacco, other tobacco products, or electronic smoking devices (ESDs) often referred to as e-cigarettes. Examples of impact on counties:
  - a. Makes null and void existing Hawai'i County's Age 21 law that was passed in 2013 before the State Act 122, SLH 2015
  - b. Preempts county's ability take legislative and regulatory action through tobacco retail and sales regulation to protect their children, youth, and adults from the harmful impact of tobacco and e-cigarette use.
  - c. Preempts public health evidence-based strategies through restricting local policies and regulations on pricing and access, which are proven to reduce tobacco consumption and

initiation (including but not limited to prohibiting the sale of tobacco in pharmacies, or near schools, and creating a sale restriction on candy-flavored tobacco and vaping products).

3. HB1895 was passed out of committee without any public participatory process for the county's and affected stakeholders to comment on the county's right to pass laws and regulations. In addition, the Coalition strongly believes the public should have the ability to work with their county officials to pass laws tailored to their unique needs. Further, preemption prohibits the county's future policies to curb ESD use, as HB1895 (Act 206) curtails their powers. High school students in Maui County are experimenting and using ESDs at higher rates compared to the State average.

ESD Use 2017 Youth Risk Behavior Survey	Hawai'i County	Honolulu County	Kauai County	Maui County	State
Ever Use	49.6%	39.0%	45.3%	50.7%	43.7%
Current User	34.1%	22.0%	31.3%	32.3%	25.3%

We thank Maui County for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo,



Katie Folio  
Community Coordinator  
Coalition for a Tobacco-Free Hawai'i  
Hawai'i Public Health Institute

FAX 270-7686

10-27-18 5:30 p

Did our exceptional tree nominations and council vote get on the 11-2-18 agenda?

I saw a long list of items but no trees?? please let me know Monday or Tues. as we talked about before so our testifiers can know too. Mahalo for all you do as staff

Barbara Fernandez

878-6395 h or 264-9646 c

barbhabai@gmail.com

RECEIVED

2018 OCT 29 AM 10:02

OFFICE OF THE COUNTY CLERK

RECEIVED

2018 OCT 29 AM 10:16

OFFICE OF THE COUNTY CLERK

# Dept of Education Audit

RECEIVED  
2018 OCT 30 AM 9:14

Barbara Barry <haikupointofview@icloud.com>

Mon 10/29/2018 10:33 AM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Chair and Council Members,

I am in total support of an Dept. of Education Audit. Our top levels of DOE are draining the valuable resources that should be going into infrastructure of our school, like Air Conditioning and basic maintenance. Teachers need funding and raises! Our keiki are our future! We must prioritize their education and health.

Mahalo,

Ms. Barbara Barry

Ha'iku



To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Kristin Mills, Public Health Educator, Maui District Health Office  
Date: 10/29/2018  
Re: STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)

RECEIVED  
2018 OCT 30 AM 9:14  
OFFICE OF THE  
COUNTY CLERK

Meeting: Friday, November 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

As Public Health Educator for Maui County, and more importantly, a mother of two children here on Maui, I strongly support CR 18-188 and Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Preemption is a step backwards for public health. Counties need the ability to regulate tobacco products and e-cigarettes at a local level to address county-specific issues. Advocates should also have the ability to work with county champions on these issues.

Preemption limits our ability to protect the health of our own unique communities. 25.5% of high school students statewide report that they are current users of vapor products, but in Maui County our high school student vaping rate is 32.3%. We need the ability to enact local policy change and regulations around tobacco sales and access, especially to protect our youth. Examples include prohibiting the sale of tobacco near schools or creating a sale restriction on candy-flavored tobacco and vaping products.

Counties have often passed innovative and effective laws and can serve as catalysts for the state to take action. One example is the smoke-free restaurants and bars law, which passed in all of the counties before it became state law.

This would not affect the state's ability to regulate tobacco products. State law would set the minimum standards of protection, and counties would be able to enact more stringent protections if needed (similar to smoke-free air laws).

We thank you, the Maui County Council, for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo,

Kristin Mills, M.S.  
Pukalani Hawaii

LĀNA'Ī COMMUNITY HEALTH CENTER

P. O. Box 630142  
Lāna'ī City, HI 96763-0142



Phone: 808-565-6919  
Fax: 808-565-9111  
dshaw@lanaicommunityhealthcenter.org

RECEIVED

2018 OCT 30 AM 9:14

OFFICE OF THE  
COUNTY CLERK

*The Community is our Patient -- men, women, children, uninsured, insured!*

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council

Date: October 29, 2018

Re: STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)

Meeting: Friday, November 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support CR 18-188 and Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Preemption is a step backwards for public health. Counties need the ability to regulate tobacco products and e-cigarettes at a local level to address county-specific issues. Advocates should also have the ability to work with county champions on these issues.

