

# **WATER AND INFRASTRUCTURE COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**May 26, 2023**

**Online Via BlueJeans**

**CONVENE:** 1:32 p.m.

**PRESENT:** Councilmember Tom Cook, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair  
Councilmember Gabe Johnson, Member  
Councilmember Tasha Kama, Member (out 2:16 p.m.; in 2:20 p.m.; out 2:23 p.m.)  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member (in 1:50 p.m.)  
Councilmember Keani N.W. Rawlins-Fernandez, Member (in 1:59 p.m.)  
Councilmember Shane M. Sinenci, Member  
Councilmember Nohelani U‘u-Hodgins, Member

**STAFF:** Paige Greco, Legislative Analyst  
Jarret Pascual, Legislative Analyst  
Nālani Fujihara, Hawaiian Language Communications Specialist  
Shelly Espeleta, Supervising Legislative Analyst  
Richard Mitchell, Legislative Attorney  
David Raatz, Deputy Director  
Clarita Balala, Senior Committee Secretary  
Lenora Dinneen, Council Services Assistant Clerk  
Jean Pokipala, Council Services Assistant Clerk

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office  
Roxanne Morita, Council Aide, Lana‘i Residency Area Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

Jared Agtunong, Executive Assistant to Councilmember Cook  
Stacy Takahashi, Executive Assistant to Councilmember Cook  
Kate Griffiths, Executive Assistant to Councilmember Johnson  
Evan Dust, Executive Assistant to Councilmember Kama  
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama  
Michele McLean, Executive Assistant to Councilmember Lee  
Noelani Ahia, Executive Assistant to Councilmember Rawlins-Fernandez  
Dawn Lono, Executive Assistant to Councilmember Sinenci  
Laura McDowell, Executive Assistant to Councilmember U‘u-Hodgins  
Susan Clements, Executive Assistant to Councilmember U‘u-Hodgins

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

**ADMIN.:** Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel  
Shane Dudoit, Deputy Director, Department of Parks and Recreation  
Annalise Shiraki, Partnership and Community Program Coordinator, Department of Parks and Recreation  
Jordan Molina, Director, Department of Public Works  
Janet Six, Principal Archaeologist, Department of Management  
Scott Teruya, Director, Department of Finance  
Guy Hironaka, Real Property Management Specialist, Department of Finance

**OTHERS:** Ke‘eaumoku Kapu  
Fay McFarlane (WAI-2)  
Mike Moran (WAI-4)  
(3) additional attendees

**PRESS:** *Akakū: Maui Community Television, Inc.*

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CHAIR COOK: . . .(*gavel*). . . Will the Water and Infrastructure Committee of May 26, 2023, please come to order. The time is 1:32 p.m. May I ask that...may I ask that all participators...participants please silence your cell phones and any other noisemaking devices. For those testifying on BlueJeans, please mute your mic until you are called on. I am your Chair, Tom Cook. Happy Aloha Friday. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors need not be identified. Now, I would like to introduce the Committee Members. Vice-Chair Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good afternoon, Chair. Looking forward to an interesting meeting. Thank you.

CHAIR COOK: Thank you. Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Aloha ‘auinalā, Chair. It’s good to be here with you and the Members of our Council, and ready to get to work, as Member Johnson says.

CHAIR COOK: Thank you. Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, Committee Members. I’m alone in my office in my workspace. There are no testifiers at the Lāna‘i District Office. I’m here and ready to work, and let’s roll.

CHAIR COOK: Thanks. Council Chair Alice Lee.

COUNCILMEMBER LEE: Anyong haseyo --

CHAIR COOK: Anyong haseyo.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER LEE: -- to you and your family and our family here. Good to be here.

CHAIR COOK: Councilmember Tamara Paltin, excused. Councilmember Keani Rawlins-Fernandez, also excused. Councilmember Nohelani U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aloha, Chair. Happy Aloha Friday, everyone.

CHAIR COOK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha 'auinalā kākou. Broadcasting from my home office, I'm alone, and there are no testifiers at the Hāna District Office.

CHAIR COOK: Okay. Today we have, representing the Department of Public Works, I'd like to welcome Director Jordan Molina, who's online. Okay. He's not with us yet. From the Department of Parks and Recreation, Deputy Director Shane Dudoit. Aloha.

MR. DUDOIT: Aloha, Chair.

CHAIR COOK: From the Department of Finance, Director Scott Teruya. He'll be in. From the Department of Management, Principal Archaeologist, Dr. Janet Six.

MS. SIX: Aloha. I'm here.

CHAIR COOK: Oh, thank you. Welcome.

MS. SIX: Thank you.

CHAIR COOK: From Corporation Counsel, Deputy Corporation Counsel Caleb Rowe.

MR. ROWE: Good afternoon, everybody. Thank you, Chair.

MS. GRECO: Excuse me, Chair. This is Staff. It looks like Director Molina is on the line now.

CHAIR COOK: Pardon?

MS. GRECO: Director Molina is on the line.

CHAIR COOK: Okay. Thank you, Director Molina. Representing Aha Moku Maui for the item WAI-2, Mr. Ke'eaumoku Kapu. He's in...he's in the audience today. Without objection, I will allow the individual mentioned to serve as a resource person to the Committee under Rule 18(A) of the Rules of the Council because he has special expertise on today's agenda items.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Okay. Thank you. Thank you, Mister...okay. Thank you, Members. From OCS, our Committee Staff, Committee Analyst Paige Greco.

MS. GRECO: Good morning, Chair. Good morning, Members.

CHAIR COOK: And also Jarret Pascual.

MR. PASCUAL: Good afternoon, Chair.

CHAIR COOK: Committee Secretary Clarita Balala.

MS. BALALA: Good afternoon, Chair.

CHAIR COOK: Legislative Attorney Remi Mitchell.

MR. MITCHELL: Aloha, Chair and Members.

CHAIR COOK: Council Services Assistant Clerk Jean Pokipala and Lei Dinneen. Please see the last page of the agenda for information on meeting connectivity. On today's agenda we have two items, WAI-2 and WAI-4. WAI-2 relates to the renaming of Puamana Park to Waiahiokole Burial Preserve. WAI-4 relates to quarterly reports on the acquisition and disposition of real property. Now, moving on to testimony at the beginning of the meeting. Testifiers wanting to provide video or audio testimony should have joined the online meeting via the BlueJeans link or the phone numbers noted on today's agenda. All individuals logged in to the meeting will be added to the testifier sheet. If you do not intend to testify, please state this in the chat. If you do wish to testify, please state your full name, organization, and the items you would like to testify on in the chat. If you wish to testify anonymously, please state this request in the chat, as well as in the items you wish to testify on. Chat should not be used to provide comments or discussion. Written testimony is encouraged, and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you are done testifying, or if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Decorum must be maintained at all times. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Committee meeting can, at the discretion of the presiding officer or the majority of present Committee Members, be ejected or banned from the Committee meetings or, if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include heckling, shouting, use of profanity, threatening or slanderous remarks made to any Member of the Committee, Staff, or general public. Again, the chat should be used only to sign up for testimony, and not for public commentary on the meeting. It will be considered a breach of decorum for members of the public to use the chat for anything other than testimony sign-up. Staff has been monitoring individuals joining today's meeting by phone and by video. We will do our best to take each person up in an orderly fashion. We will now call on

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

testifiers wishing to testify at the beginning of the meeting. Staff, do we have testifiers?

