

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

JANUARY 16, 2017

THE SPECIAL MEETING AND PUBLIC HEARING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON MONDAY, JANUARY 16, 2017, BEGINNING AT 1:35 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This special 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, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

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

CHAIR WHITE: Thank you, Mr. Clerk. And before we proceed, if everyone in the audience will please turn off your cellphones, put them on silent mode.

And Members, we had initially looked at having the public hearing this morning at 9 o'clock followed by the Council meeting at 1:30. However, we quickly realized that we ran into the challenge of the Martin Luther King celebration taking up the parking lot in front, and so we checked to see when we could do this at a different time. And we could not get all Members together until the 24th of September. So, we made a call to, pardon.

COUNCILMEMBER COCHRAN: September?

CHAIR WHITE: I mean, I'm sorry, the 24th of January. And I was wondering why I got the funny look. Anyway, we made a call to the Office of Information Practices and asked if there was any possibility that we'd run the two concurrently so that we could do them both in the afternoon. And they provided us with an opinion that we indeed could run them concurrently. And so, we will have the Council meeting is now open, and shortly, Members, we will open the public hearing. Are there any questions about the, about the concurrent running of the two? Seeing none.

COUNCILMEMBER COCHRAN: Chair. Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, hi. Currently, I guess there's something going on with the Akaku feed. Is there a change in how this is being programed or allowing to be watched or not watched?

CHAIR WHITE: No. No, thank you for bringing that up. We'll take a quick recess and see what the challenge is.

COUNCILMEMBER COCHRAN: Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:37 P.M., AND WAS RECONVENED AT 1:40 P.M., WITH ALL MEMBERS PRESENT.)

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

Mr. Clerk, could you explain the challenges that people might be having.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair. Yea, the Akaku feed is working properly. The only challenge that individuals at home may have is that currently there's two agendas posted. One is for the public hearing, and one is for the special council meeting. The vendor that we have to provide webcasting services can only push one video at a time. So, what we're streaming right now is the special Council meeting. So anyone trying to click and watch the public hearing won't be able to because we're going to run it concurrently with the special Council meeting. So if they simply just go and access the video for the special Council meeting, they'll be able to see all the proceedings here today, as well as when we convene the public hearing. Thank you, Mr. Chair.

CHAIR WHITE: Thank you. And we will, Mr. Clerk, is it proper for us to recess the Council meeting for the public hearing, or just proceed with the public hearing?

DEPUTY COUNTY CLERK: Mr. Chair, the procedure that we were given by the Office of Information Practices is to keep this session open, and to convene the public hearing to run concurrently with the testimony portion of our special Council meeting.

CHAIR WHITE: Okay. Thank you.

MINUTES

of the

PUBLIC HEARING HELD ON

THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, CONVENE A PUBLIC HEARING ON MONDAY, JANUARY 16, 2016 AT 1:42 P.M., IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, WITH CHAIR MICHAEL B. WHITE PRESIDING, FOR THE PURPOSE OF RECEIVING TESTIMONY ON:

RESOLUTION

NO. 17-5

ESTABLISHING THE STANDING COMMITTEES
OF THE COUNCIL, DEFINING THEIR DUTIES,
AND APPOINTING THEIR MEMBERS

CHAIR WHITE: This public hearing shall please come to order. The three Member public hearing for January 16 will now come to order. And we will, as the Clerk mentioned, we will be running the Council meeting at the same time.

So anyone who is here to testify may testify on both the items that are up for the special Council meeting agenda, as well as those items that are on the public hearing agenda.

So, but before we proceed with public testimony, I would like to ask the Clerk to read the standards of decorum for the Council chambers. Mr. Clerk.

DEPUTY COUNTY CLERK: Maui County Council Standards of Decorum.

In a democracy, it is necessary to provide for public input and official deliberations in an environment that is safe and free from disruption and interference. The conduct of all meeting attendees and participants should confirm the equal worth and dignity of every individual. To these ends, the following standards of decorum are established for the Council Chamber and the adjacent lobby, pursuant to the Maui County Code and the Rules of the Council.

- 1) Testimony shall be limited to commentary on agenda items. Testifiers shall direct their testimony to the body (through its chair), and not to observers or any individual official or member of the public, personally. Applause is appropriate only during ceremonies.
- 2) Any person who engages in heckling, shouting, or other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Council or committee meeting shall, at the discretion of the presiding officer or a majority of present Council members, be removed from the Council Chamber. Behavior that disrupts, disturbs, or impedes the orderly conduct of any Council meeting includes profane, slanderous, or threatening remarks made to any member of the Council, staff, or general public.
- 3) Displays, posters, and signs may not be erected or posted on walls or other fixed locations. These items may be held or carried, but not in a way that unreasonably obstructs another's view of the proceedings or risks causing injury to others.
- 4) While a meeting is in progress, the use of cell phones or any other noise-making devices is prohibited. Conversations in the gallery and the lobby should be conducted in a manner that does not disturb others in the Chamber. Photographs and video recordings may be taken from the gallery (without flash or lamps) if it does not distract others or detract from the proceedings.
- 5) At all times, only legislative personnel and other persons authorized by the presiding officer or the Council Chair are allowed on the Chamber floor (the area where the body is seated). Furthermore, while a meeting is in progress, only legislative personnel and other authorized persons may approach a seated Council member.
- 6) News reporters from established news organizations may access the area around the press desk on the Chamber floor, and may take photographs or video recordings from that location (without flash or lamps).

If a meeting is not in progress, reporters may approach Council members on the Chamber floor for the limited purpose of arranging for discussions later. The presiding officer or Council Chair may authorize other arrangements.

- 7) The consumption of food and beverages in the gallery is prohibited, unless required for medical purposes.

These standards shall be enforced by the meeting's presiding officer, who shall have the authority to order violators removed from the Chamber.

CHAIR WHITE: Thank you, Mr. Clerk.

And the purpose of having the Clerk read the Standards of Decorum is that I feel that it's critical that everyone here to testify today feel as comfortable there as if they were in our living room. And that means that there can be no clapping after somebody's testimony. There can be no comments about their testimony. There can be no reaction from the crowd, because that will impede the comfort of the next testifier, and the next testifier, and the next testifier. So, everyone who is here today has something of value for us to hear. We want to hear from everybody, but we want to do it in a respectful manner that is becoming of this chamber.

So please be on notice that I will give you, maybe one warning, but I will have people removed if they don't follow the instructions, because I will make this chamber comfortable for everyone here to testify to do so and feel good about what they're doing. And when you're up here, the floor is yours. You need to stick to the item on the agenda for today. But we're wanting to hear whatever you have to present to us.

So with that, Members, without objection, we'll open the testimony.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Chair, I have --

CHAIR WHITE: Yes.

COUNCILMEMBER COCHRAN: -- a follow up to this. So, but this also pertains to ourselves, not just testifiers.

CHAIR WHITE: Pardon.

COUNCILMEMBER COCHRAN: The Decorum. It pertains to us too, as Councilmembers.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Yes, thank you.

CHAIR WHITE: And one thing I didn't remember to mention, we do allow the use of your cellphones for videotaping and picture taking. But I ask that you do not come past this, the railing right behind the Councilmembers. So, if you're not impeding people's view from the first row and back, feel free to do so, but please do not lean over into the space that is the Councilmembers.

Okay with that, Mr. Clerk, let's proceed.

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

Testimony at all locations is limited to the items listed on today's agenda. When testifying, please state your name and the name of any organization you represent.

As of right now, we do not have any testifiers at our District Offices, so we'll proceed with testimony from the chamber. The first person to testify in the chamber is Richard Pohle, testifying on Resolution 17-5. He will be followed by James Smith.

TESTIMONY

MR. RICHARD POHLE (testifying on Resolution 17-5):

My name is Richard Pohle. I often testified here. I say I am a protea farmer. I live at 4000 feet. We have a protea farm. I'm on the meter list, and I'm also a doctor of physics and was part of the initial science crew that came out here in 1969. In 1986, we brought the Relay Mirror Experiment to Maui, which was responsible as seed money for the research and technology park. And I married a local Kaneohe woman, so I'm a longtime resident.

And I would like to support, send my support to the Hokama resolution. I presume that's why we're here, to determine what the structure of the Committees is. I didn't

expect to be first. And I encourage the use of small Committees, because Committees is, each Member of a Committee should be versed in the subject matter of that Committee. And if you put nine Members on all the Committees, you just dilute the expertise, because no Committee Member can be knowledgeable about all items on all Committees. So I strongly favor the Hokama over the King resolution, because it does allow people to concentrate on various expertise.

And it's not as though those that are not on the Committee are not allowed to sit here. They can sit here, and they're allowed to testify, just not vote. So nothing is lost by having small Committees. So that's the first reason I'm here.

The second reason I'm here is to protest about the enlargement of the Water Resource Committee into Agriculture and Recreation. The Water Resource Committee does not deserve such an enlargement. It has been largely helpless to eliminate the meter list. I founded the Upcountry Meter List Association for the sole purpose of eliminating the meter list. In the time that is, that I've been testifying here some 30 times in maybe 8 years, my position on the meter list has moved from 675 to 515. So if you dilute the meter list with other duties, you are going to slow it down even further. Heaven knows it's hard enough to get anything done even with a very narrow area of responsibility. If you dilute it, it will never get done.

Finally, I'm here as a voter. And I'm rather angry that I have to be here to discuss the organization of the Council. We, we vote once every two years, and we expect the Councilmembers to get along and to abide by the vote and not call a special Council, special meetings that require attendance of the voter.

Perhaps we'll remember who it was that caused the, this interruption on a normal routine. So I hope you understand what I'm saying. I really think that the Council should work their problems out without having to call a special meeting, from, for items as mundane as organization. Thank you very much.

CHAIR WHITE: Thank you, Mr. Pohle. Any need for clarification, Members? Seeing none, thank you for being here this morning, or this afternoon.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is James Smith, testifying on Resolution 17-5, and County Communications 17-2, 17-3, 17-14, and 17-15. He will be followed by Diana Costas *[sic]*.

MR. JAMES SMITH (testifying on Resolution 17-5, and County Communication Nos. 17-2, 17-3, 17-14, and 17-15):

Aloha Chairperson White, Members of this Council. I'm so happy all of you are here. This is what we need, and we've got it. And we're going to be, I think, well represented.

The matter before you is important, okay. It's vital. It's because there's been a change, okay. There's been a resolution put forward, okay, that affects me. It tells you what a Chair must concern themselves with. It tells you what must be on an agenda. It refers things to you that you must do. And you're my representative, and you should have that power, because I vote, one vote for one person. And you're taking that away from me with this whatever you want to call it. It change, if it were an organizational thing, no problem. But you have changed that.

And I've submitted to you a proposed change to that resolution, which basically says you take the word shall and you put in the word may. And it's done, simple as that. But when you dictate, to my representative what they need to do, you just changed my vote. Doesn't matter anymore. It matters with a stupid memorandum, or whatever you call, a communication that says its innocuous [*sic*], and it tears away. It just tears away representation of me, nobody, okay.

And that's the great thing about this, is each one of you represents me, because I vote for each one of you no matter where district you are, because I'm equal in a vote. And that's what this is about; equal here. I don't have to go to Mike White. I can come to all of you and say I'm your constituent, okay. I'm your constituent, this is wrong. Change this if you can, because you're changing the nature of our relationship. And when you do that, you do it with a Charter amendment. You do it with an ordinance. You don't do it with a one vote on an administrative pretense.

What you've done is you've change the nature of this resolution to, at the minimum, require two votes, because it has the power of an ordinance. You're affecting me. Administrative resolution doesn't affect me in a, in a substantive way, and this does. And then it becomes an ordinance. And then you have to have two votes. You don't even think that, because Corporation Counsel, you wait for him to tell you? Be my representative, all of you, equally, for one equal person. And it works. No shall, may. I've submitted the proposal to each of you, and I hope you take it to heart.

And my testimony now is related to the other two resolutions that are presented. And I would ask them to be withdrawn. I think that the changes may or may not be good. I think the most important thing is that you not argue that, basically, substance is in the provision that says, shall do this, not do that. You change that out, you can do

whatever you want. I wouldn't object strongly to the number of membership, so it's may be improved, I think, by more Members. But, it may not be improved. So I don't think that's a substantive issue. You guys fight that out in administrative way.

But when you change, okay, this is, those two, those two resolutions, they're only here because of a controversy that's a make believe controversy at the beginning. So I would just ask, just nail those, throw them away.

And then there's this county communications that I think are symptomatic of the trouble we face. And that is from Council Chair White, okay, who I'm a constituent of and he is from my area. And so, I'm grateful for that fact. But these communications are nonsense. He's referring. So you have got this, you have got this resolution that says you're going to be referred things, and he refers 60 things to you. Some of them are resolutions, or items that are listed in Committees. Some of them are things that are miscellaneous, all that kind of stuff, huh.

You don't need to worry about that kind of work. You got to protect, equally, me against the executive power, me against the individual power that is unleashed on us by this Mayor, okay. You got to protect me against that, okay. Don't worry about 30 miscellaneous items that you want to refer to this and that. There are big fish out there that we need protection from. Fish may be the wrong word, sorry. Got carried away.

That's my testimony, but thank you so much for being here all of you. Aloha.

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

Mr. Clerk.

COUNCILMEMBER COCHRAN: Sorry, Chair.

CHAIR WHITE: Oh yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: I have a, Mr. Smith.

MR. SMITH: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Mr. Smith, for being here as always. I, you, I just have one page from you.

MR. SMITH: That's all it is.

COUNCILMEMBER COCHRAN: Okay, I was just double-checking.

MR. SMITH: No, . . . needs more.

COUNCILMEMBER COCHRAN: Trying to follow along to your testimony. You usually have written to coincide. But, so just the one page? Okay.

MR. SMITH: Okay, so this is related to the second portion. It's on the first page of the resolution. And it has to do with the second part of, be it also resolved, or be it further resolved, okay. And then all the rest of it, not important to me. Thank you so much.

CHAIR WHITE: Mr. Smith, just to clarify, you were testifying in support of 17-05.

MR. SMITH: In support. Excuse me?

CHAIR WHITE: Well you're saying I'm submitting the suggested amendment to the proposed Resolution 17-5 for your consideration?

MR. SMITH: Yes, I'm saying that I support a change in that resolution.

CHAIR WHITE: Okay. So you're supporting 17-5?

MR. SMITH: A change in that resolution.

CHAIR WHITE: You're supporting that over the other?

MR. SMITH: But without the change, I don't support it, okay.

CHAIR WHITE: Okay. Thank you.

MR. SMITH: Thank you so much.

CHAIR WHITE: Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Diana Costas *[sic]*, testifying on Resolution 17-5. She will be followed by testimony from the Molokai District Office.

MS. DIANA CUSTER (testifying on Resolution 17-5):

My name is Diana Custer, and I'm here, I think about 17-5. It's all a little confusing. Good morning, Chair White and Council.

CHAIR WHITE: Aloha.

MS. CUSTER: I am here to speak on the formation of Committees and Chairs. I'm here to do three things today; welcome our new Members, opine on the formation of the Committees; and put forth important matters that we face as a community with the hopes of building coalition within you all as a group.