Preemption limits our ability to protect the health of our own unique communities. 25.5% of high school students statewide report that they are current users of vapor products, but in Maui County our high school student vaping rate is 32.3%. We need the ability to enact local policy change and regulations around tobacco sales and access, especially to protect our youth. Examples include prohibiting the sale of tobacco near schools or creating a sale restriction on candy-flavored tobacco and vaping products.

*E Ola nō Lāna'ī*

LIFE, HEALTH, and WELL-BEING FOR LĀNA'Ī

Counties have often passed innovative and effective laws and can serve as catalysts for the state to take action. One example is the smoke-free restaurants and bars law, which passed in all of the counties before it became state law.

In other instances, the state may not have protections in place that the counties are able to achieve individually. For example, there is no state law protecting children from the harmful effects of secondhand smoke in vehicles, but each of the counties has passed their own smoke-free cars with keiki laws.

To be clear, this would not affect the state's ability to regulate tobacco products. State law would set the minimum standards of protection, and counties would be able to enact more stringent protections if needed (similar to smoke-free air laws).

I thank you, the Maui County Council, for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo,



Diana M V Shaw, PhD, MPH, MBA, FACMPE]

Executive Director  
Lāna'i City

October 29, 2018

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Cori Takesue, PsyD, Lanai Community Health Center

Re: STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)

Meeting: Friday, November 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support CR 18-188 and Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Preemption is a step backwards for public health. Counties need the ability to regulate tobacco products and e-cigarettes at a local level to address county-specific issues. Advocates should also have the ability to work with county champions on these issues.

Preemption limits our ability to protect the health of our own unique communities. 25.5% of high school students statewide report that they are current users of vapor products, but in Maui County our high school student vaping rate is 32.3%. We need the ability to enact local policy change and regulations around tobacco sales and access, especially to protect our youth. Examples include prohibiting the sale of tobacco near schools or creating a sale restriction on candy-flavored tobacco and vaping products.

Counties have often passed innovative and effective laws and can serve as catalysts for the state to take action. One example is the smoke-free restaurants and bars law, which passed in all of the counties before it became state law.

In other instances, the state may not have protections in place that the counties are able to achieve individually. For example, there is no state law protecting children from the harmful effects of secondhand smoke in vehicles, but each of the counties has passed their own smoke-free cars with keiki laws.

To be clear, this would not affect the state's ability to regulate tobacco products. State law would set the minimum standards of protection, and counties would be able to enact more stringent protections if needed (similar to smoke-free air laws).

We thank you, the Maui County Council, for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo,



Cori Takesue, PsyD  
Lanai City, HI

RECEIVED

2018 OCT 30 AM 9:14

OFFICE OF THE  
COUNTY CLERK

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
From: John A. H. Tomoso+, MSW, ACSW, LSW  
Date: 10-29-18  
Re: STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)

RECEIVED  
2018 OCT 30 AM 9:15

OFFICE OF THE  
COUNTY CLERK

Meeting: Friday, November 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support CR 18-188 and Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Preemption is a step backwards for public health. Counties need the ability to regulate tobacco products and e-cigarettes at a local level to address county-specific issues affecting the public health of its citizens. Advocates should also have the ability to work with county legislative champions on these issues.

Preemption limits our ability, with contextual and cultural competencies, to protect the health of our own unique communities. 25.5% of high school students, statewide, report that they are current users of vapor products, but in Maui County our high school student vaping rate is 32.3%. This, I believe, translates to a "public health crisis" in our midst! We need the ability to enact local policy change and regulations around tobacco sales and access, especially to protect our youth. Examples include prohibiting the sale of tobacco near schools, product placement in our stores, prohibiting "Smoke Shops" in certain locales, and creating a sale restriction on candy-flavored tobacco and vaping products.

Counties have often passed innovative and effective laws and can serve as catalysts for the State to take action, at the statewide level of jurisdiction. One example is the smoke-free restaurants and bars law, which passed in all of the counties before it became state law.

In other instances, the state may not have protections in place that the counties are able to achieve individually. For example, there is no state law protecting children from the harmful effects of secondhand smoke in vehicles, but each of the counties has passed their own smoke-free cars with keiki laws.

To be clear, this would not affect the state's ability to regulate tobacco products. State law would set the minimum standards of protection, and counties would be able to enact more stringent protections if needed, as in our "smoke-free air" laws.

Mahalo to the Maui County Council, for considering this important piece of legislation, affecting of our public health and quality of life, as part of the county package. Thank you for the opportunity to testify.