MS. GRECO: Chair, there is one testifier, and that is Fay McFarlane.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MS. MCFARLANE: Aloha ‘auinalā o Fay McFarlane kou inoa. Noho ma Lāhainā. So, I’m Fay McFarlane from Lāhainā, and I volunteer as a technical kako’o for Aha Moku O Maui. And I’m testifying not on behalf of the organization, but as an individual. And I just wanted to briefly acknowledge that in the past five years or so, we’ve lost a number of kūpuna who helped consult with the burial complex and the history and the mo’olelo of the wahi. So, I wanted to acknowledge that we very...like of those kūpuna that we lost, we mostly recently lost Aunty Yolanda Dizon, as well as Aunty Jackie . . .*(inaudible)*. . . So, just quickly wanted to acknowledge that, and also add that if you have any future questions about the burial complex or the burial preserve or anything like that, we are very happy to assist at any time. Mahalo.

CHAIR COOK: Thank you very much. Members, any clarifying questions? Thank you for your testimony. Staff, any other?

MS. GRECO: Chair, there’s no one else that’s indicated that they wish to testify, but if there’s anyone in Chamber and on BlueJeans, please unmute yourself and begin your testimony.

CHAIR COOK: Okay.

MS. GRECO: Chair, no one has come forward. It looks like we’ve exhausted testimony for the beginning of the meeting.

CHAIR COOK: Okay. Members, I will proceed with our first item on the agenda. As a reminder, we will continue to take testimony after opening remarks on each item.

MS. GRECO: Excuse me, Chair. Can you please close testimony just for the beginning of the...beginning of the agenda?

CHAIR COOK: Okay. Okay. Staff, if there’s no one else willing to testify at the beginning, close testimony?

MS. GRECO: Yes, for the Members.

CHAIR COOK: Members, any objection to closing testimony?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR COOK: Thank you, Members.

**WAI-2: BILL 13 (2023), RELATING TO RENAMING PUAMANA PARK TO  
WAIHIOKOLE BURIAL PRESERVE (LĀHAINA)**

CHAIR COOK: We have before us on Bill 13 (2023), entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, RELATING TO THE [sic] NAMES OF PUBLIC FACILITIES DESIGNATED.” Bill 13’s purpose is to rename Puamana Park to Waiahiokole...Waiahiokole Burial Preserve located in Lāhainā, Maui, as recommended by the Public Works Commission and the Cultural Resource Commission. Members, in your Granicus files you will find copies of Bill 13, along with an ASF with a proposed CD1 version. We have us...with us today Janet...Dr. Janet Six, Principal Archaeologist for the County of Maui, and Mr. Ke’eaumoku Kapu, CEO of Aha Moku Maui. Dr. Six, do you have any opening comments?

MS. SIX: I’m just in support of the bill. It’s...Puamana is a more modern convention named after a historic house that was a few doors away, and it’s always nice to see the accurate placenames put back on the landscape because they have meaning and kaona that is lost during the, you know, gentrification and colonization process. And we know from Red Sands Beach and Venus Pool and all the names they give traditional spots like Waioka and Kaihalulu that it’s important to have the correct name because of the meaning associated with it. So, I’m very much in support of this. I’ve seen the documentation, I’ve seen the maps. As Fay mentioned, many kūpuna who are consulted are no longer with us, but they’re...they worked on...I know Ke’eaumoku could get more into this, they worked together to be in consensus that this is indeed the best placename for this place. which is historically a...quite a large graveyard...gravesite. So, that’s what I have to say. I’m in support. Thanks.

CHAIR COOK: Thank you, Doctor.

MS. SIX: Sure.

CHAIR COOK: Member Sugimura, question for Doctor...

VICE-CHAIR SUGIMURA: Thank you. Yeah, I have a question for Dr. Six. Oh, disappear.

MS. SIX: Oh, I’m here.

VICE-CHAIR SUGIMURA: Dr. Six. Oh, hi. So, what does the name mean? Is that a...

MS. SIX: Waiahiokole, I’m not a...I’m not a Hawaiian language expert, I would talk to Ke’eaumoku or I know that Pueo Pata recently did a whole placenames of West Maui,

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

and you can't break it down like, you know, water, tuna, you know, it's not...it's not...it doesn't mean like, you know, Waiahiokole would have a specific meaning, and I would look to a native speaker and someone --

VICE-CHAIR SUGIMURA: Thank you.

MS. SIX: -- and someone with a kaona for the meaning. Yeah.

VICE-CHAIR SUGIMURA: Sorry.

MS. SIX: Puamana definitely is...is a Hawaiian word, it just is one that was assigned to a large plantation house in the 1920s.

VICE-CHAIR SUGIMURA: I'll ask at the appropriate time.

CHAIR COOK: So --

VICE-CHAIR SUGIMURA: Thank you very much.

CHAIR COOK: -- I invite...

MS. SIX: Sorry. Thank you.

CHAIR COOK: I invited him down to answer your question. Okay. You want to ask Ke'eaumoku?

VICE-CHAIR SUGIMURA: Okay. Okay. Hi, Ke'eaumoku. So, you heard --

MR. KAPU: Hi. Aloha.

VICE-CHAIR SUGIMURA: -- the question, what was the...what does the name of...what is the definition of the name?

MR. KAPU: Yeah. Okay. Ke'eaumoku Kapu from Lāhainā. I had a whole bunch of traditional practitioners look into basically the naming and why it's important for this general area because of the birthing...the shark birthing area of Puamana they call Shark Pit. So, Waiahiokole, kole means raw, waiahi, it's...it talks about the turbulence during the time of the birthing, but then at the same time, a lot of scholars that I reached out to, it was also named after a chief, a prominent chief that lived in that general area. So, what they say that, you know, like...like the aumakua that when people pass, they take on the so-called name of that general area. Waiahiokole talks about that, the naming of the chief, and also the area that surrounds the birthing place of the manō within that area known as Puamana. There's an area...a jetty that goes out that's part of Waiahiokole was known as the birthing area of the sharks.

VICE-CHAIR SUGIMURA: Interesting.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

MR. KAPU: So...