I usually speak for what I call "The Innocents", that being the soil, water, and animals, now, most urgently being cows. And today, I will continue my pattern with a core concept for you all to consider. We need trees planted; thousands of them, especially on A&B's vast acreage.

Returning Members, you all know me pretty well and I appreciate all of your support for my causes and concerns in past years. Thank you.

New Members, I welcome you and appreciate the new viewpoints you bring forth. Thank you for your bravery and ambitions. Kudos to you.

I am a Biologist by education and trade. I have a Bachelor's degree in Biology, and a Master's degree in Marine Science. Much of my professional career was working for the University of Hawaii, Department of Plant Pathology, stationed at the Kula Experiment Station, conducting research on virus diseases of truck crops. I tell you this for perspective, and hopefully to add weight to my words.

My opinion of formation of Committee, and also this meeting today, is a big thank you to all of you. Thank you, Chair, for scheduling this special meeting. And thank you to those who called for the meeting. My hope is the friction in this room will cause sparks of the right kind. Please make that spark a huge interest for us, the little people, and the innocents; the soil, the water, the animals.

May the spark be a heads-up to resist temptations to give our dominating corporations what they want. Monsanto clearly does not have the best interest of the innocents at heart, and must be resisted with tenacity as a group. Remember how the little people voted.

A&B is already trying to end laws that would protect animals in Maui since, that have protected animals on Maui since 1997. Please, each and every one of you, find common ground here. Protect the innocents with every core of your beings.

My request going forward to each of you is to guide the future of our soil, water, and animals in this precarious and pivotal moment in Maui's history. I ask you to use the

skills animal trainers use with great success. Make the wrong thing hard, and make the right thing easy.

Use legislation to do this. Use tax laws to do this. Make the right thing easy. Give big tax breaks for trees planted. Make it a big enough break for the large number of trees; such that A&B takes notice and takes advantage by planting thousands of trees on their now vacant lands. Trees for food; and most importantly, trees for shade for cows; and also trees to rehabilitate the soils.

Make the wrong thing hard. Charge full tax for true land value if cows are put into fields with no shade.

CHAIR WHITE: Ms. Custer, I'm going to have to ask you to conclude. One last sentence.

MS. CUSTER: Okay, in summary, we the people and our precious soils and water, and animals, are in your hand. Take it serious and let these responsibilities bring you together as a Council. Perhaps you may differ on other causes, but please be one strong force going forward in the protection in "The Innocents". Get trees planted by the thousands through tax law legislation and legacy of this fresh Council --

CHAIR WHITE: Ms. Custer, I'm --

MS. CUSTER: -- will be enjoyed and remembered for generations to come. Thank you. Sorry.

CHAIR WHITE: Thank you for being here. And I, I just want to caution everyone else. There was little said there that pertained to the Committee structure or the Committee assignments. So, please . . .

MS. CUSTER: I agree with eight. Bigger is better. It was confusing to figure out what was the--

CHAIR WHITE: Okay. No, I understand that. But I appreciate your views on the other things. But please, let's stick to the items on the agenda.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, Molokai District Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: My first testifier is Keani Rawlins-Fernandez. And she will be testifying on item, items number 17-15, 17-14, and 17-5.

MS. KEANI RAWLINS-FERNANDEZ (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha, Chair and Councilmembers.

CHAIR WHITE: Aloha.

MS. RAWLINS-FERNANDEZ: Mahalo for this opportunity to testify today. My name is Keani Rawlins-Fernandez, and I will be testifying in support of resolution 17-15 and in opposition of 17-14 and 17-5.

I am in strong support of resolution 17-15, offered by Councilmember King. I believe her proposal is better than the other two proposals on structuring the Committee. In regards to membership, having all nine Councilmembers on the eight proposed Committees: 1) it takes advantage of the diverse backgrounds, experiences, perspectives, values, and priorities of each Councilmember; 2) it includes the expertise of each Councilmembers intimate knowledge of their district, which is the reason for the residency requirements; 3) it's overall more fair and balanced.

In regards to the Committee responsibilities, resolution 17-15 groups issues together in a way that makes more sense, and will therefore be more effective, and expedient in conducting Committee business.

Resolution 17-15 proposes a structure that seems to be ready to tackle the issues and concerns of our committee, communities. And that is the reason that I am opposed to resolution 17-14 and 17-5.

On this Martin Luther King, Jr. Day I hope that as you grapple with these decisions, you will consider the greater good for our County; and that is the fair representation of our communities, transparency, and empowering our people with truth and information so that we can be more involved in the decisions that will impact our community for generations to come. Mahalo.

CHAIR WHITE: Thank you, Ms. Rawlins-Fernandez.

Any need for clarification?

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Bill Greenleaf, testifying on Resolution 17-5 and County Communication 17-14. Mr. Greenleaf will be followed by further testimony from our Molokai District Office.

MR. BILL GREENLEAF (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha, Chair.

CHAIR WHITE: Aloha.

MR. GREENLEAF: Aloha Councilmembers. My name is Bill Greenleaf. I'm just beginning my, just finishing my 12th year of being a farmer on Maui; what a blessing, what a place to grow food. I'm on the Ag Working Group for the past three years and we're a committee of agriculturalists, whether it's ranchers, bee keepers, farmers. I think that about sums it up.

We've, we've been working the last few years to, with the County and with the Council in a way that when these issues come up that are new territory, the wisdom group of the people in the room has been able to discuss in depth - we've spent literally thousands of hours on topics - and then bring that information forward to the Council. So, from that experience, I'm asking that I support 17-15.

I like seeing water and agriculture together. Time and time again, we've seen those two subjects intimately tied together. And it's something that I know we've been able to affect some positive thinking and some good ideas from agriculture toward water.

I notice in, I also support 17-15, because it continues Committee of the Whole. I felt Committee of the Whole took a lot of legal issues and put them together. And I thought there was a lot of wisdom to that. I see on 17-14, Legal Affairs is with Parks, Recreation, Energy. And I'd like to see Legal Affairs under Committee of the Whole continue as it did.

So, I also would like to support the larger Committees. It's been my experience that when we, when a group makes a presentation to a Committee that may have been initiated by the Council or initiated by a group of citizens, that having a larger pool of people to speak to brings the information forward in a more transparent and in a manner where more people are involved, more constituents are involved. It's a bigger discussion, and I think that the issues we're facing really will benefit from that kind of structure. So that's my testimony today. Thank you.

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

Members, please get my attention if you have a need for clarification. Otherwise, I'm going to hold off on asking. Is there any clarification from this testifier? Seeing none, thank you very much for being here.

MR. GREENLEAF: Thank you. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please introduce your next testifier.

MS. ALCON: The next testifier is Fay Pacheco, testifying on item number 17-14 and 17-15.

MS. FAY PACHECO (testifying on County Communication Nos. 17-14 and 17-15):

Aloha, Chair and Councilmembers. My name is Fay Pacheco and I was born and raised in Maunaloa, Molokai.

Today I'm testifying, excuse me, on resolution 17-14 and 15. I strongly support resolution 17-15. But by not having Councilmember in Committee eliminates the knowledge and concerns of their district. I believe all nine Members should be in every Committee so that they can represent their district. Therefore, I strongly oppose resolution dash, I mean, 17-14, because resolution 17-15 is the better structure.

My heart and soul is Molokai. And at times, I feel we are being treated like a neglected stepchild. I am 76 years old and this is the first time testifying before you. I hope that this indicates to you the magnitude of your decisions today. The structuring of the Committees will have a lasting impact on our community for the future of my grandchildren and great-grandchildren. I ask that you please do the right thing. Mahalo and mahalo for your time.

CHAIR WHITE: Mahalo to you to. Thank you for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Kay Anderson, testifying on Resolution 17-5 and County Communication 17-14 and 17-15. Ms. Anderson will be followed by further testimony from our Molokai District Office.

MS. KAY ANDERSON (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha, Chair.

CHAIR WHITE: Aloha.

MS. ANDERSON: Aloha, Councilmembers, fellow residents. This is my first time testifying and I'm a little bit nervous.

I am in opposition of 17-14 and 17-15. A kahuna once told me that this does not mean hang loose. For us in Hawaii, it really means love over hate. On January 2, in this room, the first Council meeting of the year, I did not feel love. I felt everything but.

All of you were elected by us to manage the business of Maui. It is your responsibility to organize these Committees and not ask for our input. I am really shocked that it is now January 16, and because of a few Members, because a few Members continue to play politics, Maui's much needed business is again being delayed by requiring this public hearing on Committee assignments simply to obstruct the Council from proceeding with the people's business. Please stop it and get to work.

I support the original Committee proposal submitted by Chairman Mike White for the following reasons; first, you elected Mike White as your Chair. You should respect and acknowledge, sorry, that he has the experience, leadership skills, and insight to guide you in organizing this Council. Second, you all need time to adequately prepare for each Committee meeting on our behalf. Finally, you must ensure quorum is met, so unnecessary delays in Maui's business does not occur.

In closing, I hope the practice of some of you, that colluded and incited with funded coalitions to make a mockery of Maui never happens again. You should be ashamed. I want this County Council to bring back aloha, respect, and honest values as you move forward with the business we put our faith in you to do. Mahalo.

CHAIR WHITE: Thank you, Ms. Anderson.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: The next testifier is Liko Wallace, testifying on item number 17-14 and 17-15.

MS. LIKO WALLACE (testifying on County Communication Nos. 17-14 and 17-15):

Aloha Chair and Councilmembers. My name is Liko Wallace, a lifetime resident of the beautiful island of Molokai. I humbly come before you today to testify on resolution 17-14 and 15.

I am in strong support of resolution 17-15. I believe that all Councilmembers should be on that, on every Committee to allow them the opportunity to speak on behalf of their district. Who better than the representative from each district to stand before the Committee to know the unique concerns and issues of the districts they represent. The Committee Chairs are distributed more evenly, and the Committees are grouped together more closely.

In resolution 17-14, the Committee Chairs are unevenly distributed, and the Committees are so broad I feel it will be less effective. So with that said, I am in opposition of resolution 17-14.

As its stated in the bible, "If a house is divided against itself, that house cannot stand"; Mark 3:25. So please, I ask each one of you to take the time in the morning of each day and ask our Lord for wisdom. As he says, "If any of you lacks wisdom, you should ask God, who gives generously to all without finding fault, and it will be given to you"; James 1:5.

Thank you so much for being there to stand for us, and be a voice for us. I appreciate your time. Aloha.

CHAIR WHITE: Aloha. Thank you, Ms. Wallace.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Lloyd Fischel, testifying on Resolution 17-5. He will be followed by Norma Barroga Cronkite.

MR. LLOYD FISCHEL (testifying on Resolution 17-5 and County Communication No. 17-15):

17-5, hello, 17-5 and 17-15. But I'll only take three minutes, yea. Thank you. Good afternoon. We're here today on Martin Luther King's anniversary to celebrate that our

government is run by the people; uniting to prevent the talons of corporate agenda from gutting our values.

The people's welfare is enshrined in the Maui County policy, law that can be left behind as power operates through the Administration. The Policy and Intergovernmental Affairs Committee has been gutted. And major issues will be handled as fiscal matters. Policy does not take a backseat to economics if we truly are custodians for the future. Reinstate the Policy and Intergovernmental Affairs Committee or forever be known to put business out of reason ahead of protection of the aina and the people's right to self-representation.

The job in this chamber is not to pretend that the power of the people is subservient to the power of the purse. We're not a rubber stamp for Arakawa and Spence, and their cronies. The job in this chamber is to check the Administration's attempt to have its way with our tax dollars, to have its way with the land and sea.

Because the major landowner has given up agricultural production, we stand up and we fight against the elephant in the room. Our resolve caused Councilperson Guzman to say of our cause today, that it's something revolutionary and it's going to change the way the Council's do business in the State.

Maui has remained no ka oi, because this body has resisted varied attempts to make another Oahu. But recent decisions have put our resolve in question. The Administration's decision to demolish the post office was articulated by Keith Regan as being efficient and in line with 21st century. But we recognize the demolishing was dangerous, because the Administration used our hard earned money unlawfully.

We recognize that Launiupoko's purchase was for an amount higher than the original assessment to satisfy Administration cronies.

The Maui Island Plan is now work, now working to not impanel community advisory committees that are guaranteed as protection by the State. At the time, Council Chair Danny Mateo said the community plan shall implement the Maui Island Plan. I think we're doing it backwards he said, the community plans should have been done first. The elephant in the room was exposed when the committee, Committee Chair responded, "I have said the same things myself, Mr. Chair. After all this energy, time, and money, and that's a question that I was asked the other day and I couldn't answer. But I think we just got to press on and hope for the best".

This is not the way to lead through, although, Mike White recently wrote that the MIP is important to move Maui forward. To what destination, Mr. White? When the

people stood up to create a new town outside the law, the power of the president of the Wailuku Main Street Association that was leading the assault in Haiku --

CHAIR WHITE: Mr. Fischel, you'll have to provide a concluding statement.

MR. FISCHEL: Do we get three minutes per issue?

CHAIR WHITE: Yes, if you could let me know that you're onto your next issue.

MR. FISCHEL: I'll, I'll go. When the people stood up to create a new town outside the law, the power of the President of the Wailuku Main Street Association that was leading the assault in Haiku was given to Chair the General Plan Advisory Committee. The problem was great, and the State Attorney General disbanded Wailuku before the third arm of government, the courts, would unclot the emperor and all would see the elephant in the room.

Policy cannot take a back seat to economics. This is why democracy is not easy, not something that can be easily streamlined. Policing requires making choices that protect the people over corporate agenda. Lei Sugimura and Stacy Crivello, do you have what it takes to stand up for the people and support agriculture in the face of corporate interests to build, build, build?

The power has put forth an ordinance for a special improvement district in Paia; an amusement type park that changed community plan boundaries. Impaneling the CAC's would lawfully allow the people to decide if they want further tourist pressure in Upcountry, Haiku, and Hana communities.

I thank all the people here who came today on this holiday for no personal gain, and standing up for our noble rights. We've come a long way, as Martin Luther King had said many times, and there is a long way yet to go. Thank you.

CHAIR WHITE: Thank you, Mr. Fischel.

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Thank you for being here this afternoon.

COUNCILMEMBER KING: Mr. Chair, point of clarification.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you. I just wanted to ask if you could clarify, are you asking to add another committee for the PIA or do you support the Committee of Whole with the Legal Policy and Intergovernmental Affairs?

MR. FISCHER: I would support the, the continued combination of the two, as it has been in the past. But, definitely by putting them together with agriculture, especially, creates a problem, a very big problem. And that's what we're facing today. How do we keep Maui on course? We have to protect agriculture. I am a farmer, that's what I do.

COUNCILMEMBER KING: Thank you.

MR. FISCHER: Thank you.

CHAIR WHITE: Thank you. Any others? Thank you, Mr. Fischer.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Norma Barroga Cronkite. She will be followed by further testimony from the Molokai District Office.

MS. NORMA BARROGA CRONKITE (testifying on County Communication No. 17-14):

Aloha, Council Chair, --

CHAIR WHITE: Aloha.