Aloha,  
John A. H. Tomoso+, MSW, ACSW, LSW  
51 Ku'ula Street  
Kahului, Maui, Hawai'i 96732-2906

RECEIVED  
2018 OCT 31 AM 8:55  
OFFICE OF THE  
COUNTY CLERK

To: The Honorable Mike White, Chair  
The Honorable Robert Carroll, Vice Chair  
Honorable Members of the Maui County Council  
Fr: Mary Santa Maria, M.P.H., Public Health Educator, retired  
Date: October 31, 2018  
Re: STRONG SUPPORT for CR 18-188, Maui County Legislative Package (proposal #1)

Meeting: Friday, November 2nd, 2018 at 9:00 am at Council Chambers, Kalana O Maui Building, 200 S High Street – 8<sup>th</sup> floor

I strongly support CR 18-188 and Maui County's adoption of proposal # 1, A BILL FOR AN ACT RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS, into the Maui County Legislative Package. This bill aims to repeal and amend provisions relating to the preemption of county laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.

Preemption is a step backwards for public health. Through cooperative work, the Maui County Council, and community members, especially our Youth, have been able to create policies and laws that substantially protect our communities from second hand smoke. We need the ability to regulate tobacco products and e-cigarettes at a local level to continue to address county-specific issues..

Preemption limits our ability to protect the health of our own unique communities. 25.5% of high school students statewide report that they are current users of vapor products, but in Maui County our high school student vaping rate is 32.3%. We need the ability to enact local policy change and regulations around tobacco sales and access, especially to protect our youth. Examples include prohibiting the sale of tobacco near schools or creating a sale restriction on candy-flavored tobacco and vaping products.

Counties have often passed innovative and effective laws and can serve as catalysts for the state to take action. One example is the smoke-free restaurants and bars law, which passed in all of the counties before it became state law.

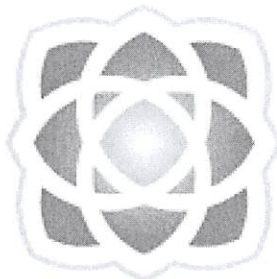
In other instances, the state may not have protections in place that the counties are able to achieve individually. For example, there is no state law protecting children from the harmful effects of secondhand smoke in vehicles, but each of the counties has passed their own smoke-free cars with keiki laws.

To be clear, this would not affect the state's ability to regulate tobacco products. State law would set the minimum standards of protection, and counties would be able to enact more stringent protections if needed (similar to smoke-free air laws).

We thank you, the Maui County Council, for considering this important piece of legislation as part of the county package. Thank you for the opportunity to testify.

Mahalo for this opportunity,

Mary Santa Maria, member Coalition for a Tobacco Free Hawaii  
Makawao,



# MAUI

CHAMBER OF COMMERCE  
VOICE OF BUSINESS

Testimony on CR 18-186  
Approving the Acquisition of Approximately 262 Acres  
In Pulehunui and Omaopio  
Friday, November 2, 2018

RECEIVED  
2018 OCT 31 PM 12:07  
OFFICE OF THE  
COUNTY CLERK

Dear Chair White, Vice-Chair Carroll &  
Members of the Maui County Council,

Thank you for the opportunity to testify.

The Maui Chamber of Commerce supports PEA-71 to approve the acquisition of approximately 262 acres in Pulehunui and Omaopio.

This project is essential as the Kula Ag Park is currently fully leased and other available ag lands available for lease are often very large parcels. Agriculture is an extremely difficult and costly industry to get started in. It requires significant upfront investment, resources and growing time before a profit is even possible and farmers face great uncertainty in future yields due to disasters, pests, etc. Therefore, the smaller parcels that would be made available through the ag park will help new entrepreneurs get started and give opportunities for existing farmers to expand operations on a scale that works well for them.

Spurring and maintaining agriculture is very important to Maui County. Agriculture provides additional resources and jobs for our local community and is a vital industry that we must support. The Maui Chamber of Commerce believes in the triple-bottom line of sustainability (the balance of economy, environment and social well-being) and this project aligns with that goal. The State of Hawaii has a goal to be more self-sustaining for food production and additional agricultural land for small farmers will help to increase local food production for Maui County.

Further, agriculture helps grow our local economy by contributing to value-added manufacturing. With more farming, there are more opportunities for niche manufacturers to create value-added products. Additionally, local manufacturers equate to increased jobs, the availability of more locally made products and increased revenue within our County.

Therefore, we support CR 18-186 and ask that the Committee please pass this measure.

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.