VICE-CHAIR SUGIMURA: Thank you. Thank you very much.

MR. KAPU: Thank you.

CHAIR COOK: We'll ask you further questions. Thank you.

MR. KAPU: Thank you.

CHAIR COOK: At this time I would like to invite...oh. Sorry. I don't follow the script. At this time I'd like to invite Mr. Kapu to provide any background information and opening comments on Bill 13. So, thank you for explaining the naming. Could you give us a brief overview of the...the request and changing from Puamana Park and giving this the appropriate naming?

MR. KAPU: Yeah, sure. I think a lot of this stemmed out from the many years of being...or participating with the Maui/Lānaʻi Island Burial Council back 2017 when they were actually bringing in a lot of the inadvertent bones that was coming from that area. And we got involved sometime in 2020 when we saw that was on the agenda. Interesting story, that me and my wife went down to Puamana before the Burial Council meeting. We walked around and we saw more iwi kūpuna stretched out across the reef. We picked them all up, we went to the State, and knowing that they've been retrieving a lot of that from 2017, nothing was done about it, so I entertained a motion to ask the Burial Council to recognize Aha Moku, as well as Na Aikane O Maui, as a repository so we can malama those things. The Burial Council made the recommendation, and that basically started the partnership within the State and the County to try to figure out ways on how we can reinter a lot of the iwi kūpuna that was disinterred so many years. And with the help of my assistant, Fay McFarlane, we put together the burial treatment plan, got together with the archaeologist, with Janet Six, to talk about what would be the long-range plan on the protection on preservation of that iwi kūpuna. There is possibly, I would say, a total of...well, when we reintered there was a total of 11 boxes that we retrieved from the State. And having the...the collaboration with the County at the same time, what would be the best ways on how we need to preserve and protect these things, it started that long journey for us to make sure that we provided not just an area of ambience so a lot of the culture and traditional practitioners and families can more see why that area is very important, but to involve a lot of people in the community as well. So, right now, we're hoping that from this, we can start the long-range plan with the...the general community at large so we can talk about what...what is the long-range plan for the protection and preservation of that area. So, in the Burial Council, I made a...I entertained a motion that the Burial Council recognize Na Aikane O Maui, as well as Aha Moku O Maui, as a repository. Well, I asked for it, and I got it. So, from that, the long-term vision was to get other people involved in making the tapa, making the appropriate things. My group built the...the kuahu, the interment area, and mahalo to the County for providing the...the box. But we did an obscure of the box and now



**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

it's present in an area that most definitely is honored now, but I think we...the last missing element is the code of conduct signs, as well as the sign. Would definitely inform a lot of people to know that this is a burial preserve, and hoping that we can get a lot of people to respect what it is and what it has always been. And it's good to know that there is some good understanding between the State and the County of why that piece...that place is important, and why it needs to be protected.

CHAIR COOK: Thank you, sir, for that explanation, and also all of your efforts and your groups' efforts getting that...this to the point, and your commitment and willingness to manage and honor it. Thank you.

MR. KAPU: Thank you. Thank you.

CHAIR COOK: Any further...any follow-up questions for Mr. Kapu? Member Hodgins?

COUNCILMEMBER U`U-HODGINS: Thank you. Actually, I'm not too sure who answers this question, but I'd assume because you go out there more, you would be the one to answer this question. So, what is the access now, and what do you see the access...

MS. GRECO: Excuse me, Chair.

COUNCILMEMBER U`U-HODGINS: Yeah.

MS. GRECO: This is Staff. I'm sorry. Is there any chance we can hold this until after testimony? We're in discussion.

COUNCILMEMBER U`U-HODGINS: Oh.

MS. GRECO: Sorry about that.

COUNCILMEMBER U`U-HODGINS: I didn't realize we're still in testimony. Yeah, sure. Thank you.

MS. GRECO: Thanks.

CHAIR COOK: Yeah. Thank you, sir. Thank you, Staff. Do we have any testifiers for this item?

MS. GRECO: Chair, it appears there may be one person connected under the username Tam that may want to testify on this item.

COUNCILMEMBER PALTIN: No, thank you.

MS. GRECO: Okay. Chair, there's no one else that's indicated they wish to testify on BlueJeans or in the Chamber. If anybody would like to testify on Item WAI-2, please unmute yourself or come down in the Chamber.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Members, if there are no more testifiers, would you agree to closing testimony?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: Okay. Members, I'm proposing two rounds of two-minute questions per Member, with one minute for follow-up. Are there any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: Okay. Starting with Vice-Chair Sugimura. Any questions?

VICE-CHAIR SUGIMURA: So, I am seeing Deputy Director Dudoit here, and I just want to hear what the Parks Department have to say about this.

MR. DUDOIT: Thank you, Chair. And thank you, Vice-Chair Sugimura. We are in support of Uncle Ke'eaumoku's request to rename Puamana. We've had maybe two or three meetings with all of us, and we believe that it's a step in the right direction for our people, and we are in full support of the naming, Waiahiokole.

VICE-CHAIR SUGIMURA: Thank you.

MR. DUDOIT: Thank you.

VICE-CHAIR SUGIMURA: And I think the other component was signage --

MR. DUDOIT: Yes.

VICE-CHAIR SUGIMURA: -- and there must be some --

MR. DUDOIT: This was...yeah.

VICE-CHAIR SUGIMURA: -- things that you need to protect, right?

MR. DUDOIT: Yeah, this was the first step in the renaming. After this first step, then we can move into the signage and get all of those things done, along with Public Works.

VICE-CHAIR SUGIMURA: Okay. And to do this, is there any funding needed for changing of something or...

MR. DUDOIT: I'm not sure.

VICE-CHAIR SUGIMURA: Oh.

MR. DUDOIT: I can get back to you. But I think Uncle Ke'eaumoku has everything pretty much taken care of.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

VICE-CHAIR SUGIMURA: Okay. And then I...I...I would imagine that Public Works is on the call, I wonder if they have anything to add to this. Did we get Jordan Molina?

CHAIR COOK: Okay. So, you...you'd like to ask Mr. Molina...

VICE-CHAIR SUGIMURA: Is he on the call?

CHAIR COOK: Director Molina --

VICE-CHAIR SUGIMURA: What...what --

CHAIR COOK: -- are you on the call?

VICE-CHAIR SUGIMURA: -- did the Public Works Commission say --

CHAIR COOK: Pardon?

VICE-CHAIR SUGIMURA: -- for the renaming? What did the Public Works Commission say, Mr. Molina?

CHAIR COOK: Director Molina?

MR. MOLINA: Hi, Chair.

VICE-CHAIR SUGIMURA: Hi.

MR. MOLINA: Sorry, multitasking here. Can you repeat the question?

VICE-CHAIR SUGIMURA: Oh, what did your Public Works Commission say about the renaming?