MS. CRONKITE: -- Mr. Mike White and Maui County Councilmembers. Thank you for this opportunity to speak before you this afternoon. My name is Norma Barroga Cronkite, a retired school principal.

I would like to express my support for resolution number 17-15. And it's very important, as Members of the County Council, that we continue to uphold the provisions of the County Charter. And, if you have Committees where all of you are in attendance all the time, that is like saying we don't trust one another. And how would you then build that expertise for one Committee if you are all over the place? So that's one thing that I'd like you to think about.

I watched the video tape of your January 2 meeting, because I wasn't able to come here in person. And it's apparent that there is a need for this Council to work together as a team. And I think we need to refocus that you were all elected by us,

because you need to represent us and make decisions and actions that are in our best interest, and not for some corporate funders out there.

I have worked for the Department of Education for more than 36 years. I have worked with so many superintendents; some of them I don't like, particularly like. However, I had to work with them as a team, because we're guided by the vision and the mission of the organization. And it's the same thing for you, Councilmembers. You have vision and mission, and that is to work for the people, for the best, in our best interest. So there are superintendents I didn't particularly like. And I told myself I have three options, I would work with this superintendent at a professional level, and be part of that team, and support. Same thing with Council Mike White; maybe we don't like him personally, but we need to work with him. Number two option, you leave, because you cannot work as a team. Number three is that, I should leave, maybe you'll retire or resign.

But please, work for the people of Maui County. And let's continue to have a community that's called Maui no ka oi. Thank you very much for this opportunity.

CHAIR WHITE: Thank you, Ms. Barroga.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: Our next testifier is Bridget Mowat, and she's testifying on item number 17-15 and 17-14.

MS. BRIDGET MOWAT (testifying on County Communication Nos. 17-14 and 17-15):

Aloha. E kala mai for my voice. The vog has taken toll. But I wanted to just say mahalo to everyone who is in attendance, and who is working on a holiday. Thank you for your commitment.

But I am speaking in support of 17-15, and in opposition to 17-14. And the reason why, I'm really concerned about the, 17-14 does not list the Committee of the Whole, whereas Councilwoman King's does. And I see that there are a lot of litigation matters that are pending for the Committee of the Whole. And this has been from 2013, some of the issues that I see, County Clerk Mateo has listed. So that's what my concern is. Why do you just take out something and, and just put it on the side.

And why are these, those who are in, in these Committees, why are they being appointed? They should be allowed the opportunity to participate in Committees that they have a background in. And for, especially those who have been voted by their districts to, they need to have the opportunity to act on behalf of their districts. So, I really oppose the, what's before us, and the new resolutions.

But I am in support of Councilwoman King's. I think that's the most appropriate. And I think it would help. Why change something that, that isn't really broken. So, mahalo. That was, that was my testimony. And you folks have a good day. And malama pono.

CHAIR WHITE: Thank you, Ms. Mowat. I appreciate your testimony this afternoon.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ernie Cronkite, testifying on County Communication 17-14. He will be followed by Junya Nakoa.

MR. ERNIE CRONKITE (testifying on County Communication No. 17-14):

Aloha, Council Chairman Mr. Mike White.

CHAIR WHITE: Aloha.

MR. CRONKITE: And the Maui County Council. My name is Ernie Cronkite. I'm a retired auto repair shop owner for 23 years. I'm here in support of Councilmember Hokama's transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS". I feel by having those meetings, or those Members, that have the expertise to make those decisions, that that would be in the best interest of the people of Maui County.

Recently I watched a video of the Maui Council meeting of January 2, and I have to admit I was shocked. I was very, very surprised to see what I heard. We have, in Hawaii, what's called the aloha spirit, and that's what the County Councilmembers should remember when they're dealing with one another. And just as a reminder, "Aloha is to be in the presence of life, to share the essence of one's being with openness, honesty, and humility. It is a way of being, a way of behaving, a way of life. It is a commitment to being real. It is a commitment to accepting others and giving dignity to who they are and what they have to offer."

I ask that the Maui County Councilmembers remember what that aloha spirit is, work together to try and solve our problems. And again, I'm in favor of resolution number 17-14. And I would like to thank the Council, the Chair, for allowing me to speak today.

CHAIR WHITE: Thank you very much, Mr. Cronkite, for being here.

Please no clapping. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Junya Nakoa, testifying on every item on the agenda. He will be followed by Lila Sherman.

MR. JUNYA NAKOA (testifying on all items on the agenda):

I not going talk about all of 'um, but I just when put 'um. 17-14, oh, Junya Nakoa, Lahaina. 17-14, when I came over here last time, I told you guys nine Members on each one, each Committee would be awesome. Like I said, you guys come together, you guys going kick some ass. You guys just gotta work together brah, you know what I mean; just come together. You guys pau already.

You guys do that voting thing or whatever, even though never go like how I wanted um or what I told you guys for do. Pau already, move on. Let's go, you know, let's go get together, work together, and do that. So that the 14-1 [sic] can get a little bit, no more enough people on top some of the Committees. That is very important to me.

Yea, and then now, okay, now I'm going to the 17-15 one. Now the 17-15 one kind of awesome cause get nine, you get nine on each one, especially the 7-14 never have Elle Cochran, sorry I throwing your name out there, but I got to, but she represent me in West Maui. And in West Maui we, we need some housing over there. So, she needs to be in that housing committee one, the Human and Housing Concerns. She needs to be on um. Same thing with that Kelly King lady cause even, even da kine, the Kihei, Kihei dire straight too over there. You know what I mean? Plenty of the projects coming out both places over there. So I don't know why they're not on um. I think Kelly King is on um, but I just backing up Elle, cause that way I can call her up and scold her. You know what I mean? So, yea, I not trying to make it easy for her. I think I'm making it more hard for her, if anything. But that's, it's like real important.

But like I said the last time, we need all you guys. I coach baseball. You know, what I mean? The shortstop is just as important as the catcher. Everybody, all you guys important buggahs, you know what I mean. You guys just got to come together and just win as a team, cause you guys represent us the team. We the winning team. Like I said the last time, we the people. I mean, tired come over here and you got to, you know, already gotta deal with me and my brother fighting, I no need come at you with you guys fighting, you know.

But, yea, what else I like talk about. But yea, just get nine people. Sorry, you guys, you guys when put your guys self in this position. You guys wanted for run, not me, you know. I don't know why you guys would do it. But you guys when run, you guys wanted this position. Sorry brah, this what it comes, comes with the details, you know, fine print, you guys got to work hard, you know. And that's why we put you guys in office. And yea, just remember we watching, you know, we watching you guys.

Now the 17-5 one. Yea, oh, I said that one. I pretty much had touch on um. Housing and Human Concerns, whoever is in that Committee, we tired every time hear we getting priced out of Maui, Lahaina, Oahu, Hawaii. Let's fix the problem. Tired hear no can, no can, no can, you know what I mean? Between the State level, the County level, so whoever in that Committee get ready. And the Land Use one too, cause we're going to use that, that new thing you guys when make, that 201H, G, whatever letter you guys like use now. You know, we got to make um work. You guys when put 'um in there for something. Let's make this buggah work. You know what I mean?

And whoever is in charge of this, look deeply into the housing credits, and the in lieu of. Cause that buggah is important. It's screwing us locals of actual houses. They can go buy, I think this is what I heard, I just going, cause . . . Committee thing. They pay \$100,000 for this credit when they supposed to build one \$250 to \$400 home. We get ripped off, you know what I mean? Just build the actual house like they supposed to. That's a human concern. That's why the buggah is real passionate to me, so that's why I talking plenty about that thing.

I not pau yet. I going come over here every time you guys talk about human housing concerns. Carol Reimann no like my phone number already. And I know Buddy Almeida getting close too. So, yea, that's it I think. Yup, pau.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Lila Sherman, testifying on Resolution 17-5. She will be followed by testimony from our Hana District Office.

MS. LILA SHERMAN (testifying on Resolution 17-5 and County Communication No. 17-15):

Aloha. Well, I don't know --

CHAIR WHITE: Could you bring the, bring the microphone down a little bit for you?

MS. SHERMAN: Sure.

CHAIR WHITE: Thank you.

MS. SHERMAN: Now you see my face. I didn't write down the resolution. I did want to refer to resolution number 17-15, and the hope that this setting up of the Committees will honor the citizens of Maui, not just a few of you who chose to keep some people out, some of our new Councilmembers out, so that you other ones can keep your agenda.

I was in shock when I found out what the original plan was. And I'm hoping, praying, that the citizens of Maui. I will tell you how I felt. I felt that we were spit on. I felt that we said we'll do what we want. That's how I felt. And I want us to be honored, not thrown away for your own agenda. And that's why I'm here. I'm in support of having all Councilmembers have a say, not pushed away just as viewers, people to view what's going on, and not have a say in what's going on in the County of Maui. And I'm praying.

I see a restore aloha. I want to say restore faith and integrity, that's what I want to say.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Hana District Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good afternoon. This is Dawn Lono in the Hana Office, and the first testifier is Shane Sinenci.

MR. SHANE SINENCI (testifying on County Communication No. 17-15):

Aloha, Maui County Councilmembers, and congratulations on your recent appointments as public servants. It was an honor to get to know you and your ideals better during this last election, and I wish you continued success.

I'm here today to humbly ask that you continue to uphold the integrity of your offices, honor those Members that have worked hard before you, and foster a productive work environment amongst yourselves. As we acknowledge Martin Luther King today, we are reminded of our rights to protest and be active in government for the betterment of humanity and justice for all peoples.

To our senior Councilmembers, it is a privilege to work with new Members. They bring new insights and ideas into the public arena. And they deserve the respect of their works and only have the best interest of their constituents at heart.

To our standard bearer of people's rights and justice, I ask that you speak with pono and respect knowing of the past work that our Councilmembers have done, and for the hope that we may all agree unanimously in favor of all Maui, Molokai, and Lanai, one County.

That being said, today I support 17-15, to establish the standing Committees of the Council. And I support all nine of you Members, as voting Members on all Committees. Thank you very much. Mahalo for your time, and aloha.

CHAIR WHITE: Thank you, Mr. Sinenci.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next testifier is Eric Poulsen. Eric Poulsen.

CHAIR WHITE: Eric Poulsen. Oh, there he is.

DEPUTY COUNTY CLERK: He'll be testifying on Resolution 17-5, and County Communications 17-10, 17-14, and 17-15. Mr. Poulsen will be followed by Madge Schaefer.

MR. ERIC POULSEN (testifying on Resolution 17-5 and County Communication Nos. 17-10, 17-14, and 17-15):

Aloha, Council. Aloha, Chair.

CHAIR WHITE: Aloha.

MR. POULSEN: Since I'll be speaking on three agenda items, which by rule allows for three minutes each, I will respectfully try to keep my testimony to time allowed for just over one item. I will also request not to be interrupted until my entire testimony is complete. The relevance of the posted agenda items will be clear and concise during my testimony.

During my public testimony, during Council hearings on January 2, I was attempting to speak to this issue of the adoption of Council Rules. After my testimony today, I believe I have a right to request the Council reopen testimony on the Council Rules, as I have clearly raised an issue today that perhaps the Councilmembers themselves were not aware of. Certainly, the new Members may find the information helpful, information helpful for today's agenda items.

I would like to begin by stating that corporate, Corporation Counsel Patrick Wong defaced my family and stated in front of public and video cameras in an arrogant and dishonest manner, and I quote, "you failed in your litigation attempt". Mr. Wong, I have never been party to any litigation with the County. My goals are directly opposite, which is to establish Council and Committee rules which prevent your Department from continuing to defend unlawful Director decisions that have cost the taxpayers tens of millions of dollars in recent years.

Let's be clear. I see transparency in our government to prevent your Department from gambling with our tax dollars. That being said, to keep my testimony as short as possible, I will read to the Council a letter I sent to the State Office of Information Practices and the Supreme Court Office of Disciplinary Counsel.

CHAIR WHITE: Mr. Poulsen, I know you understand that it needs to be germane to the items that are on today's agenda.

MR. POULSEN: Thank you, Mr. White.

CHAIR WHITE: And the Council Rules are not on the agenda.

MR. POULSEN: They, they --

CHAIR WHITE: Please proceed.

MR. POULSEN: Thank you, sir. So this is a copy of that letter. As a resident of Maui County seeking transparency in our local government, I respectfully request some guidance on what consequences should be imposed upon the Attorney Pat Wong with Department of Corporate Counsel for his belligerent and oppressive conduct during my recent testimonies in front of the Maui County Council.

I am very upset by the manner which the Rules have been perverted by Attorney Wong to the Department of Corporation Counsel to prevent my knowledge of proven unethical acts of our public officials from being presented to the general public in open forum, specifically as follows; on January 2, myself along with 70 concerned citizens testified in a newly elected Council in regards to the proposed vote of a Council Chair and Vice-Chair, and on the adoption of Council Rules for the new term.

My testimony was centered in the discovery of thousands of agreements executed by Corporation Counsel with private developers that shift millions of dollars of financial obligations to the taxpayers of Maui County. For decades, the agreements have been unaccounted for and uncollected upon under the direction and deception of Corporation Counsel.

In accordance with Article 3, Section 3-6.3 of the Maui County Charter, is the power of the Council to conduct investigations of the operation of any department of function of the County, and any subject upon the County may legislate. I read that today online. My testimony was intended to center on this critical element of checks and balances, and to inform the public and the Council of my discovery that the proposed Council Rules have no adopted Council procedures for investigations of departments or public officials. Please see Resolution 17-4.

My further inquiry was to focus on the question of the Council on which proposed Council Committee has authority over the attorneys and Department of Corporation Counsel. This is regarding 17-5. Also, my public statement was related to the recent abrupt firing of well-respected Council staff by Councilmember White, which I have reason to believe is direct relationship to the discovery of Corporation Counsel's violation of our trust and the Maui County Charter.

My testimony was immediately cut off and silenced by Corporation Counsel Pat Wong and Mayor Alan Arakawa, the Acting Chair of the Council. The meeting was adjourned for recess, and upon return the Council, return of the Councilmembers, my testimony was ruled by Pat Wong to be in clear violation of the Sunshine Laws. Attorney Wong stated in front of public and video cameras in an arrogant and dishonest manner that you failed in your litigation attempt. I state for the record that I have never been party to any litigation with the County of Maui, and my public

testimony and rights of freedom of speech were deceptively stolen from me just like our tax dollars by Corporation Counsel. I question if Mr. Wong himself violated Sunshine Laws by speaking to litigation that was not referenced in my testimony, and not the posted on the agenda.

Most importantly for myself, my family, Attorney Wong defaced my name to make him look like a counterfeit champion of litigation. To prove this point, and to ensure appropriate consequences is imposed upon Mr. Wong, I have submitted a request for service to Mr. Wong's attention to provide a copy of a court ruling wherein I failed my litigation attempt to the uncollected and unaccounted for developer agreements which my testimony centered upon. Again, my family has never been a party to any litigation with the County of Maui.