**John Blumer-Buell**  
Post Office Box 787, Hana, Hawaii, 96713  
Email [blubu@hawaii.rr.com](mailto:blubu@hawaii.rr.com) Telephone 248-8972

RECEIVED

2018 NOV -1 PM 2: 27

November 1, 2018

OFFICE OF THE  
COUNTY CLERK

Maui County Council, Mike White, Chair,  
200 S. High Street, Wailuku, Hawaii, 9679e  
Sent Via Email to County Clerk <[county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)>  
Cc: Maui\_County Council\_mailbox <[county.council@mauicounty.us](mailto:county.council@mauicounty.us)>  
Teena Rasmussen <[teena.rasmussen@co.maui.hi.us](mailto:teena.rasmussen@co.maui.hi.us)>

**Subject: Public Testimony for Council Meeting of November 2, 2018,  
Regarding Agenda Item NO. 18-186- POLICY.ECONOMIC  
DEVELOPMENT.AND AGRICULTURE COMMITTEE:**

**Recommending the following:**

- 1. ADOPTION of resolution approving the acquisition of real property, approximately 262 acres, located in Pulehunui and Omaopio, Makawao, Maui, Hawaii; and**
- 2. FILING of communication.**

Aloha Chair White and Council Members,

**I request you to support and enforce Hawaii Revised Statute 343 and require an Environmental Assessment (EA) for the County of Maui proposed acquisition of 262 acres for agricultural purposes.**

I respectfully disagree with the explanation and “interpretation” offered to Chair White in the attached letter dated yesterday, October 31, 2018, from Director Teena M. Rasmussen of the Office of Economic Development. This “interpretation” and opinion is not a formal and legal “Declaration of Exemption”. Does a formal legal document exist?



The “interpretation” states, “The property to be purchased referenced above is “unimproved real property.”

**In fact, the subject property is substantially and significantly “improved” with the included water assets.** Raw land is “unimproved real property”. The addition of water and connecting water infrastructure makes the property “improved real property” .....And, increases the value significantly. An EA is required.

The PEA Committee recognized the water and roads as significant improvements to the property. Without those improvements the price would be much lower. Without the water improvements, the county may not be interested in the purchase.

I suggest the County Council hire an independent council to compile an independent legal opinion. Or, simply require an Environmental Assessment as required by HRS 343.

An Environmental Assessment would answer the numerous unanswered questions raised in the PEA Committee. For example, the asking price of the land needs to be fully vetted. How will the price affect future land sales by A&B? A single assessment or estimate of value from County Real Property is inadequate.

There are numerous issues of compatibility and use that should be examined and resolved between “conventional” farming (post world war two chemical farming) and “organic” farming. An EA would examine the important issues toward making an informed and workable purchase.

By the way, I support agriculture, farming and gardening. I support the long-term goals and benefits we all want to see.

Thank you for your careful consideration.

Sincerely yours,

Join Blumer-Buell, Hana

ALAN M. ARAKAWA  
Mayor



TEENA M. RASMUSSEN  
Economic Development Director

OFFICE OF ECONOMIC DEVELOPMENT  
COUNTY OF MAUI  
2200 MAIN STREET, SUITE 305, WAILUKU, MAUI, HAWAII 96793, USA  
Telephone: (808) 270-7710 • Email: economic.development@mauicounty.gov

October 31, 2018

Mike White, Council Chair  
200 South High Street  
Wailuku, HI 96793

Subject: Committee Report No. 18-186; Policy, Economic Development, and Agriculture Committee ("PEA"); Adoption of resolution approving the acquisition of approximately 262 acres in Pulehunui and Omaopio, Makawao

Dear Chair White,

We herein respond to the inquiry of Mr. John Blumer-Buell received by the staff of the PEA Committee on or about October 30, 2018, which requested "...Please timely email me the 'EA Exemption' document. The legally required 'Declaration of Exemption' document will explain the legal basis for the exemption you referenced."

Pursuant to Section 343-5, Hawaii Revised Statutes, an Environmental Assessment ("EA") is required for certain actions proposing the use of state or county funds, however, said section lists nine (9) specific actions which do not require an EA, one of which (Section 343-5(a)(1)) is the use of "...funds to be used for the acquisition of unimproved real property." The property to be purchased referenced above is "unimproved real property". Accordingly, no EA is required for this proposed acquisition.

I will be in attendance at the scheduled November 2, 2018, Council meeting if further clarification or discussion is needed.

Sincerely,

A handwritten signature in cursive script that reads "Teena M. Rasmussen".

Teena M. Rasmussen  
Director, Office of Economic Development

Copy to:  
Yuki Lei K. Sugimura, PEA Chair  
Mr. John Blumer-Buell (by email)  
Mayor Alan M. Arakawa