MR. MOLINA: Oh, so in the transmittal we provided, they recommend the approval.

VICE-CHAIR SUGIMURA: Okay. Okay. That's the process. So, thank you very much. No other questions for me.

CHAIR COOK: Okay. Member...Member Kama, questions?

COUNCILMEMBER KAMA: So, I'm not sure who to address the question to, but I wanted to know where...where can we look to see the source of where our information is coming from? Where is that source located?

CHAIR COOK: Hold on, I think we have someone who can answer that question. Our resource people.

MS. MCFARLANE: I haven't been formerly recognized, but the applicant is 'Aha Moku O Maui. I don't know if that's a problem for you guys. Oh, okay. So...

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

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MS. GRECO: Chair? Sorry. Ms. McFarlane, if you...if you'd like her to join as a resource person, we'd just need to designate her.

CHAIR COOK: Okay. Could Mr. Kapu make the presentation...answer the questions?

MR. KAPU: The resource person for constructing this whole thing. We're required to do a burial site component of an archaeological data recovery plan for iwi kūpuna. So, that was under...it was prepared by Fay McFarlane. A lot of our kūpuna of Lāhainā, as well as Na Aikane O Maui, which is the 501(c)(3), and Aha Moku O Maui, Inc. was the ones that put together the burial site component and submitted it to the County as well as the State...State Historic Preservation Division. Oh, and I think the County also has our information on file for the B...BC...well, burial site component, archaeological data recovery, the County has it, a copy.

MS. SIX: I...I have a copy of the approved plan, and I also have a copy of a larger document that was created by Fay. So --

MR. KAPU: Yeah.

MS. SIX: -- I reviewed it and the research is solid and valid. So, I could say with some confidence that there's plenty of sources for you, Councilmember Kama. I can get those to you if Ke'eaumoku and Fay are unable to.

COUNCILMEMBER KAMA: I would appreciate that, Chair. Thank you. Yes. Send it.

CHAIR COOK: So, Member Kama, does that answer your question?

COUNCILMEMBER KAMA: Yes, Chair. And if she...I would like to...her to send me that...those documents. Or send it to the Committee, and then they can send it out to all of us. Thank you.

MS. SIX: I'm doing it right now. I'm doing it right now.

COUNCILMEMBER KAMA: Thank you.

CHAIR COOK: Okay. Members, Mr. Molina has to leave in about five minutes, does anybody have any questions for him before he goes? Member Johnson, any questions for Director Molina?

COUNCILMEMBER JOHNSON: Not at this time, Chair. Thank you.

CHAIR COOK: Okay. Director Molina, no questions. Thank you for your availability. Member Johnson, do you have any questions regarding...for clarifying questions for Mr. Kapu?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER JOHNSON: Well, I'm...I have a question, and I'm not sure who it's...who it would be for, so should I ask...ask my question, and then you can direct me where it would go?

CHAIR COOK: Please do.

COUNCILMEMBER JOHNSON: So, in regards to the term burial preserve, I'm curious of what...what we need to do to...you know, what does that mean, a burial preserve? Is there things that...protocol involved, and if so, what are they? Thank you.

CHAIR COOK: Okay. Mr. Kapu, you want to answer that?

MR. KAPU: Yeah. What is the one main requirement was to...because of a lot of the iwi kūpuna was in...in careship under the State, the State and County was kind of like this [*makes hand gestures*] on what they were going to do with the reinternment of a lot of the iwi kūpuna. So, there was many discussions in the Burial Council on what do we do with it. So, through our request--because we kind of took on the responsibility of caring for them was to put in a request through State, and that's normally required by law, Section 6E, 13-300, recommendations on how we going care for. So, it had to go through not just the County for approval, but the State, and it's...I got to say, it's...it's not that simple by going through the State and acknowledging the importance as to why we need to reinter them back because there was no resolution or kind of solution at the time because nobody was actually doing the burial treatment plan. So, if there was nobody that steps up to do anything, then the bones are left in a closet for years and years and years until they figure out okay, what's going to be done. So, we were the one that stepped up to say that we need to get this thing done to build a monument. And, you know, when you talk about reinternments, where the reinternment would be, the . . .(*timer sounds*). . . just the discussion alone takes a long time on trying to figure out, working with the County as well. And believe it or not, back then Mike Victorino was the one that said, you know what, we need to shut this place down because iwi was found throughout the stretch from Guardrails all the way to the condos. Yeah.

COUNCILMEMBER JOHNSON: Okay.

CHAIR COOK: Does that answer your question, Member Johnson?

COUNCILMEMBER JOHNSON: Sure. I have a follow-up question for Parks, and I think...was that timer for me or should I wait for a second round?

CHAIR COOK: Go ahead and answer [*sic*] your question.

COUNCILMEMBER JOHNSON: Okay. Deputy Director Dudoit, are...I...with this name change and as...as well as all the important work that Mr. Kapu was speaking on that needs to be done in here, do you plan to change the...the rules of the park?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

MR. DUDOIT: Aloha, Councilmember Johnson. Thank you. We have not crossed that line yet. We are...I think we're just here to either approve or disapprove the naming of the place, and from there, we would move forward.

COUNCILMEMBER JOHNSON: Okay. Yeah, I would...it would make sense to me, and maybe there is...so, there's...in this process, there's going to be a time that reflects the...the...you know, this is a...you're not going to have a...you know, a bouncy castle or something, you know, like this is a very sacred place that we want to protect and have certain activities allowed or not allowed there. So, when we get to that, we'll talk about that, but I just thank you for that. Thank you, Chair.

CHAIR COOK: Thank you, Member Johnson. Chair Lee, you have a question?

COUNCILMEMBER LEE: Thank you.

CHAIR COOK: Clarifying question.

COUNCILMEMBER LEE: Well, it's kind of clarifying for the Members more than for the resource person. Good afternoon, Ke'eaumoku. Good to see you. We are here today primarily to rename the park. So, when...we need to schedule another meeting to actually get into the details --

MR. KAPU: Yeah.

COUNCILMEMBER LEE: -- of your project, which by the way, the Council...thank you, Council, for supporting this project in the budget. We have given money for Ke'eaumoku and his nonprofit to proceed with this...you know, the...all the various things that need to be done with the burial, the monument, and site and storage, and all the things that go into the work he's doing. But we're going to have to talk about that at another time.

MR. KAPU: Yeah.

COUNCILMEMBER LEE: Okay. Thank you.

MR. KAPU: Yeah.

CHAIR COOK: Thank you, Chair, for getting me back on track. Thank you, Ke'eaumoku --

MR. KAPU: Thank you.

CHAIR COOK: -- for your participation. Mahalo.

MR. KAPU: Thank you.

CHAIR COOK: Member Hodgins, clarifying questions with Parks or...