My stated goal during public testimony is to ensure that Council procedures are adopted to allow citizens to request their elected officials to use powers of investigation in the County Charter. Ironically, if this procedure was adopted by the Council Rules, a citizen such as myself could place the request on the agenda of the appropriate Council Committee and present evidence which supports the request for Committee investigation.

Most importantly having public process for requests of investigation would actually prevent costly litigation and further waste taxpayer funds. This would also allow for open disclosures of conflicts of interest, which I believe Attorney Wong has concealed on behalf of the, of the Department.

I am very upset as the proposed Council Rules now have been adopted without my request without amendments being heard. I believe that this wrong, and Attorney Pat Wong is directly responsible for violating my freedom of speech rights and defaming my family. Further, I don't appreciate Mr. Wong's after the fact admission of being a successful gambler, involving millions of dollars which came on the heels of settling a multi-million-dollar County of Maui legal case with undisclosed former associates.

I believe as we, we as citizens have a right to ensure that the County Charter, Code of Ethics is upheld with transparency to ensure our elected and appointed officials "demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government"; Article 10.

I respectfully request, to your authority, an investigation of Mr. Wong's unethical conduct. I believe the adoption of the Council Rules should be repealed and reopened for public testimony. I also feel, in accordance with the Council Rules, Section 9.C.2., that I should have been allowed to request of the newly elected

Council that "a voting member shall disclose, prior to discussions of the matter: (a) a financial interest in any matter which may be affected by an action of the Council or committee; or (b) any other matter which, in which the member believes the member's voting would be in violation of the Code of Ethics. The member shall then announce that the member would abstain from voting on that matter".

I am sending a copy of this letter to the Supreme Office of Disciplinary Counsel, as I believe that Attorney Wong may have violated the adopted County Rules --

DEPUTY COUNTY CLERK: Four minutes.

MR. POULSEN: -- for professional conduct. I'm almost finished. Thank you. I will also send to the County of Maui, Board of Ethics --

CHAIR WHITE: I think you're still with, you're still within your . . .

MR. POULSEN: -- knowing that there may be no consequence since Corporation Counsel presides over their hearings.

Please help my family restore our faith in our elected and appointed officials by ensuring that there are consequences placed upon Attorney Wong for his unethical conduct. Thank you.

CHAIR WHITE: Thank you, Mr. Poulsen. And I hope you understand that the, the Council Rules will be going to Committee for a further discussion. The items that we changed during organization were just simply the housekeeping ones, and we'll go into a more detailed discussion at a later date in Committee.

MR. POULSEN: Thank you, Mr. White.

CHAIR WHITE: Thank you. Thank you for being here.

MR. POULSEN: Thank you for letting me speak.

CHAIR WHITE: Mr. Clerk

DEPUTY COUNTY CLERK: The next person to testify is Madge Schaefer, testifying on County Communication 17-14 and 17-15. She will be followed by Mike Moran.

MS. MADGE SCHAEFER (testifying on County Communication Nos. 17-14 and 17-15):

I have a handout. I had a handout; just dropped it. I have a handout for the Committee. I just dropped it when I stood up

My name is Madge Schaefer. I'm speaking on two, two Committee proposals on the agenda. Regarding Councilmember King's proposal. I am puzzled as to why, after being sworn in and just hours before she proposed these changes, if her coalition wanted to change these Committees, why didn't one of the incumbents propose it. King has no experience in Council operations, what the workload will be, or what her other responsibilities and challenges will be. I believe it is a flawed proposal.

Her comments about the value of having an attorney chair on the Committee of the Whole, which hears legal issues, almost always in executive session, ignores the fact that Corporate Counsel attorneys and Council Services attorneys are in those sessions. That Committee has been successfully chaired by non-attorneys for many years. As lawyers usually specialize, Councilmember Guzman's estate planning experience probably is not useful in that setting.

Councilmember Hokama's proposal, which is a modification of the Chair's original Committee assignments, still creates the burden of finding quorum. It was offered as a concession. It spreads the responsibilities and the workload, but allows for Members to have the time to read meeting packets and be up to speed on the issues involved.

Committees meet twice a month for a week; meeting, Committee meetings in the morning and Committee meetings in the afternoon. Six days prior, each Committee Member receives a copy of an information packet filled with all the staff reports and necessary information to discuss and make a decisions in the Committee. So, for the six days prior, they will be receiving these packets, two a day. Then there is the Committee meeting itself for one week followed that same week, I believe, by the Council meeting. So they also have to deal with the information that's provided in the Council, for the Council meeting in the Council packet. Then that whole process is repeated a week later. So it is a lot to digest. It is a lot of paper, or in this case, a lot of time on the iPad.

Councilmember Hokama's proposal, it allows it, oh I'm sorry, it goes back to it, it allows the time for each Chair to meet with staff and iron out proposals. I urge the Council to support Councilmember Hokama's recommendation.

I'd like to make a few personal observations. The meeting of January 2, was an eruption of anger that deprived good people of the opportunity to speak. Disinformation, the malicious distortion of facts provided by people who know better incited of the crowd. Employees' personnel rights were trampled on. That rests on your shoulders, Councilmember Cochran. In turn, speakers who disagreed were heckled and harassed.

CHAIR WHITE: Ms., Ms. Schaefer, you signed up for two.

MS. SCHAEFER: Yes, I'd like to go on the second one.

CHAIR WHITE: Okay. Thank you.

MS. SCHAEFER: In turn, speakers who disagreed were heckled and harassed. Some who wished to speak simply withdrew their card because they were afraid. Maui citizens bullied in Council chambers. It's shameful.

Not one of you who relished the roasting of your peers showed a shred of leadership by speaking up and urging the audience to be respectful and serve decorum.

CHAIR WHITE: Ms., Ms. Schaefer, would you please stick to the items.

MS. SCHAEFER: Aloha left the building that day and didn't return. Today, there are many residents in the audience who felt dismayed and disgusted by that meeting. They're wearing stickers that call for the immediate restoration of aloha by this Council. They are respectful and extend courtesy to speakers whether they agree or disagree.

There was much bellowing about the law that day, yet no, no, not one of you or anyone in the crowd acknowledged the Hawaii Statute known as the "Aloha Spirit" law. We are all subject to that law. We, the citizens of Maui, urge you to embrace the aloha spirit and get on with the people's business. I, people who support aloha being restored to this chamber, I wish you'd raise your hand.

I implore you to show us your best again. I've seen it. We have had quite enough of your worst. Aloha.

CHAIR WHITE: Thank you, Ms. Schaefer.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mike Moran, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. He will be followed by Nick Drance.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha, Chair White.

CHAIR WHITE: Aloha, Mr. Moran.

MR. MORAN: Mike Moran for the Kihei Community Association. We were disappointed with what is perceived as an us versus them mentality of the body to begin the year. We have hope that individual Members will show integrity and allegiance to sworn duty not to any side.

As we expressed in our prior testimony on January 2, we asked what happened to Hawaiian values of aloha and pono? Where is the equity, the fairness, equality, the balance of a legislative body for the community? What a sad depressing comment.

Today, we say imua. First, of the three choices we see before us this afternoon for the vitally important Committee structure, we are in favor of 17-15; all Councilmembers on all 8 Committees. One objection we hear to this is Committees should be composed of those with the most knowledge of the issues addressed. We expect all Councilmembers to have sufficient knowledge to vote . . . decisions. Committees bring in experts as resources. Members are not expected to be experts.

Two, quorum. You have nine Members. A required quorum of five is 55.5 percent. If you have seven Members, a required quorum of four is 57.2 percent. Odds are better with nine Members.

Further, an honest candidate will advise, I have outside interests which will inhibit my full commitment to my Council duties. We believe all of you are honest, and no one has stated this as we recall.

Councilmember Guzman publicly stated at the last meeting, he had no such restriction and we expect if the remaining eight were to be, were to address this on the record, they would say the same thing. If us versus them prevails, the us gang of five won't accept 17-15, because it comes from our South Maui Councilmember King. But we expect the team of nine will agree to be all inclusive across the board.

Yes, if this is, if this one, excuse me, if this is the one approved and gang voting takes effect in Committees and Council throughout the year, the loser will be the community; the largest majority of all. Beyond the number of Members is the actual composition of Committees, but there's no time to go through each individual variation, so we'll just take a single one; Housing and Human Services. We have much input and discussion in the past years, and the major issue, I'm not going to make this, of affordable housing and all, as well as the homeless issue, too much in one Committee. But how many Committees can we have? But to propose to add Transportation to that as well seems to us to be going in the wrong direction.

I think we're out of time. So in conclusion, we'll say we support 17-15, and we hope our testimony has some influence on all nine Members. Mahalo very, very much.

CHAIR WHITE: Thank you, Mr. Moran.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Nick Drance, testifying on County Communication 17-15. He will be followed by Zandra Amaral-Crouse.

MR. NICK DRANCE (testifying on County Communication No. 17-15):

Good afternoon, Council Chair --

CHAIR WHITE: Good afternoon.

MR. DRANCE: -- Councilmembers. I, my main message is to, I want to get rid of the acrimony and the contention. I am embarrassed by what I see and what I've heard. Despite my wish that we not foster contention and acrimony, the facts are what they are, and we all know what that's about. The biggest problem is Committee composition. I'm here in support, primarily, first of 17-15, followed by brief testimony on 17-5 and 14.

I consider the, to put 17-5 and 17-14 together, I respectfully refer to those as the White-Hokama resolutions as one because both propose the same standing Committees with exact changes, additions, and deletions defining their duties, although they differ in appointed Committee Members' make-up and numbers.

I support 17-15, because 17-5 and 14 remove the Committee of the Whole with its duties divided and redistributed to other Committees, which 17-15 does not.

Both proposals, Hokama-White, appear to create a stacked deck by ensuring a clear majority preference versus a minority status. Let me also say, this so-called ohana coalition is not an ohana coalition. These are people that are pledged to support the aina, and not particular agenda. This is not a coalition of obstruction, as some people seem to feel.

Here are my conclusions. The positions of Chair and Vice-Chair assignments seem to be evenly divided in all proposals, and those positions don't appear to be overworked.

The Committee of the Whole needs to remain as shown in the King plan because their primary duties and responsibilities require full Members, membership to address. And here they are: a. Litigation matters, including special counsel, indemnifications, and settlements; b. Appointments of executive branch officials, including board and commission members; c. Issues involving responsibilities of two or more standing committees; and d. Operations of the Office of the County Clerk and the Office of Council Services.

And speaking of Council, under the circumstances, I'm sorry to say, it appears that the County Council, and with the cooperation of the Chairman, should have separate legal counsel in addition to the Corporation Counsel. This is something that's essential. It's evident to everybody. And I don't, I'm not going to be happy if that doesn't happen, and it's not right.

Let me move onto 17-4 [*sic*], excuse me 17-5, and 14 commentary. I support 17-15, with the possible exception that only three Committees be required to have nine; that be Budget and Finance, Planning, and the Committee of the Whole. It's essential that they have nine Members because they are so important. The other ones could have seven, but that would be predicated on an objective selection of Councilmembers with each Committee, based on their skill-set and their interests, based on, you know, what part of the County they live in and what their, the main issues of that district are. Seven's okay, if it can be done that way. And as far as the composition of the Committee Members goes, I think everybody can agree on who's skill-set and who's interest determine what their best position is on the various Committees. That is a no-brainer.

All Councilmembers are still free to sit on all Committee meetings. Now, if this other thing I just said is not possible, it needs to be nine on all of them. But, as again, I'll reaffirm that the nine for sure has to be on Budget, Finance, Budget and Finance, Planning, and Committee of the Whole. With, so without reservation, the Committee of the Whole, as outlined in resolution 17-15 is absolutely essential.

And I wholeheartedly object to the rearrangement of Committee functions as outlined in 17-5 and 14. This is my support of 17-15 is largely due to four reasons. The White-Hokama proposal deletes the Committee of the Whole and redistributes its duties to unrelated Committee, Committees and functions that do not seem to work together. Breaking up this Committee quite clearly sends the intention to dim the lights on items and issues of importance that require full attention and participation of Councilmembers.

Resolution 17-15, addresses problems, also with the Hokama-White proposals that redistribute legal affairs and energy combining it with Parks and Recreation; and as a result deleting the Committee of the Whole.

In closing, the so-called ohana candidates as I mentioned were based on their love of their aina, and not an obstructionist platform. As such, it is a sacred duty of the Council, of the Council and the legislative branch, along with Council legislative branch, excuse me, along with the judicial and executive branch, to fulfill their sacred duty for this sacred island.

It took me 28 years to get here at considerable expense. It cost me a lot to finally come home. I expect you guys to put your other political and financial considerations aside in service to your sacred duty. There are no secrets on this island. There are no secrets on this island. I ask that you invoke spirit of the aina before you meet, and let that guide your perceptions, and your choices, and your decisions. And I really ask you to do that based on the sacredness of this island and your duties. Thank you.

CHAIR WHITE: Thank you, Mr. Drance. And I did let you go over the red light period --

COUNCILMEMBER ATAY: Chair.

MR. DRANCE: Thank you. I appreciate that.

CHAIR WHITE: -- because you had signed up for three and you hadn't used it all up.

MR. DRANCE: Yes. Thank you so much.

COUNCILMEMBER ATAY: Chair. Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: Just wanted to get some clarification. So you shared the three different options of structure that we have, which was proposed in 17-5, 17-14, 17-15. We also have a fourth which was the structure that it is, was the previous two years, right, and all the duties and all the structures of Committee Members. Was it broken? Was, was the previous two years, and all the structures, and Committees, and membership? I'm still trying to figure out --

MR. DRANCE: It's okay.

COUNCILMEMBER ATAY: -- the business decision to change.

MR. DRANCE: I can't figure out the business decision to change from what was done last December or November. Well, I, of course, we all can figure that out. What's the, you know, what, I'm not certain of what the --

COUNCILMEMBER ATAY: I didn't get a business decision explanation so far.

MR. DRANCE: I'm sorry, business decision. Are you asking why do I think it changed from what was traditional?

COUNCILMEMBER ATAY: Yea.

MR. DRANCE: Oh, well that's embarrassing. I'm embarrassed to answer this question. I'm, I'm shaken, I'm embarrassed. It's humiliating. I'm practically speechless. I can hardly form the words to discuss it. Stacking the Committees. This is so embarrassing. Stacking the Committees to fulfill certain objectives by others, out of respect in this chamber, I'm not going to be any more specific with that. That's of, stacking the deck. That's the problem that I don't like.

If you want it straight, a further straight answer, I'm not sure. I can't say that my thoughts on this subject are relative to Chairman White's decisions to form the Committees as he did. In my heart of hearts, I, and I don't know strongly this, I suspect that Chairman White was not necessarily the only person who established those Committees and the Committee makeup of it.

After so many years of coming here and loving this island, and making a commitment to come here, not 28 years ago but 18, which is demonstrable, now that I come here I see things I can't believe. I believe that Patrick Wong is probably highly influential in the choices that Chairman White made. Perhaps Mayor Arakawa probably as well. But, I feel that Patrick Wong --

CHAIR WHITE: Mr. Drance, I think, I think you need to --

MR. DRANCE: Wrap that up. Okay.

CHAIR WHITE: Well, you need to stick to the facts. I don't mind you taking more time, but.

MR. DRANCE: Well, that, and therein lies the rub. The facts are obscured, and we can only do our very, very, very best to surmise what those facts are. And I, that's in, you can tell the discomfort that I feel in discussing this.

CHAIR WHITE: No, I can understand that.

MR. DRANCE: I can't actually be 100 percent certain about these things, but the perception is so widely held, I can only do my best. It took me 30 hours to analyze this, and you have a spreadsheet with the Committee things. I don't have that 30 hours and I'm frankly, I'm exhausted by it. So I can only do my best.

CHAIR WHITE: Well thank you for being here this afternoon. I appreciate your testimony.

MR. DRANCE: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Zandra Amaral-Crouse, Crouse. She'll be testifying on Resolution 17-5 and County Communication 17-14 and 17-15. She will be followed by Christopher Fishkin.

MS. ZANDRA AMARAL-CROUSE (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha kakou kou mau hoaloha. Good morning, my friends. And I mean that from the bottom of my heart. I know each of you personally, and I grew up with some of you, and I'm related to some of you. And to my dear family and friends on Molokai, and Lanai, and Council Chair White.

I, I am sorry, so sorry. We are family. And I can look at each and every one of you in your eyes. And as I look at you Riki, I see your father. I was a little girl, but he ruled. He ruled hard, but he ruled fairness as you do, and I'm grateful. Yuki Lei, Stacy, Bob, Mr. Atay, Elle, Guzman, Kelly.

I come before you regarding the first item on our agenda. And that would be the 17-14 and 15. As I stand humbly before you, I look at you Mr. White. And as a former manager of a hotel in Kaanapali myself back in the 70's, long time ago, where my little daughter and my son grew up, I do know that you know the importance of team work. Because, I'm sure, like myself, when I was a manager out in Kaanapali, when I was asked to go to Lafayette, California, because my team got recognized for the marketing and sales efforts, and the money that they brought into our property. And I remember when our CEO came from Lafayette, California, to congratulate me and ask me to attend a conference in Reno to share my ideas on how I took this property from being the lowest profit generating property to, and this goes along with all these so, I made one request. And that he set up a vacation for each one of my staff at that hearing, at which they did. Because, like you Mr. White, and so many of you, I knew that I did not make those sales. I was but a facilitator.

I go on to the next item.

CHAIR WHITE: Thank you.

MS. AMARAL-CROUSE: I am but a facilitator, as is with the Chairs, as is with the Committee Chairs. It's difficult. It is so hard. And there are times, and I relate this to item 15, 17-15, okay. I'm just trying to make an analogy here. And it boils down to people, which brings me to the ohana coalition, of which I am not a part of. But when they started to unite, I thought to myself, as someone who was born and raised here, 65 years ago on January 13, this is exactly what the Constitution of the United States and the State of Hawaii encourages us to do as citizens; come together for a collaborative reason. And what better day for us to understand this on the holiday of Martin Luther King, to know that it is okay.

And as a friend, I tell you this regarding the Committees. It is okay to disagree. Heavenly Father gave us the gift of agency. Thank heavens he did, because with diversification comes quality. That's what makes our society so great. That's what makes your hotels so great. That's what made my hotel so great; is individual people coming together for a common cause.

I feel that, again I go onto the next, 17-2. And I'll wrap this up. But, it's like the gentleman before me said, it's difficult for us as citizens. We elected you, we trusted you. And we trust you to have the mana`o and the heart to do what is right. And we cannot do what is right if we're leading by emotion. Emotions is something that is impassionate, it's wonderful in forming these Committees. But I think that because I have been here all of my life, except for the ten years I lived on the mainland, I have seen leadership, politically, with a fist.

I recall going to my father's workplace at Maui, Maui Pineapple Cannery. I was but about 8, 9 years old, or something like that. And I remember there was a gentleman at the door, and told my dad, looked him in the face, now Mr. Amaral, you know how to vote don't you? That crushed my heart as a little girl. And this is what I see coming back to our society. We do not need bullies. What we need is people like you who you really are.

In your heart of hearts, I know you individually. And I know that your passion is for the people. But sometimes, because you are passionate, there are clashes and that's okay. But it needs, it needs to be done with aloha. My brothers and sisters, there is nothing wrong with saying I don't agree with you, but this is how I think we can kukakuka and bring it together. You can do this, guys. We had faith enough to vote for you. Don't prove us wrong.

Before you come into this chamber, perhaps I'd like to recommend. Take a deep breath and look at your fellow Councilmembers, and see them not as your opponents but as your team members. There's a coach, there's a quarterback, fullback, running back, whatever they call them.

And my last item is, okay, yea, I'm going, sticking to the agenda. Okay, is, the only thing that I really feel passionate about is two things; the Water Committee and the Affordable Housing. And Elle, I'd like to thank you for attending our meeting of our Asian real estate professionals last week. But, I think it's important for us to know that the water, and housing, and agriculture, is something that we cannot step back from, because, because there has been family members that has passed on for me up in Kula, Makawao, Pukalani, who's, they just want to grow food, raise cows, and provide for Maui, Hawaii.

I want to thank all of you for running. And I thank all of you for being here today. But I leave you, I leave you with this thought to know it is not about you. It is about them. It is about me, and all of them. So I humbly ask you, agree to disagree like my cousin Gladys Baisa would say. Mahalo. A hui hou. Malama.

CHAIR WHITE: Thank you very much, Ms. Amaral-Crouse.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Christopher Fishkin, testifying on Resolution 17-5, and County Communications 17-3, 17-6, 17-7, 17-10, 17-12, 17-14, and 17-15. He will be followed by Simon Russell.

MR. CHRISTOPHER FISHKIN (testifying on Resolution 17-5 and County Communication Nos. 17-3, 17-6, 17-7, 17-10, 17-12, 17-14, and 17-15):

Don't worry, I'm not going to take up the next 30 minutes on all that. And some of these, some of these points are combined, so you'll see what I mean.

I preface my testimony today with the hope that peace and justice may kiss. However, it is imperative that before we can "come together in the spirit of aloha", I believe the difficult process of speaking truth to power and bringing the light into the darkness must take place. I believe that Mr. Guzman's statement reported in the Maui News, which I respectfully hopefully paraphrase, that the Maui County political process has now turned a corner with such incredible and dedicated participation by County residents in democracy, which I believe will now move us forward and cannot be turned back.

I ask us all to remember we're only on this earth for a short time while we must work together and help each other overcome our own hidden selfish tendencies, which we often protect while giving lip service very often to the spirit of aloha.

Regarding 17-15, speaking to Ms. King's proposal, it's also going to include, I'm speaking to 17-7, 17-10, and 17-11. Up first, firstly, the County residents passed a Charter amendment giving the Council the right to their own Counsel. Why does the Council not have representation at these public hearings? No disrespect to Mr. Kushi. Mr. Wong has clearly stated that he is the Mayor and the Administration's attorney. The Mayor stated that Mr. Wong is his attorney. The interest of the Mayor and his Administration, and the interest of the Council are often conflicted in many of the subjects, and in most of the investigations, which the Council is empowered to do and which are absolutely necessary for this County to move forward.

I support the composition of Committees as proposed by Councilmember King. Now, defining their duties is critical for the following reason. The Charter in Section 3-6 states that the Council shall have the power to conduct investigations of the operation of any department or function of the county and upon any subject upon which the council may legislate. How are these investigations supposed to take place? Where is the procedure to conduct such investigations by these Committees? Will the Planning Committee investigate and determine whether the thousands of developer agreements executed by Corporation Counsel and the Department of Planning are collectable or uncollectable?

Mr. Hokama is on record as saying in a public hearing that properties can be taken by the County through foreclosure on these open-ended government encumbrances, which presently encumber titles on thousands of properties throughout Maui.

Will the Water Committee, if chaired by Mr. White, investigate the unlawful change to Title 18 in an Upcountry water bill by Gladys Baisa that changed Title 18 countywide, without public notice or discussion, and in what appears to be a clear violation of the Sunshine Law? Who investigates Mr. Kushi's role in that change at the very last minute of that bill, and without public notice?

Will the litigation committee, for example, investigate why Mr. Wong killed a workplace affordable housing plan for Pulama Drive without the Council's knowledge or awareness? And how he was able to get away with the Council buying back Pulama Drive from the developer whose attorney, Mr. Wong, gave his practice to when he became Corporation Counsel. Will this Committee investigate his alleged and publicized enormous gambling winnings, which occurred interestingly enough during the same period of time of the buyback of Pulama Drive?

Regarding 17-3, the various matters anticipated pending the end of the 2015 to 2017 term. Budget Section 9-3.1, the budget shall present a complete financial plan for the operation of the County, showing all County funds on hand, whether encumbered or unencumbered and estimated reserves and revenues. The budget, I testified in Pukalani to this Council about the budget. The budget is presently unlawful. The budget proposed by the Mayor, which you are prepared to vote on is unlawful because there are thousands of these developer agreements executed by Corp. Counsel which have not been assessed by the County financial director in violation of Title 18. Where are the anticipated revenues in the budget? Where are they? That's money coming into the County. Why aren't we going after it? And why are the developers getting away with it?

17-6, speaking to litigation. Mr. Chair, I also wish to bring my support to Mr. Poulsen's testimony regarding Mr. Wong's misrepresentation of the previous, at the previous January 2, hearing that Mr. Eric Poulsen referred to in his testimony. Mr. Poulsen is not a party to any litigation against the County.

Further, Deputy Corp. Counsel Brian Bilberry also made false misrepresentations about a settlement offer to the Council during a public hearing. County litigants are blocked continuously from access to this County Council and these Members prior, not just during, but prior to litigation, by the Department of Corporation Counsel, where those people are trying to resolve resolvable issues with the County.

They are, I was personally blocked by Mr. White's office previously in this regard. And other Councilmembers have indicated that all such attempts at resolution prior to litigation have been obstructed by the Department of Corp. Counsel, which intimidates Members, which don't "toe the line".

Finally, and regrettably, I am compelled to bring to the public's notice and the Council's attention the following input regarding Mr. Hokama's proposal 17-14. I am hereby providing public notice and alleging that the violation of his residency requirement has taken place, pursuant to Section 3-3 of the Maui County Charter, which calls for the, "immediate" forfeiture of office and seat, which "shall thereupon become vacant".

DeJetley vs. Kaho`ohalahala, February 2010, Hawaii Supreme Court is clear and explicit in this regard. Anyone can Google it. There is forthcoming legal action seeking to enjoin Mr. Hokama's further participation in this Council pending resolution of his residency issue. While I am not an attorney, and I am not giving legal advice, and I'm sure Mr. Kushi will come to Mr. Hokama's aid, the legal advice that has been provided to me is that Mr. Hokama, if he does not recuse himself at this time, his votes after this public notice may be void or voidable, which could cause irreparable harm to the County and its functioning if we were to hold, if he were to hold office with a violation of the residency requirement at issue. While I harbor no ill will for Mr. Hokama, it seems the height of arrogance and hypocrisy to purport to defend and represent the County Charter if one is in active violation of it simultaneously. Thank you very much for your time.

CHAIR WHITE: Thank you, Mr. Fishkin.

And Members, we will take a --

No clapping, please.

Okay, we will be in recess for the next ten minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:24 P.M., AND WAS RECONVENED AT 3:42 P.M., WITH ALL MEMBERS PRESENT.)

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

Mr. Clerk, may we please proceed.

DEPUTY COUNTY CLERK: The next person to testify is Simon Russell, testifying on County Communication 17-15. He will be followed by Bobbie Patnode.

MR. SIMON RUSSELL, HAWAII FARMERS UNION UNITED (testifying on County Communication No. 17-15):

Good afternoon, Chairman White --

CHAIR WHITE: Good afternoon.

MR. RUSSELL: -- Honorable Members of the Committee. Aloha. Thank you for holding this meeting today and allowing us to share our mana`o on how the Committee structures of this body are formed. I personally am on ten Committees, so I know a little bit about Committee structures and their usefulness, or not usefulness.

Today I'm testifying before you on behalf of the Haleakala Chapter of the Hawaii Farmers Union United. I'm their President, and we have created this testimony for your pleasure here. We want to take the opportunity to thank the County Council for their support over the years. It's been really a good healthy relationship for, I think six years now. We've been working with Council on various issues and getting support, and now we're very proud of our programs that are cosponsored by Maui County.

Would love to welcome the new Members into the body. I didn't get to be here at the previous meeting, but thank you for your hard work on the election trail. And also, congratulate the, the former Members for being reelected. It's a, it's great that you have chosen the path of public service, so thank you again.

We stand in support of Communication 17-15. We find that the Councilwoman Kelly King's suggested Committee structure is inclusive, and one that uses many of the talents of the Council in a very useful way. We feel that Maui County will be best served when all Councilmembers are included in all Committees, and we feel that 17-15 does this.

Furthermore, I wanted to talk a little bit about the land, or the agriculture and the water being combined onto one Committee. We feel that it's very important in the Farmers Union because without water there's no agriculture obviously. And Maui has many water issues. You know, unlike Oahu, we have a much more limited water supply, especially with groundwater. So, we need to be very careful and honor the public trust with regards to how the water is allocated and used here in Maui.

This is a pivotal time in Maui, America, and indeed in planetary history. We have so many things before us, from climate change to food security. And its organizations like this body that can help us solve these issues collectively.

So, we appreciate your hard work and your dedication to public service. Thank you for stepping forward today to serve the County, and also for hearing my testimony today. Aloha.

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

No clapping. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Bobbie Patnode, testifying on Resolution 17-5, and County Communication 17-14 and 17-15. She will be followed by Sean Lester.

MS. BOBBIE PATNODE (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha.

CHAIR WHITE: Aloha.

MS. PATNODE: My name is Bobbie Patnode. And first of all I'd like to say thank you for having this meeting. And thank you for listening to what we have to say. I was one of the few people who testified on the second about the Committees.

So I just want to remind you what I said that day, which was I felt that the Policy, Economic Development, and Agriculture was too big of a Committee. I think that ag needs to get attention. And if it doesn't get enough attention, then the bills don't get written and bills don't get passed.

I had suggested that we put ag with water, because they go together. I suggested that we have a bigger Committee. We were looking at the initial resolution there, which only had five people on the Water Committee. So, I wanted that to be a bigger Committee. And I also thought it was important to have Don Guzman on that Committee, because having worked with him for the last three and a half years as part of the Ag Working Group, he's got the knowledge of what that group is really trying to accomplish. And I think his participation would be valuable.

So on the second, Mr. Hokama brought us a new resolution. And I want to say thank you Mr. Hokama, because you did make the Committee bigger, and I think that's a

big difference. I've been coming down here for about eight years now, and I do think seven is an okay number. I think that you don't have to have all nine. I think if you want to be in a Committee meeting, you can be in a Committee meeting, and I think seven okay.

Then, Ms. King put out her resolution. And I want to tell you thank you, because she did put water and ag together. So I feel like my testimony was heard, and I truly appreciate that as a Member of the community. So I have some confusion about what, what do we want to do, because I think there's many right answers here. And it's, the right answer for this is somewhere in between.