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER U'U-HODGINS: Well, now that I--thank you, Chair--now that I realize that we will have a later opportunity to get into the details, I'm happy to save my questions. For now, I fully support the renaming of the park. Thank you.

CHAIR COOK: Thank you, Member. Member Sugimura?

VICE-CHAIR SUGIMURA: Chair, Keani Rawlins has logged on --

CHAIR COOK: Oh.

VICE-CHAIR SUGIMURA: -- and I'm ready for your...ready for your recommendation. Thank you.

CHAIR COOK: Okay. I'd like to acknowledge Director Rawlins-Fernandez...Member Rawlins-Fernandez. Aloha and welcome. Good day.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Chair. Aloha, Members. I think that's the first time I've been called director. I am home with a...with a minor and...at my home on Moloka'i, and there are no testifiers at the Moloka'i District Office. And I don't have any questions, I've been listening, and any questions that I did have were already answered. And like Member Sugimura, I am also ready to vote. Mahalo, Member Sugimura, for seeing me online.

CHAIR COOK: Thank you. Also, I'd like to acknowledge Councilmember Paltin is also with us now.

COUNCILMEMBER PALTIN: Aloha 'auinalā. I'm in Hilo in a room with Mildred Paltin, George Vierra, Judith Paltin, Sharon Paltin, JJ Plant (*phonetic*), David Paltin, and Tom Six (*phonetic*).

CHAIR COOK: Thank you, Member Paltin. Did you have any questions, or you're ready to vote?

COUNCILMEMBER PALTIN: I'm...I'm ready to support.

CHAIR COOK: Thank you, Members. Recommending...

COUNCILMEMBER SINENCI: Chair?

CHAIR COOK: Chair would like to entertain a motion to recommend passage of Bill 13 (2023)...

COUNCILMEMBER SINENCI: Chair?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER LEE: Chair? Chair? Member Sinenci.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Member Sinenci, my apologies.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yes, I...I am supportive of the more culturally appropriate name of Waiahiokole. I just had a question...a quick question for Dr. Six. I received a beach parks vulnerability and adaption study...adaptation study, and it looks like this park is under...under the SLR-XA 3.2 zone. This park would eventually be covered in as far as sea level rise.

MS. SIX: Yeah. I...

COUNCILMEMBER SINENCI: Did you...

MS. SIX: Go ahead.

COUNCILMEMBER SINENCI: If...if you had any comments on --

MS. SIX: Well --

COUNCILMEMBER SINENCI: -- on seeing these projections? Particularly for this park, which is right on the shoreline.

MS. SIX: I did a field...a site visit a couple months ago, and I hadn't been there in about a year. And I took photos to share with Mimi DesJardins, who is Corp. Counsel working with myself, and at the time Karla Peters, along with Ke'eaumoku guys. And one reason Ke'eaumoku's group wanted the crypt that was installed to have a bottom that was open is because understanding that this park is going to at some point go back to the sea. So, when we look at the vulnerable parks, we have to think about relocation, is that possible...this one, it isn't possible to relocate the park. We talked to different places we could put the crypt so the crypt is the furthest back we can, but there's an understanding that if sea level continues the way it is, that this park will...it's going to be shut down as a park anyway. Just...just to build on a few things is that we...Parks, before the new Administration came on, removed all the picnic tables. The other stages would be eventually to remove the macadam, which lucky the asphalt, which is on top of about two feet of fill, which is good, and the showers' line would be converted to driplines. And Ke'eaumoku has already done a preliminary sketch of vegetative buffers. We've worked with Scott Fisher and other people to identify the best way to try to slow the erosion. It looks like probably seaside naupaka on that side of the island. But Ke'eaumoku has a list of native plants and a basic sketch, and the idea would be to slowly remove all park infrastructure because of the study like that that shows that it's . . . *(timer sounds)*. . . and...and I took a picture for...I took a picture for Keku, the Managing Director, and you can actually see the cave forming underneath the parking lot. Mahalo.

COUNCILMEMBER SINENCI: Thank you, Dr. Six. Thank you, Chair.

CHAIR COOK: Thank you, Members. Any further clarifying questions? Okay. With that...



**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER KAMA: Chair?

MS. GRECO: Chair, Councilmember Kama has her hand up.

CHAIR COOK: Oh. Member Kama?

COUNCILMEMBER KAMA: Yeah. So, I just wanted to ask if in the spelling of the word, Waiahiokole, if there are any diacritical marks?

MR. KAPU: E kala mai. A'ole, it's just straight through. Waiahiokole, yeah. No 'okina.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

MR. KAPU: No kahakō.

CHAIR COOK: Okay. Thank you.

MR. KAPU: Yeah.

CHAIR COOK: Members, any further clarifying questions? Seeing none. Chair would like to entertain a motion to recommend first passage of Bill 13 (2023) on first reading.

VICE-CHAIR SUGIMURA: So move.

COUNCILMEMBER U'U-HODGINS: (raised hand to second motion).

CHAIR COOK: Moved by --

COUNCILMEMBER SINENCI: Second.

CHAIR COOK: -- Member Sugimura and second by Member Hodgins [*sic*].

COUNCILMEMBER LEE: Chair?

CHAIR COOK: Member?

COUNCILMEMBER LEE: I'm just seeing a substitute bill, is that an old...an old notation of some kind? Oh, if we're...Staff, are we just ready for the vote?

CHAIR COOK: Can we take a five-minute recess, with your permission? At 2:10. We'll be back at 2:15. . . .(*gavel*). . .

**RECESS: 2:10 p.m.**

**RECONVENE: 2:16 p.m.**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: . . .*(gavel)*. . . The Committee is now reconvened at 2:16 p.m.

MS. GRECO: Chair, we're at...we have a main motion on the floor and now if there's any motions to amend, it's the time for that.

CHAIR COOK: Members, I'd like to entertain a motion to amend Bill 13 (2023) with the attached proposal, CD1 version, incorporating the amendments referenced in the description of the ASF form. I'd like to emphasize I'm entertaining a motion to amend, not to substitute.

COUNCILMEMBER U'U-HODGINS: So moved.

CHAIR COOK: Second?

COUNCILMEMBER LEE: Second.

CHAIR COOK: So moved by Member Hodgins [*sic*] and second by Chair Lee. Members, amending Bill 13 with the proposed CD1 version provides a descriptive bill title, corrects the bill's year, and the tax map key reference. Members, are there any discussion? Okay. If there's no discussion, are we ready to vote? All in favor say "aye."

COUNCILMEMBERS: Aye.

MS. GRECO: Excuse me, Chair. Just clarifying this is the vote on the motion to amend.

CHAIR COOK: Yes, voting on the motion to amend. All in favor?

COUNCILMEMBERS: Aye.