I'm still confused about, I've heard that the Title 19 discussions are going to go with the Land Use Committee, but I didn't see that in any of the resolutions spelled out. And Title 19 is something that agriculture comes up, you know, it's a big part of what we do with agriculture. It affects Title 19, so I'm confused about that. I hope your discussion will show us a little bit more about why that's being talked about.

So what I, you know, if I had to vote today on one of them, I would say I would probably pick Mr. Hokama's, simply because it, you know, it'll work and it does show that there's people paying attention. I do think that Ms. Sugimura will do a bang up job on Policy and Economic Development, but I also really believe agriculture needs attention, and I would love to see that, put with water. That's all.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Sean Lester, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. He will be followed by testimony from our Hana District Office.

MR. SEAN LESTER (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha kakou. My name is Sean Lester. I live in Haiku.

Today I'm coming before you with a couple of things. First of all, to get this out of the way, I am in favor of 17-15. The reason being that it would allow Members to participate in any community, in any of the Committees that they choose, and I think that's very important.

So if you feel like you have the, the correct mana`o to work within that particular constituency, it seems like that simply makes sense. You are nine very intelligent people, and you have that capacity. So why not give you the ability to choose which of these Committees you feel are best.

I think that there has been a lot of political challenges in the background, and its totally time to put that aside. This yellow band isn't from being in the hospital, it's from going to the HC&S bidding today. Here's HC&S right here; this, these pieces of paper. By Thursday, it will not be existent. We have got too much fallow land sitting there with very large outside corporate structures who want to change the face of Maui.

You folks and the reason we got you, I voted for Mr. White, I voted for many of you here on this Council, as well as others. It's to, it's to ensure that your mana`o is used correctly. You're the ones that know where you can use it. It's not a matter of stacking in politics. I know politics. I've played them, I understand them, and this is beyond that. The only reason I'm standing here today, I could be with my hanai daughter today, you folks could be with other things as well. Find a way to work together.

Ms. King is Ms. King. She's not part of a coalition, she's not one thing or another. She's a businesswoman who's made a decision to come here and give, what has allowed her to be a very successful person in the business side to give that mana`o here. Each of you have your own mana`o as well. Please find a way to work together. That's all I have to say. Thank you very much.

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

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Just a point of clarification for future testifiers too, that the original intent of 17-15 was to allow all the Councilmembers who wanted to be on each Committee to choose that Committee. I was not, I was not allowed to put that statement on that resolution. So, so the compromise was just putting everybody's name on it and allowing Councilmembers to opt out if they chose not to be on certain Committees. So when we get to discussion, probably the biggest issue looking at my resolution would be keeping them to an uneven number. So there has to be a compromise if there are only 8 people want to be on the Committee, because you need an odd number to make a decision.

So, just wanted to clarify because you made that point about Councilmembers should be able to choose which Committees they want to be on. So that was the original intent. And I don't know if that changes Ms. Patnode's mind about the, which one she supports, but I just wanted to make that clarification for the rest of the testifiers. Thank you.

MR. LESTER: Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Hana District Office, please identify your next testifier.

MS. LONO: Good afternoon, this is Dawn Lono at the Hana Office, and I have Mavis Oliveira-Medeiros, testifying on items 17-14 and 17-15.

MS. MAVIS OLIVEIRA-MEDEIROS (testifying on County Communication Nos. 17-14 and 17-15):

Aloha, Maui County Council Members. My name is Mavis Oliveira-Medeiros, and I'm here to testify on item 17-14 and 17-15.

I would like to see the Committee of the Whole added on 17-14, and or on 17-15, I like the Committee of the Whole, but would be nice to keep the separate Committee for Water, separate from Ag and Parks and Recs. For me, that was one of the biggest issues this year in our eyes in Hana.

And then about those two, I wanted to say, you know, looking from the outside it doesn't look too pono. It looks as though there's mistrust amongst you. And we all know you have to have trust. Without trust, any business or organization fails. Maui nui needs for our Maui County Council representatives to work together for the betterment of our communities.

Whenever I talk to community members, do you know what they say? I voted for him or her because he or she says they going represent us. They automatically trust that you are working hard for whatever they told you they're concerned about, whether its affordable housing, water, ag, one of the big ones; infrastructure.

Old timers, you don't have to have a majority in everything. Trust your newer Members to make sound judgement. Because like you, they were put in there by their communities also. The whole Maui nui thought that they would be good representatives of their voices, so, so should you. Mahalo.

CHAIR WHITE: Thank you, Ms. Oliveira-Medeiros.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jeffrey Paisner, testifying on Resolution 17-5. He will be followed by Susan Bradford.

MR. JEFFREY PAISNER (testifying on Resolution 17-5):

Aloha Councilmembers --

CHAIR WHITE: Aloha.

MR. PAISNER: -- Councilman White. I came to Maui 46 years ago, so I have witnessed a tremendous amount of development on the island of Maui. There was no hotels in Wailea when I came to Maui. There was only one traffic light when I came to Maui. So I've seen a lot of development in Maui.

I come here in support of resolution 17-15. But the overview I wanted to give the Council is the real issue on this island is water, and what we do with the water on this island. Because without water, there is nothing that can be done through any Committee on this island; no hospital can be built, no senior citizen housing can be built, no parks can be built, no hotels can be built, no golf courses can be built, nothing can be done on this island without water. So, water is the primary issue that faces this island and the use of the water.

We now have 36,000 acres, if I speak correctly, of cane lands, which are fallow, which A&B, if they have their way, will do what they can do develop to make a profit. A&B owns more real estate in Nevada and California, based on what they made from the time they were missionaries here in Hawaii, they own more property there than they do here. So what they do to spoil this island probably won't affect their families, but it will affect all of our families.

So, I really think we need, the Council has to cooperate. The water hearings have been going on for over 15 years, A&B has been spending. It's a small price for A&B to pay to keep these hearings going. They keep taking the water year after year,

paying the same amount to the County of Maui, who then has to pass on the cost of that water to every single citizen on the island of Maui. A&B and HC&S have not been in the sugarcane business for decades. They've been in the water business for decades; that's where their money is being made. If the County Council wants to hire accountants to do a forensic investigation of the money HC&S has made from selling water to the County of Maui, then you will truly understand that.

So I ask for the County Council to work together at this incredible opportunity that we have now to become a more self-sufficient island. And I'm going to recommend one thing that nobody has recommended. I believe that Councilmembers should run from the districts that they represent. If you want true representation for the people of Hana, and Nahiku, and Keanae, and Wailua, then the person that runs should run from that district. Because voters from Molokai and other areas of Maui do not understand the needs of each specific community; that's where each area of Maui, with its unique problems, will get true representation. Thank you and aloha.

CHAIR WHITE: Thank you very much for being here, Mr. Paisner.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Susan Bradford, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. She will be followed by Ke`eaumoku Kapu.

MS. SUSAN BRADFORD (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Hello, Councilmembers. Hello, Council Chair.

CHAIR WHITE: Aloha.

MS. BRADFORD: In the spirit of Martin Luther King Day, I will be testifying on three of the items. I just wanted to start by, by saying that when I testified on January 2, at your first meeting, I and many others came away with the perception that there was a group of four and five in this Council, and it was very disturbing. Part of what was disturbing, I was especially disturbed that after 80 people testified on January 2, almost all asking for more open transparent system, none of the group that sort of been termed the group of five mentioned this testimony at, in any deliberations that I heard, or seemed to wrestle in any way with the requests of the public. And it just, it sort of was that, you know, thank you for sharing but we don't care what you say feeling, that I walked away with. And it was very disheartening.

And I think it's going to be, and it's not only for me, it's for the public. I think, I think we see in the world today that populous movements are coming forward because they don't believe in government anymore. And if this perception persists, that there's a group of five that just are not going to listen to 80 people that come to testify, you're going to, a lot of people are either going to give up or they're going to go into rebellion; and we've seen this in many countries.

So I'm, just had to start with speaking from my heart about my concerns from the very first Council meeting of the year. I would hope that both the group of four talk to, with, hear us, and have the group of five hear us and respond, I mean, like we exist, like our time here is well spent, and not just an empty, an empty something or other. I'm nervous.

Anyway, so I generally support 17-15. And not, in the past, Committee Chairs have chosen their own membership, as I understand it. I believe that people that that have the knowledge and interest in Committees should be on those Committees. Why, why not have a more open process? Again, last time, your proposal, Chair White, was that it seemed like the, those five stacked every Committee. It's like there's got to be more transparency. There's got to be trust that your fellow Council people can actually get something done or you're going to lose the community.

I also believe it is important to have a fair, I'm still on something or other, important to have a fair distribution of Councilmembers in each Committee. And also that Committee's should be made up of related subject matters, for instance, it's been brought up about the agriculture and water, and I think that's really important that those two go together.

CHAIR WHITE: Excuse me, Ms. Bradford. You signed up for three items, so can we move you to the next three-minute time.

MS. BRADFORD: Yes, yea, thank you.

CHAIR WHITE: Thank you.

MS. BRADFORD: And also, I believe in 17-15. I like the Committee of the Whole. I think that's really important that special issues be dealt with there, and probably with all nine. I don't see the necessity of having nine on each Committee. But as Councilwoman King just elaborated, it's more to just open it up and let people who have expertise be in it or who want to be in it, but not with the perception of kind of each Committee rigged. Why would I want to come down here and testify if that's how I felt about how business was run at the Council?

For me, every Council person was elected by a majority. And each has already contributed significantly to Maui, whether they're, they've been on the Council for a while or whether they're new. Each one of you has given to this Committee, community, so I ask you to give each Council person a chance, and let them lead, and let them have Committees that work for them. And let them, and trust that, that maybe they'll do a good job. A tight grip will not only disempower the public, keeping such a tight grip, but will threaten the vitality of our community.

So in closing, I want to say that if we've learned anything, and I know I've been saying the group of four and the group of five, so I'm doing this, but, but I'm trying to get us past it. If we've learned anything over these past few years, it's while polarization may appear to work in the short run, in the long run, it destroys the fabric of what makes us as a country great. Please work together in the spirit of cooperation for the betterment of all of us. Thank you.

CHAIR WHITE: Thank you, Ms. Bradford.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ke`eaumoku Kapu, testifying on County Communication 17-14.

CHAIR WHITE: I think he left.

DEPUTY COUNTY CLERK: Okay, next person to testify is Blossom Feiteira, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. She will be followed by Dick Mayer.

MS. BLOSSOM FEITEIRA (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Good afternoon, Members of the County Council, Mr. Chair. Mahalo for this opportunity to come before you to speak in my personal capacity. For the record, my name is Blossom Feiteira, born and raised in Lahaina, Native Hawaiian. And I have to say that after the meeting on January 2, and I took a closer look at the composition of our County Council, in the 30 years that I've been politically active in the Hawaii political landscape, I must say that this is the most diverse body that we've ever had represented in the County of Maui.

Besides the tourism industry, we have a small business developer, we have an attorney, we've got a fiscal person, we've got a community advocate, we've got a political analyst, we have a farmer who happens to be a Native Hawaiian and a homesteader, we have a nonprofit administrator, and last but not least, we have a kupuna on this Council. So to see the make-up of the various resolutions today brings me hope that we can actually get some really good stuff done here.

After reviewing the original resolution 17-5, and 17-14 and 15, I realize that I really, while I appreciate the work and the, that Councilmember King did in putting together her resolution, I also want to thank Mr. Hokama for recognizing the diverse knowledge and expertise on this County Council, which is why I'm here to support 17-14. Each of these Committees have been set up with, I believe, some good forethought and reasoning behind the expertise that all of you present in those Committee structures.

The other thing that I want to bring forth is that, for practically speaking, while we all want all of you to sit on all the Committees and share all your expertise and all your mana`o, in an ideal world that might work. This is not an ideal world. Today, what we are looking at is all of you sitting on all nine Committees, which means that every single day of the week you will be receiving a communication packet for a meeting for the next week while you are still deliberating for meetings for that week, okay.

Now, I will say that I know all of you guys have great staff people, but they're limited in what their abilities and what they can do. You have been, it brings to mind something that Aunty Thelma Kaawaloa once told me when there was an issue going on at the County Council level. And she said, you know, poor thing these people, okay. They, the needs of the many must be served by these few people. And upon their shoulders, they have to carry the burden of over 120,000 people who want something, okay. That is what you have chosen to do for us. Today, the population is 146,000 people, okay, and you still stepped up and you guys are willing to take on that burden. Thank you very much for that.

But, the other thing that I wanted to bring forth --

CHAIR WHITE: Ms. Feiteira, is it okay if we move you to the, oh I'm sorry, they already did.

MS. FEITEIRA: Yes. I'm going to wrap up in like a minute. One of the, two of the concerns that I have is that there's mana`o about putting ag and water together. And while it makes sense to fit that together, I think that we need to start looking at agriculture and the diversity of that as an economic venue for our farmers. And so it might be a little bit too much for the Policy and Economic Development Committee, so you might want to consider actually creating another Committee or a sub-Committee just to

address ag. Because water in itself is not just directly related to agriculture, it's a user issue, not just a farming issue, and so we need to address that.

The second thing, and I think a little bit more disturbing for me is when I look at your resolutions, I notice that culture is lumped in with leisure and recreation. I'm sorry people, as a Native Hawaiian practitioner, I find that disconcerting to say the least, and highly offensive at the worst. It is my host culture that supports the economy of this State, and I would ask this Committee to give us a little bit more credence and legitimacy in the work that we do.

You know, we don't use our culture just to please somebody. We do it as a way of life. And I would ask all of you to take that into serious concern and not treat it like it's something that we can put on the side whenever we want. There is no provision for cultural restoration or historic preservation. Maui County is one of the few counties that has the highest number of historically relevant cultural sites in the State, Maui County does. And yet, we pay very little attention to that. So I would ask you, in your deliberations when you make your decision for these Committees, that more attention be given to those two particular issues. Mahalo.

CHAIR WHITE: Thank you, Ms. Feiteira. And, thank you for being here.

COUNCILMEMBER KING: Ms., one question. One question, Chair.

CHAIR WHITE: Yes. Ms. Feiteira.

COUNCILMEMBER KING: Yes, I just wanted to follow up on your statement about culture, and wondered if you had looked at these Committees and thought of, about where it might better be, you know, fit?

MS. FEITEIRA: Where's a better fit?

COUNCILMEMBER KING: Yea, cultural restoration.

MS. FEITEIRA: You know, technically none of the, none of the Committees would be a better fit for this. I mean, if we look at what we're trying to do here, the best thing, the best place I would be able to put it is in Policy, because you have no policy, so.

COUNCILMEMBER KING: Okay, thank you.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Dick Mayer, testifying on Resolution 17-5. He will be followed by Beau Hawkes.

MR. DICK MAYER (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Good afternoon. My name is Dick Mayer. Chair, I'd like to ask, I put down 17-5, 17-15, 17-5, also would like to speak about 14 and 15 as well, integrate them together.

CHAIR WHITE: That's fine.