MS. GRECO: Chair, I see eight "ayes," zero "noes," one excused, Councilmember Kama.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

**VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Kama.**

**MOTION CARRIED.**

**ACTION: APPROVED AMENDMENT.**

CHAIR COOK: Okay. So, now we're ready to vote on the main motion?

VICE-CHAIR SUGIMURA: As amended, yes.

CHAIR COOK: As amended. All in favor...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Chair? Chair?

CHAIR COOK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Discussion?

COUNCILMEMBER LEE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Yeah. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of this motion as amended, and I want to extend sincere gratitude to Mr. Kapu, Ms. McFarlane, all of those in...that have been involved that are part of Na Aikane, Aha Moku, Dr. Six, and just, you know, everyone that took the time to malama our iwi kūpuna. It...this...it was pretty heart-wrenching listening to what happened and, you know, hearing about iwi kūpuna being scattered across the reef, and...and that's one of the results of having such a racist structure. And I'm just...I'm really happy that we're...we're taking action now to address it. Yeah. So many things need to be fixed, and it always falls on the shoulders of people who aren't paid to do that work, you know, people who aren't in decision-making power, that have to beg to...to get this to happen. So, just mahalo. Mahalo, Chair.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Thank you, Member. Member Sinenci, comment?

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah, I too wanted to express my gratitude to Mr. Ke'eaumoku Kapu and Ms. McFarlane and Aha Maui, Inc...Moku, Inc. I think we all realize during the West Maui Community Plan process that this area is highly sensitive, especially with iwi kūpuna and other cultural sites. It's not just the name change. I was...I was impressed with...it's...it's not about changing the name, but also going through the State and becoming a partner in the State in the protection of these ancient burials. So, let's not forget that we need to keep our history and not wipe out our...our culture. So, mahalo, too, to the group for doing this. Thank you.

CHAIR COOK: Thank you. I think Member Paltin had a question and then...or a comment, and then Member Kama.

COUNCILMEMBER PALTIN: Thank you, Chair. I...I just wanted to speak in support, and also express my gratitude to Ke'eaumoku Kapu and his whole ohana, Ms. McFarlane, Na Aikane O Maui, Aha Moku, Inc. You know, the...the County and the State and all the governments are not usually easy to work with, or fast to work with and, you know, to persevere...and not only are they...they helping this burial in West Maui, in doing this work to work with the County, they're setting up a protocol for all of our places on...in Maui County and...and possibly the State because there's burials on...all around the shores that...that are benefitting from this work that they're doing right now. So, although it's starting and taking place in West Maui, it'll benefit the County as a whole, and possibly even the State. So, thank you so much for doing this work, this unpaid work, and a lot of times unthanked [sic] work. So, I just really want to express my gratitude. Thank you.

CHAIR COOK: Thank you, Member Paltin. Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair. I've got my...what you call, my fire alarms and they tweets sometimes because I need to change the battery, so try not to let that deter you. But, you know, one of the things I'm always wanting to be clear about in my heart and my na'au is the words, what they mean, the kaona behind those words. And so, you know, it just...

CHAIR COOK: Member Kama?

MS. GRECO: Member Kama, you've cut out, your audio, for us in the Chamber. If you're able to maybe turn off your video, that could help.

CHAIR COOK: Can we pause for a minute and give Member Kama an opportunity to get back on? Okay. Member Hodgins [sic], comment?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I too would like to express my gratitude and mahalo everybody involved. I would love to see island-wide--I guess islands-wide since there's three of us--a push to accurately rename places in what they should be named instead of using something...like I just learned it was a house

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

before. We should never name a beach park after something so temporary. So, I hope we can see a push, and I'm glad to see this as an example. Thank you, everybody.

CHAIR COOK: Thank you, Member. Member Kama, are you back with us? So, the Chair would like to also express his appreciation for the efforts, and optimistically hope that our whole community can be moving forward in this direction to honor. Thank you. If there's no more discussion, are you ready to vote?

VICE-CHAIR SUGIMURA: Yes.

CHAIR COOK: All in favor say "aye."

COUNCILMEMBERS: Aye.

MS. GRECO: Chair, seeing eight "ayes," zero "noes," one excused, Councilmember Kama. Motion passes.

**VOTE:           AYES:   Chair   Cook,   Vice-Chair   Sugimura,   and  
                  Councilmembers   Johnson,   Lee,   Paltin,  
                  Rawlins-Fernandez, Sinenci, and U'u-Hodgins.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Kama.**

**MOTION CARRIED.**

**ACTION:   Recommending FIRST READING of Bill 13, CD1  
(2023).**

CHAIR COOK: Thank you, Members.

**WAI-4:           BILL 35 (2023), RELATING TO QUARTERLY REPORTS ON THE  
ACQUISITION AND DISPOSITION OF REAL PROPERTY**

CHAIR COOK: Okay. Members, the second item is Bill 35 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO THE [sic] QUARTERLY REPORTS OF [sic] THE ACQUISITION AND DISTRIBUTION...DISPOSITION OF REAL PROPERTY." Bill 35's purpose is to relieve the Director of Finance of the responsibility of submitting reports to the Council within

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

five days of any acquisition or conveyance of real property, and to instead allow quarterly reports. At this time I would like to ask the introducer of the bill, Council Chair Lee, to provide any opening comments on this item. Chair Lee?

COUNCILMEMBER LEE: Thank you, Chair. This is more...this is not really substantive, it's just that we have so many of these reports that are required that could wait for a quarterly report instead of sooner than that, so we can compile these reports together rather than take them at every Council meeting. So, nothing substantive. Thank you.

CHAIR COOK: Thank you, Chair Lee. Director Teruya, welcome. Would you like to provide any opening comments on WAI-4?

MR. TERUYA: Good afternoon, Chair and Members. I want to thank Chair Lee for bringing this forward. It just gives the Department of Finance a little bit more flexibility in reporting, rather than the five-day requirement to be a quarterly report. So, this just gives us a little bit more flexibility, so appreciate it. Thank you, Chair.

CHAIR COOK: Thank you. Members, any questions for the Director? Thank you very much. Member Sinenci, questions?

COUNCILMEMBER SINENCI: Mahalo, Chair.

MS. GRECO: I'm sorry.

COUNCILMEMBER SINENCI: Just a quick...

MS. GRECO: Sorry, Chair, this is Staff. Sorry, again, we need to open testimony for this item and close it before discussion.

CHAIR COOK: Okay. Staff, do we have any public testimony?