MR. MAYER: I thought they were just merely amendments to the other ones.

I've handed out a green sheet of paper that I would like you all to take out, and I would like to make some comments on that. First, but before I even do that, I'd like to say, first I think it was excellent to have those three different resolutions out before you. All three have valuable contributions. I appreciated Mr. White's serious look at what you did last year, and his efforts to, to improve upon that policy by moving things around. I appreciated Mr. Hokama's idea that five people on the Committee is probably not the best thing; we should probably have seven on Committee Members. And I also appreciate Ms. King's effort to realign those Committees to put common subject matters together.

But all of them have, perhaps, some little error, a fault in them. And so what I'm asking you to do is really practice the art of politics, which is the art of compromise. People here have been speaking, I'm in favor of 14, or 15, or 5, or what have you, but what I'm saying is let's take the best of all of these proposals. And so what I've put down here is a schema, and I'll just like to look at these few statements I made just above that schema. The Council will have really five different things to consider today, at the top I'm looking now: Committee names and the areas of jurisdiction; the size of the Committees, five, seven or nine; each Committee's specific duties and responsibilities; the Chair and Vice-Chair of each Committee; and finally the Committee membership.

And who will really will end up having majority control if this schism that seems to have been there two weeks ago of a majority, and an ohana group as I have labeled, are, or have been nicknamed, are there. My guess is that you all, after two years will say, what was that all about five and four? We'll have split so often on seven and two

votes, and two and seven, and six and three, that that historical division probably will eventually dissolve as you look at various issues.

So what I've done is I put down here eight Committees, plus the full Council. I've taken the schema of Committees, largely from Ms. King's proposal of names there that she used. And then I put down probable Chairs and Vice-Chair's, not all different from what Mr. Hokama and Mr. White had put down; there are some different changes but not, not major.

And I've also indicated the number of Members on each Committee. I think three of the Committees deserve nine Members, other people have said the same thing; Committee of the Whole, Budget, and Planning deserve nine; and the other Committees seven Members. And I've indicated there how they should be formulated. Obviously, the first three all nine. The other five Committees will have seven Members each. And what that will mean is, and the way I've set it up here is that all of the Committees will have seven Members and each Committee, each Member of the Council will have eight Committees to serve on, plus of course the full Council. So everybody will have an equal load on that, and I think that's very important.

Mr. White will not have the full number. He will be, obviously, your Chair for your whole Council meetings. So he'll have one less Committee responsibility to help balance his very heavy load as the Chair. I've also put on the right there who would have control of the Committee using the schema that came out on the second that people are talking about. I just want to make one clerical error. The low, the corner in the lower right hand corner should really read the word "majority", not "ohana". That's just one error I made there on the thing.

So what I'm really saying is that two of the Committees will be chaired, would have a majority of people who maybe represented the ohana. And what I'm asking is to really, you look at compromise. You will all have to work together. There'll be times when you'll have to go to each other and say, please help me on my bill or this, this resolution, or what have you. And this gives you some indication that it's rather all the Committees being controlled by five, same five people that there'll be some Committees that will have an ohana group, perhaps controlling that particular Committee. But in the end, all things that the Committees do go to the full Council where all of you will be represented. And on that Committee, the majority group, the five, if you stay with that schema, will still have control of everything.

So this is an effort, and I hope that when you finally look at this later today, you won't say let's go for five, or let's go for 14, let's go for 15. Let's get the best thing that will represent the needs of this community, and allow us all to work together. And today

on Martin Luther King Day, I hope you all take the moral high ground and really take, make an effort to find some time to compromise that will dissolve bad feelings and be able to go forward. And I thank you.

CHAIR WHITE: Thank you, Mr. Mayer.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Beau Hawkes, testifying on every item of the agenda. He will be followed by Trisha Anderson.

MR. BEAU HAWKES (testifying on all items on the agenda):

Aloha, ohana. Martin Luther King Day, what an opportunity that we have here. I'm just in awe of it really. I cannot believe this is really happening right now. I'm live on Facebook. We're, we're practicing self-governance right now, and it's amazing. And I congratulate everybody here for being part of it. It's just absolutely amazing. Thank you so many for all those salt and pepper hairs that have been here, I know, fighting this fight a long, long time. And I don't think I could've done it for the last 30 years. But we're here now, so that's pretty cool.

I want to start by telling a story, that I, that I refer too often, and when I scratch my head or brush my hair with my hands, which I figured out why do you do that, Beau. I think it's, it's making static electricity making my brain work a little bit better. Okay, I'm into that. I cross my legs or hands when speaking to engage both sides of my brain as well; little hacks that science is backing up what religious teachings have been, that when we pray, when we set intention to cross our arms and bow our head. When we do that, we engage both sides of our brain, and our tongue usually touches the top of the roof of our mouth, connecting the circuit for electrical flow.

But this story I wanted to share was about these two explorers, that they went down to a country in South America, and they found a village and it was beautiful. There was people wearing very little clothes, and overabundance of fruit, and abundance of bright smiling faces. And these two explorers thought they had just stumbled into heaven. And it kind of sounds like what some of my early ancestors stumbled upon when they walked upon these shores the first time. And they were invited in. They were fed, next one, they were invited in and fed, and treated like family. And I know that that's how the original people, the kanaka maoli, the indigenous folks here of these islands welcomed those upon their shores of my ancestry.

And so back to this story of the two explorers that stumbled upon this beautiful village. As they were eating and laughing, and music was going, all of a sudden this great big sound came crashing through the side of their little hale. And it was a giant boulder that had rolled down the mountain, and went crashing through, and smashed people down to the ground, and rolled on top of them, and killed them, and maimed people. These two explorers, they didn't know what to do. They did what any of us would have done. They gathered the maimed, they gathered the sick, and they started administering aid to them. They started offering love, offering support.

And just then, another big crash came. Another big boulder came to the, next to the hale over, and killed more people, and maimed more people. And some of the people that were working with the first injured scene, ran over to assist a new scene.

DEPUTY COUNTY CLERK: Four minutes.

MR. HAWKES: I think I, we can go to the next.

CHAIR WHITE: Yea, actually, you need to let us know which of the items --

MR. HAWKES: This is on the, in, thumbs down on the first resolution, and then the second one as well.

CHAIR WHITE: You need to please tie it to the context of the resolution.

MR. HAWKES: I'm getting there. I, I think that there's, thank you.

So, half of the people went over to administer aid to the, to the other hale where there was more people dead and injured. And you wouldn't believe it, but there was another crash, as another boulder rolled down the hill. And the two explorers were looking at each other. And the one explorer said I'm going to go over there and see about that other little hale that's been damaged. And the other explorer said, okay, I'm out of here. He said, what do you mean? Where are you going? How can you leave right now? There's so many injured people all around. He said, well, if somebody doesn't find who's rolling these rocks down the hill, every hale in the village is going to get demolished. And so we've got to get up and find who's pushing these rocks and what's causing this.

And so as I hear all the testimony given today, and we hear of all the different items that are to be discussed, they all seem like different boulders, different issues. But, there's a underlying problem. And we know what the underlying problem is. It's so evident that, that some of the brothers and sisters in here haven't even been able to have the, the strength of mind and heart to say the words out loud.

I mean, me a layperson, I don't speak politically. I don't, I read the paper here that you've given me, and I'm confused. It says, Council White Chair, blah be de blah, Council Chair, blah de be blah, on and on. There's like, I'm confused. But you give me an opportunity to come down here on Martin Luther King Day and say something which I'm eternally grateful for. And, it sounds like, that there has been the stacking, as it's been called; that there's some political misrepresentation of the constituents, and I would say, that's evident.

And now, I want to refer to one of my favorite quotes that Buckminster Fuller said. And I'm going to paraphrase it a little bit. But, Bucky said that when you're designing a new system that keep in mind that it must be designed in a way that renders the old obsolete. And so for me, I can liken that to the iPhone 6 and iPhone 7. We can bitch and moan about the iPhone 6 all day. But until the new iPhone 7 hits the market and we can go buy it, we are going to buy a iPhone 6. And that's what we've been doing. We've been selling out voting for the, the, they're all bad but which one's not the worst, you know. And that's not right.

So we do need to have a new system. And so I want to present that; that's going to bring transparency, that's going to bring accountability to the people. Because that's what every single body who's come up here and said, that we want to be represented properly, that we're equal. And that's true. It's what the Declaration of Independence outlines; inalienable rights. These are ones that we can call on at any point. And back in the day when the Declaration of Independence for the United States of America was formed, they needed representatives to ride around the countryside in a horse and a buggy, and talk to the people and say what do you want us to go say when we go vote? And the people would tell them --

DEPUTY COUNTY CLERK: Four minutes.

MR. HAWKES: People were honest back then.

And the next one, please sir.

DEPUTY COUNTY CLERK: Mr. Chair, if we could have the testifier identify what's the next item he's testifying on.

MR. HAWKES: Yea, it is, if we can't keep up here, you know, let me go over here because there's one on here that's particularly relevant. It says establishing the standing Committee of the Council, so that's, and defining their rules. So what, that's what we're talking about here.

(Councilmember Guzman was excused from the meeting at 4:26 p.m.)

CHAIR WHITE: Yea, that was the, that was the first three minutes. We're not clear what the second . . .

MR. HAWKES: Okay, so we're down to filing of various matters that were referred to the Council Chair for the term beginning January 2. I mean, that's which one, or whatever. If I can say my peace, I appreciate it and not be ushered off the floor here. Thank you. We get the point. I'm going to wrap it up as fast as I can here. I don't want to take any more time than needed.

But I do need to get a point across here. That the, that representative government is obsolete, because we as people can cast our votes from a cellphone. Somebody could be on a Facebook Live feed and hit the thumbs up, that's a vote; a thumbs down's a vote; a heart's a vote; a smiley face, these are votes. We have an ability now, with these cellphones to, to render representative government obsolete. And we can vote with our cellphones.

We can create apps for our phones that all these people who are so passionate, and come down here and spend hours and hours preparing what their mana`o is to share, we can do that all on the phone. We can do it all on our computer. We can, we're calling on, young people are calling on. Now there's a billion cell, or seven billion cellphones in the world. There's enough cell, not everyone has one, but there's enough smart phones in the world that everyone in the world can have one, and we can cast our vote just like that. And we can be transparent.

And we can have those people who want to say, hey, I want to be a leader in this. And absolutely we can have a Committee, but we need a oversight committee, not a miss-site committee. And we the people are ready to lead. They say that when the people lead, the leaders will follow. And I think it's evident by the what the people are saying here. This tide is turning. Mr. Mike White, the thing is going down, you know what I mean? Let's now ho`oponopono, look back to the indigenous cultures. They are connected to nature. They are connected to righteousness. Let's turn the canoe around. Let's lead by example. The rest of the world is watching.

(Councilmember Guzman returned to the meeting at 4:28 p.m.)

MR. HAWKES: These are incredible opportunities that we have in front of us today. And I know that we're on it. The thing is open, the rainbow is here. As much bad stuff is going down, let's focus on creating more good stuff, because that is ultimately what we need. We need the good stuff to replace the stuff that isn't pono, and that is obsolete. The, the government system of the day is a ho`oponopono. And I hope

that the people with the experience, the people with the, the knowledge that are in the community will continue to step up, that we can work together. That we can break down this separations that divide us. We can come together. We know what to do. We've been hearing this thing forever, so let do it. We got the technology. We're all connected. Thank you so much and aloha.

CHAIR WHITE: Thank you, Mr. Hawkes.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Trisha Anderson, testifying on Resolution 17-5. She will be followed by Sam Small.

MS. TRISHA ANDERSON (testifying on Resolution 17-5):

My name, I go by Trisha Anderson. I am a great, great, great-grandmother. I'm older than anyone here on this whole Council. Can you hear me?

CHAIR WHITE: Yes.

MS. ANDERSON: Okay. I feel misrepresented for the first time in my 40 years on Maui. I feel misrepresented. I feel like my vote didn't count. I read an article in the Maui News quoting Council Chair Mike White. This said, because my vote was for people who had been endorsed by the ohana slate, that's like the League of Women Voters in California. But it illegitimized my vote. I'm so able to read between the lines of what was said. And then when I, I felt this rage in my heart. It's called courage. C-O-U, means heart; I felt that.

And I came down here and I wanted to tell everybody how I felt. I mean, it takes a lot to get me off my duff on a holiday and come down here. So, I walked in here and I was like number 55. And I said, oh God, I can't stand in the lobby. And it was three hours later my number was called, my name was called, and I was home eating popcorn watching this. And I was so encouraged. And I watched till 10:30, when I fell asleep.

And I love our fearless four; our new Members, and Don, and Elle, I'm so proud of you. I hope you run for higher office. I hope you don't stop here. I saw so much integrity and courage. And our, you're articulate. You are, you've got verbal intelligence. You explain things so clearly. I just really appreciate you. And that's why I wanted to come down here and be able to say on the first meeting. But it wasn't appropriate.

So I want to see some Charter changes. I want to stand up here in two years and say, we did it. Yea, we did it. We changed this Charter so there's nobody can go behind the scenes and take over like was done here in November, and then go out and tell the papers that our votes don't count, because we voted for the wrong people. So that's what I saw. And there's people here today who will say that my anger is inappropriate. Because when you feel you've been politically abused, you shut up. This is a plantation era mentality. It's falling apart.

I'm here as a transformer. The fearless four are here as transformers, and I hope Dick Mayer is right, that you can work together. But otherwise, we're still going to stand up here in two years and say we changed it. Yes.

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

MS. ANDERSON: Any questions?

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Sam Small. He will be testifying on County Communications 17-14 and 17-15. He will be followed by Tiare Lawrence.

MR. SAM SMALL (testifying on County Communication Nos. 17-14 and 17-15):

I was practicing, sorry. Thank you. I'm so honored to be testifying here on Martin Luther King's birthday, to try and bring transparent to the, to the government of these grand islands of Maui nei.

I know some people think that testimony today is disrupting a process that isn't broken. I respectfully disagree. I truly believe that a positive disruption is a necessary element in a free society. I try to educate my community, not about personalities, but rather about professional roles and actions that I see as having an adverse effect on these islands for generations to come.

Allow me to share some of the homework that I've done to try here and connect a few dots. It's a bit broad, but so are the responsibilities of these Committees. Big picture; America's Founding Fathers anticipated that at some point the U.S. Congress itself could become the problem. So they wrote into the Constitution a mandate that if two-thirds of the States ask for one, a Constitutional Convention must be held. It would be the people's opportunity to fix a broken government. The problem is the

Constitution never provided instructions for keeping track of State's requests. For hundreds of years, no one has ever kept score. That's a very big loophole.

Small picture; the Maui County Charter bestows on this Council the power to conduct investigations of any department, function, or subject. But there's no instructions for Committee to initiate an investigation. And to my knowledge, no investigation has ever been made, no investigations has ever been made, remember that.