MS. GRECO: Chair, we have one testifier on BlueJeans, that is Mike Moran.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. MORAN: Aloha, Chair and Committee Members. Mike Moran for the Kihei Community Association testifying on WAI-4. Just asking for some consideration while you are considering amending this for notification if there would be some consideration for something like this that there would also be a notification given to the community so that we would be aware when something like this happens. We are finding more and more that things are happening and we are not aware. As the Association, we have members of the community coming to us and saying well, why didn't you let us know about it? Well, because we didn't know about it either. So, we ask if that might be considered while you're in this process of making potential adjustments to this. Mahalo for the opportunity to testify.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Thank you. Members, any clarifying questions for Mr. Moran? Member...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Yeah. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Moran. Mahalo for your testimony. So, the...the quarterly reports are made public as a County communication quarterly on the Council agenda. Are...are you saying that that is not public enough, and if it's not, how are you suggesting that it be made more public?

MR. MORAN: Well, of course, you're absolutely right. Even though you're...you're clear as a bell what you said even though your picture is a little bit fuzzy, but yeah, the more...the more reach out, the better. I mean it's always good. We try...as an association, we try and check every agenda as best we can and sometimes, of course, we miss things, so the more direct outreach. In a perfect world, our association would get an email letting us know, but we realize there...there are only...only so much that can be done. So, if there was a way to do more than is being done, great, but we understand the...the limitations of the process. But thank you for addressing it that way. Mahalo.

CHAIR COOK: Thank you. Member Paltin, you have a --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo...

CHAIR COOK: -- clarifying question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Moran. Mahalo, Chair.

MS. GRECO: I'm sorry, Chair. Just before we head into Councilmember Paltin, Councilmember Rawlins-Fernandez, you posted something in the chat about adults with you in the room?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. Mahalo, Staff. I...I now have an adult in the room with me, my husband, Makena Fernandez. Mahalo.

CHAIR COOK: Thank you. Member Paltin, clarifying question for Mr. Moran?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Moran, for your testimony. My clarifying question is, in asking about notifications to the community, if you were aware that County communications generally are not on the agenda anymore, but that there is a website...the Council website with the communications log, a resolutions log, and an ordinance log...because I didn't know about that for a while. And if you click on the communications link, there's all sorts of good information. I also don't know how it's updated, you just got to keep checking back on it. That's where I found the Climate Action Resilience Plan and the Community Plan Implementation Report.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

So, I just was wondering if you folks were aware of that on the site under quick links, the communications log link?

MR. MORAN: Well, I thank you for the reminder of that. Honestly, the first several months of this year we were not aware of it. And when we posed the question to several...or a concern to several Councilmembers, a member of Chair Cook's team sent me a link to that, and I'm like wow, here's something new, but honestly, that was about a month ago, and these old...old brains tend to forget things. And now that you mention it, that's very good to refresh, and I can pass that on to our board. Hey, remember, we were told about this about a month ago, here is a way to...to go. And so, I thank you for that...that refreshing reminder.

COUNCILMEMBER PALTIN: Oh, yeah. Thank you. There's all sorts of little nuggets on there.

MR. MORAN: Absolutely. Agree.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Moran.

CHAIR COOK: Members, any other clarifying questions for Mr. Moran? Seeing none. Thank you, Mr. Moran.

MR. MORAN: Happy weekend, all.

MS. GRECO: Chair, we don't have anyone else signed up to testify on BlueJeans or in Chamber. If there's anybody else that wants to, please unmute yourself or come down and you can testify now.

CHAIR COOK: Members, without any objection, I'd like to close public testimony.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR COOK: As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two rounds of two-minute questions per Member, with one minute for follow up. Are there any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR COOK: Members, are there any questions?

VICE-CHAIR SUGIMURA: No questions.

CHAIR COOK: Member Sinenci, question?



**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER SINENCI: Just a question for Director Teruya. Director, oftentimes, even prior to the acquisition of property, you normally...that's for the Council to approve, yeah? Okay. I see your head nodding.

MR. TERUYA: Yeah. Chair? Yeah, I think what the whole intent behind this is sometimes timing is...is a factor, and I think like anything, we would definitely make this available as fast as we can. I think this is...just gives us a little bit more opportunity to report to you in writing what it is quarterly, but I think it...I think we try to keep everybody abreast of what we're doing. Up until we have an agreement...up until we have an agreement, it is quite confidential because we're in the stage of negotiation. So, I think just...just gives us a little bit more timing. But the intent is not to hide anything, but we make it available when it becomes finalized. Thank you, Chair.

COUNCILMEMBER SINENCI: Okay. Thank you, Director. Thank you, Chair.

CHAIR COOK: Thank you, Director. Any other questions by the Members? Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. My first question was, how did you guys settle on quarterly for reporting, and will this be something that will be communicated through the communications log?

COUNCILMEMBER LEE: I can answer that.

CHAIR COOK: Okay. Chair?

COUNCILMEMBER LEE: It was our suggestion that we require quarterly than what is currently required, which is sometimes very short notice for the Administration. And these, again, are notifications, these are not items that the Council needs to approve, but is just being informed about after the fact, after something is completed by the Administration. So, we...in our effort to cooperate and coordinate with the Administration, we just felt that this would be easier on them for the ease of administration purposes, that's all. And these...this information, like all other notifications, will be on the log on the website.

COUNCILMEMBER PALTIN: The communications log?

COUNCILMEMBER LEE: Communications log, right.

COUNCILMEMBER PALTIN: And I don't really recall seeing a communication about the County purchasing land without Council approval. Like do you have examples of...of when that would happen?

COUNCILMEMBER LEE: You...

COUNCILMEMBER PALTIN: It wouldn't include easements, would it? Is it easements as well?

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER LEE: Why don't you answer that, Director? Because you can...you can explain how many easements you're talking about or other kinds of acquisitions or notifications.

MR. TERUYA: Chair? . . .*(timer sounds)*. . . Chair, I kind of want to defer to Guy Hironaka if he is...is he...is he on the meeting? Staff, can you find out?

MS. GRECO: He does not appear to be on the line, but if you'd like, we can give him a ring, see if he's available.

MR. TERUYA: If you can. I don't have a direct answer to that, that's why.

COUNCILMEMBER LEE: Why...why wouldn't you, Director? I mean this is your notifications to us.

MR. TERUYA: *(Audio interference)*.

COUNCILMEMBER LEE: As an example...just give examples.

MR. TERUYA: I can't tell you an example offhand as to why we wouldn't meet the deadline, I think we can. I think all we're trying to do here is giving us an allowable pivot to...if something was to occur to require that --

COUNCILMEMBER PALTIN: Oh --

MR. TERUYA: -- within the five days.

COUNCILMEMBER PALTIN: -- to clarify, my...my question wasn't about the five days, it was like what kind of acquisitions occur without Council approval? Is it just like easements?

MR. HIRONAKA: Hello?

COUNCILMEMBER PALTIN: Because most...most of the acquisitions --

UNIDENTIFIED SPEAKER: *(Audio interference)*.

COUNCILMEMBER PALTIN: -- I notice we approve it. . . .*(timer sounds)*. . .

COUNCILMEMBER LEE: We must have a party line.

MR. HIRONAKA: Oh, sorry. Hello.

COUNCILMEMBER PALTIN: Hi, Mr. Hironaka. I was...I was wondering if you knew of what kind of acquisitions the County makes without Council approval regularly. Would that be limited to just easements, or is there more County --

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

MR. HIRONAKA: This is...

COUNCILMEMBER PALTIN: -- acquisitions?

MR. HIRONAKA: Okay. Councilmember, per the Code, this is for acquisitions of \$250,000 or less. Ninety-nine percent of the time they're dedications of either roadway lots or easements. When and if we need to purchase it, you know, it does say in the communication how much we paid. We have very rarely had amounts that were...that we paid...I'm looking at my log right now, in the last...we paid for one sewer line easement that was 32,000 last year. In the previous years we paid for one road that we had to pay 120,000, and that was for the municipal parking lot.

COUNCILMEMBER PALTIN: Okay. Thank you so much. That...that clarifies for me what we're talking about. I wasn't sure, but...why we'd be acquiring lands without Council approval, but that makes sense. Thank you.

MR. HIRONAKA: Right.

COUNCILMEMBER PALTIN: Thank you, Chair.

MR. HIRONAKA: Because the...

CHAIR COOK: Thank you. Members, any further clarifying questions? If none...okay. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I saw Member Johnson with his hand up too...just flagging that in case you didn't see. Let's see. Okay. First I wanted to...I...I think when Member Sinenci asked about...asked the question about whether this had required Council approval, and I think the answer was yes, but I think now the discussion has clarified that we're talking about acquisition that does not require Council approval for this specific bill. My question is, I can kind of assume why this law was passed, but I don't know if Director or Staff or someone would have some legislative history on the origination of this law into the Code?

MR. TERUYA: Chair, I'll defer again to Guy Hironaka because I don't believe...most of our transactions that don't go before the Council are...are extremely like low priority or low...low impact in dollar value like...like we're talking about easements. So, Guy, you have any history? I don't as the Director, that's why.

MR. HIRONAKA: Yes. This was actually brought up by the previous Public Works Director because prior to this ordinance, the threshold was \$100,000 that, you know, we need...that we needed Council approval. There was a possible acquisition that we lost to get a parking lot. You know, it was a foreclosure property, and when we went to auction we could only bid up to \$100,000. It went for \$102,000 and now, you know, it's recently sold for 300,000, and we weren't able to acquire that property for parking for the County Building. And so, previous Public Works Director said, you know, there are other properties that are in that 100 to \$200,000 range that, you know, we

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

would lose if we would have to go to Council to get approval that would prevent us from, you know, trying to acquire the property or be...if it's a foreclosure property, we would tip our hand and, you know, someone else may bid above us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hironaka. Okay. So, I guess . . .*(timer sounds)*. . . I now have two follow-up questions. One is, is the 250,000 still sufficient as a threshold, seeing that land values have increased? And then my second follow-up question is regarding the five days. So, if the previous Public Works...a previous Public Works Director had introduced this, did...did that person self-impose the five days, or who came up with the five days?

MR. HIRONAKA: That was a Council decision to do five days, you know, from the time that it was executed, but sometimes, you know, the timing and to get it to Council and, you know, it's just because...and basically because just the sheer number of acquisitions that we were having that it was tying up a lot of the Council time for Committees to review some of these items. But since then, you know, most of them have been dedications. And we've gone anywhere from 15 to 75 notices a year. . . .*(timer sounds)*. . . And that would have tied up Committee time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Hironaka. Mahalo, Chair.

CHAIR COOK: Thank you. Member Johnson, did you have a question...a clarifying question?

COUNCILMEMBER JOHNSON: Sure. Just...just a quick question in regards to...you know, I appreciate what Mr. Hironaka was mentioning. And then it started making my brain think about what other...other exceptions or other areas. What about land swaps? Because that...I'm not sure if a land swap, you know, if it's a...would that qualify under this kind of thing depending on the value of...if it's an equal for equal value amount of swapping? If that made any sense.

MR. HIRONAKA: Councilmember Johnson, that is not what this Code is for. It's for acquisition by specific...specific departments, you know, Public Works --

COUNCILMEMBER JOHNSON: Okay.

MR. HIRONAKA: -- Parks, Water. You know, those --

COUNCILMEMBER JOHNSON: Okay.

MR. HIRONAKA: -- are the only ones. And so, it's in 3.44.015, and it...it specifies which departments would qualify. So, swaps, again, would...it does not qualify for that.

COUNCILMEMBER JOHNSON: Okay. Thanks for clarifying that.

MR. HIRONAKA: That will still require Council approval.

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

COUNCILMEMBER JOHNSON: Okay. Wonderful. Thank you, Chair. No further questions.

CHAIR COOK: Thank you, Member Johnson. Members, any other questions? If not, the Chair would like to entertain a motion to recommend passage of Bill 35 (2023) on first reading.

VICE-CHAIR SUGIMURA: So move.

COUNCILMEMBER LEE: So moved.

VICE-CHAIR SUGIMURA: Second.

CHAIR COOK: Moved by Chair Lee, second by Member Sugimura.

COUNCILMEMBER LEE: No discussion.

CHAIR COOK: Okay. No discussion. Okay. Vote, all in favor "aye."

COUNCILMEMBERS: Aye.

CHAIR COOK: Staff?

MR. PASCUAL: Chair, you have eight "ayes," one excused, motion passes.

**VOTE:        AYES:    Chair    Cook,    Vice-Chair    Sugimura,    and  
                 Councilmembers    Johnson,    Lee,    Paltin,  
                 Rawlins-Fernandez, Sinenci, and U'u-Hodgins.**

**NOES:    None.**

**ABSTAIN:    None.**

**ABSENT:    None.**

**EXC.:    Councilmember Kama.**

**MOTION CARRIED.**

**ACTION:    Recommending FIRST READING of Bill 35 (2023).**

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES**  
**Council of the County of Maui**

**May 26, 2023**

---

CHAIR COOK: Thank you, Members. Members, this concludes today's Water and Infrastructure Committee meeting. Thank you for a great meeting. The time is now 2:46. This meeting is now adjourned. . . .(gavel). . .

**ADJOURN:** 2:46 p.m.

APPROVED:



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TOM COOK, Chair  
Water and Infrastructure Committee

wai:min:230526:ds

Transcribed by: Daniel Schoenbeck

**WATER AND INFRASTRUCTURE COMMITTEE MINUTES  
Council of the County of Maui**

**May 26, 2023**

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 30 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 27th day of June 2023, in Kula, Hawai'i



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Daniel Schoenbeck