If a Councilmember wanted to investigate litigation because a department director who was a political appointee of the Mayor made a faulty decision, and it was resolved in an undisclosed settlement that cost the County millions of dollars and the whole thing went down the way that it did based solely on Corporation Counsel's legal opinion. And a questionable 10 to 15-million-dollar settlement went through the same law firm that Corporation Counsel himself transferred all his cases to when he came to take office here, who does the Committee go to to get these instructions? The same Corporation Counsel? How can a Councilmember find out about a settlement counterproposal that featured creating affordable housing, that Corporation Counsel may have taken upon himself to suppress?

Mr. Hokama, you could end up with authority over County properties. There's an extensive proposal, I, I have it over there, I forgot to bring it over here, I'm happy to give it to you, show it to you; regarding one of the properties, thank you, if we could roll over to my next three.

One of the properties that the County was forced by actions of Corporation Counsel to purchase, but has no idea what to do with. Have any of you Councilmembers seen a counterproposal that included affordable housing? Viable or not, it's filled with information that is valuable to the process of that particular property. And if you haven't seen it, I'm going to suggest that Corporation Counsel will likely try to ensure that you never do.

Where does a Committee get advice to investigate thousands of contracts that defer roadway improvements for private developers with, just like the U.S. Constitution, no mechanism for tracking the debts or ever collecting on them. How can a Committee ask Corporation Counsel about such an investigation if it was Corporation Counsel who negotiated those contracts?

Article 13, Section 13-10, penalties. If the Council, the Council shall provide for the punishment of violations of any provisions of this Charter up to a \$1000 or one-year in jail, or both. What Committee does that fall under? Where does the Committee go for advice on how to assess on such a serious penalty like that for violating the Charter?

I think Don Couch violated the Charter last year when he testified that this Council did launch an investigation into deferred infrastructure improvements in 2013. No such investigation ever took place because there are no instructions for that kind of investigation. An ethics charge was brought against Don Couch over his testimony. And after closed door executive sessions between the Ethics Committee and Corporation Counsel, all of whom are appointed by the Mayor, it was determined that there was insufficient evidence to go forward. Really? Are you seeing the pattern?

I think Corporation Counsel violated the Charter two weeks ago when he blocked documents saying that they were part of a failed litigation attempt. Those documents were not part of any litigation involving that individual. Corporation Counsel made that up, and doing so wrongfully blocked testimony about our Council Rules. And it's the Council Rules that need to be worked on. And therefore, you must reopen 17-14, from two weeks ago, and rework the County Rules. The Rules need instructions added so that they are not constantly victims to the sole opinion of one connected individual.

The voters approved a Charter amendment and agreed that this Council deserves independent option, opinions. We do, do we not have an independent Counsel here today, because an opinion given or withheld by Corporation Counsel blocked one from being here. Corporation Counsel knew since November that they needed to create a system for implementing the peoples wishes. And here we are in January, and they are negligent in their duties. Who can a Councilmember ask about that negligence? How is that not conflicted, a conflict of interest?

I'm almost done. Once Corporation Counsel does work out instructions for this Council to get an independent legal opinion, that opinion will most likely come from attorneys already working for Council Services. Well, Mr. White, you took it upon yourself personally as a solo act to fire the Council Service attorneys who might have been willing to contradict and stand up to Corporation Counsel. By doing so, I believe that you violated the intent of the citizens vote to empower this Council to have independent legal counsel. Who can I or a Councilmember ask for an opinion as to whether your action violated our Charter? There's nobody else but Corporation Counsel.

Specifically, to the Committees, how is it that Mr. Hokama's version of the Committees is the only version that the County's --

CHAIR WHITE: Mr. Small, your, you're a minute over. If you can provide a concluding sentence.

MR. SMALL: Okay. I will. Policy and Intergovernment Affairs, item D in Mr. Hokama's version, issues involving the responsibilities of two or more standing Committees. That turns two or more standing Committees. That turns P, PAI, PIA into the Committee of the Whole. That clause turns PIA into the Committee of the Whole. That does not hunt, that dog does not hunt. Thank you.

CHAIR WHITE: Okay. Thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Tiare Lawrence, testifying on County Communication 17-15. She will be followed by Megan Powers.

MS. TIARE LAWRENCE (testifying on County Communication No. 17-15):

Aloha Councilmembers. My name is Tiare Lawrence, and I'm here today to speak in support of most of Councilmember Kelly King's resolution 17-5. I feel this resolution is fair and will alleviate much of the concerns, community concerns expressed on January 2.

I think it's a great idea to allow Members to participate in any Committee they choose, as all Councilmembers represent the entire County of Maui and topics of interest to them and their constituents. By increasing membership on Committees, I believe that will help establish fairness, and allow Councilmembers to participate in those matters that interest them most with the goal of increased preparation for the issues at hand.

I would like to suggest the following changes. I also urge this body to create a separate water and a separate agriculture committee. These are major issues, and I think they would be better off as stand-alone committees. With the closure of sugar production, it is critical that agriculture has its own committee that would allow more time to focus on the future of agriculture on Maui, which is a major concern to residents here.

I would like to request this Council to add Councilmember Elle Cochran to the Housing Committee. The housing crisis in Lahaina is at critical status, and I can tell you this because I am from West Maui. My family still reside in West Maui. Many of our family members have recently moved to the continent. It's a very, very critical situation in West Maui. In the past five years, 30,000 residents have relocated to the continent, mostly because of the cost of living. And many of these residents are from

West Maui. Her staff have worked tirelessly on the housing issue this past year, and having Elle on that Committee is a step in the right direction. So please, I urge you folks to please consider putting Elle on that Committee. I think she has great ideas. I've expressed a lot of ideas to her staff, and I think that having somebody from West Maui on that Committee is very important considering the status and what's happening in West Maui.

And with that being said, mahalo nui for all your guys time. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Megan Powers, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. She will be followed by further testimony from our Hana District Office.

MS. MEGAN POWERS (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

I need a smaller computer.

CHAIR WHITE: Could, could you move the microphone a little closer to your mouth.

MS. POWERS: Yea, let's see if I can get it. There we go . . . oh yay. Aloha, Chair and Council. I want to thank you for making sure this public meeting is actually happening. Thank you. I'm here to speak on 17-7, which I'm opposed. 17-4, I'm opposed. 17-15, I support.

My name is Megan Powers. I speak here as a mother who is very concerned for the health of future generations, knowing that all of that rests in the health of the aina.

Take a deep breath. Close your eyes. Feel inside your body. Feel the fluids moving around your tissues, all the cellular interactions. The fresh air that you breathe, bringing oxygen and life. Your body, providing the structure in which this teaming orchestra of cooperation takes place. The water that you drank today, the food that you ate; that all came from the aina, all of it, all of your body. If the aina is healthy, we are healthy. If the aina is poisoned, we are poisoned.

I'm sorry, but I'll have to speak quickly now. My credentials; I've been on Maui for 46 years. I graduated from Seabury Hall. I have a degree in Biology and Psychology

from U.C. California, with graduate work in genetics. I worked at RCUH at NifTAL in nitrogen fixing plant biology and genetics. I've been a small business owner on Maui for many years. I am an inventor, entrepreneur, and a small farmer.

My main focus all my life has been about vibrant health and protecting the environment so that our future generations can also have vibrant health. We are at a critical crossroads for Maui's future. This is not business as usual. We are not wasting County resources by hashing these Committees over. This is the business of Maui; making sure that we set out on the right path with the right tools; that being more representative Committees that demonstrate a strong presence of those who will protect the aina for future generations.

I am in support of Councilmember Kelly King's composition and structure of the Committees. To me, King's Committee compositions make more sense with regard to related issues, being together, and therefore, ability to make more informed and balanced decisions on the very critical issues to the future of Maui County.

There needs to be a minimum of seven voting Members per Committee with nine Members welcomed to be in it. Larger Committees give us the valuable contribution of information needed from all the districts represented by those, these Councilmembers, and more opportunity for the voice of the people to be heard. It is very important that we restore the community *[sic]* of the whole and not dilute and distribute its important responsibilities to other Committees.

Does that, is that my one thing, or do I have two more?

CHAIR WHITE: That's your first one.

MS. POWERS: That's my first one. Thank you.

Also, water and ag need to be in the same Committee with Don Guzman, Alike, and Kelly, Kelly King. I think they all need to be on that Committee. They're definitely connected to agriculture here.

There is an elephant in the room and I'm going to call it out. It's Monsanto. It is rumored that Monsanto is in negotiation with A&B to purchase almost 15,000 acres of Maui County's prime ag lands. Think about that. Monsanto owning 15,000 acres of these exquisite Maui ag lands.

Monsanto has an established history of poisoning and destroying communities. I studied a lot of it. Just look up Nitro, West Virginia. Look up Anniston, Alabama. I'm serious. Google those towns and study how Monsanto destroyed them. After many

years of expensive litigation, they finally were forced to pay out millions of dollars to the residents, which broke down to about \$4,500 per person. That's just a drop in the bucket when you're facing cancer treatment. But the damage is already done, and it's irreversible in many ways. We can't let this happen to Maui.

Monsanto is a \$21 billion company. They had \$15 billion in revenue in 2015. Maui County had a \$810 million annual budget last year. Just look at the numbers. We know that our Mayor Alan Arakawa is already a Monsanto marionette. I am suspicious that they are pulling on Mike White's strings as well. When you look at the composition of Mike White and Riki Hokama's Committee, it is stacked in favor of the corporations.

With it known that Monsanto has infiltrated the EPA, the FDA, our Federal government, our Legislative branch, and now our County government, we have to be vigilant and shine light into the shadows and reveal where Monsanto is working to shape our policy in their favor.

Because these Committees, over the next few years, will have a huge impact on the future of Maui County, I support Kelly King's version, because they give more protection to the aina. I am all in favor of aloha. I live it.

But when a chemical company is doing chemical and genetic experimentation on a majority of our ag lands with inadequate oversight, inadequate buffer zones. When we know that there are vast and long-ranging irreversible side effects from poison land, poison water, poison air, and to all the life forms that depend on those things, us included. When we know that a corporation 26 times the size of Maui County is actively infiltrating our government, lobbying and leveraging our leaders, we need to take massive action. We need to protect our aina before, before it is too late. Please support measure 17-15.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Hana Office, please identify your next testifier.

MS. LONO: This is Dawn Lono at the Hana Office, and the next testifier is Christine Davis, testifying on item 17-14 and 17-15.

MS. CHRISTINE DAVIS (testifying on County Communication Nos. 17-14 and 17-15):

Hi, my name is Christine Davis. I'm a resident of Hana. I am testifying on resolution 17-14, 17-15. I believe that both of these resolutions have things that need to be changed. I believe that the water commission should be a separate Committee. I believe that there should be a Committee of the Whole. And I believe that all the Councilmembers ought to be able to serve on any Committee that they choose to better serve the people that voted them in. Thank you for the opportunity for testifying.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Antonio Gimbernati, testifying on Resolution 17-5. He will be followed by Courtney Bruch.

MR. ANTONIO GIMBERNATI (testifying on Resolution 17-5):

Aloha, Councilmembers. I wanted to come down and just say congratulations to the newcomers, Ms. Kelly King, and also introduce myself. I don't usually come and give public testimony. If I have something to say, I will send you an email. So if you receive an email from Antonio Gimbernati, you know that came from me. I'm a real person. I'm in the flesh right here. So any email from Antonio Gimbernati, you'll know oh, this is the guy who sent it.

Okay, so I've written a couple of notes here. So my name is Antonio Gimbernati. I've lived on Maui for about 18 years. I was exiled here due to the politics of marijuana from Southern California. The law enforcement and the community seemed to not agree on this issue.

Okay, please remember, whether you agree or disagree with my public testimony, that I am only allowed to cast one vote per issue. So regardless what I say, I'm only entitled to make one vote. So it'll be the majority who wins the, the issue.

Also, to both sides of any dispute, I want to remind you that be careful what you wish for, because you just might get it. The point being, sometimes not getting your way is a blessing in disguise, cause you might get some, you might win, but you might not like it when you realize how much work it is. Okay, something to that nature.

Okay, regarding Resolution 17-5, I voted on November 8, at the General Election. So I am not here to do your job. What occurred on January 2, and maybe a few days before with this publication that caused all this controversy, it kind of reminded me of the television show Survivor, where contestants must cast their votes to vote out a player, you know, regardless of what the Sunshine Law states, that you're not allowed to conspire outside of a public hearing.

Let's see here. We the people voted for you, so we should trust you and not question your decisions, you know. So that's, I don't see why there was a controversy. We should trust you guys. We, I trust you guys, so I don't have any issue with however you guys decide.

Finally, regarding these special interest groups, like the corporations in question, and their opposition, the ohana coalition, here's the controversial part, okay. I feel I am a victim of bullying and harassment by Women's Rights, by Civil Rights, by LGBT Rights. I feel like the media has shoved and forced these groups, deranged and demented, mentally ill lifestyles upon my family values and my religious beliefs. I do not celebrate Martin Luther King Day, because to me, he was a bully and disturbs the peace.

CHAIR WHITE: Mr. Gimbernat, can you, can you get back to your discussion about the items on the agenda.

MR. GIMBERNAT: I'm coming right to it. I believe he disturbed the peace in many communities. So I am against special interest groups who try and bully and harass people to get their way. A lot of people might think that the ohana coalition is bullying and harassing some of the Councilmembers. I don't know.

So, just like you may not like my family values or my religious beliefs, but please don't let these special interest groups tread on me. Just like Blossom Futara *[sic]* stated, our culture's --

DEPUTY COUNTY CLERK: Four minutes.

MR. GIMBERNAT: Our cultures are not something for special interest groups to buy and exploit, you know. I have my culture, you know. I don't want to be bought and exploited, just like the Hawaiians don't want to be bought and exploited. So we're not something to be tread upon, you know. I want to be respected for my family values and my beliefs.

CHAIR WHITE: Mr. Gimbernat, you've, you --

MR. GIMBERNAT: In conclusion, I am excited to see our glorious new leader Donald Trump take office on Friday, January 20. And thank you for your time. Nice to see you all. And okay, there's some comedy in there, but there's some serious points too, you know.

CHAIR WHITE: Thank you, Mr. Gimbernat.

MR. GIMBERNAT: Okay. Thank you, guys.

CHAIR WHITE: Mr. Clerk.

MR. GIMBERNAT: Oh, and I'm addressing you too, Mr. White, or Councilmember White, or Chair White.

CHAIR WHITE: No problem.

MR. GIMBERNAT: I was looking over here. I never looked at you once.

CHAIR WHITE: That's alright.

MR. GIMBERNAT: Okay. Aloha to you guys.

DEPUTY COUNTY CLERK: The next person to testify is Courtney Bruch, testifying on County Communications 17-14 and 17-15. She will be followed by Donnie Decker *[sic]*.

MS. COURTNEY BRUCH (testifying on County Communication Nos. 17-14 and 17-15):

Good afternoon, Chair, Councilmembers. Aloha to you and Maui nui. I know people have been asked not to clap, and just want to remind people they can show silent support for testimony by doing a motion adopted from the Occupy Wall Street Movement. So you can just do some hand movements whenever you want to show support. Just give me a minute. I want to take a moment to get my testimony together. These lights really affect me, and I'm hoping that the spectrum will change a little bit.

I want to, I stand in support of Kelly King's resolution 17-15, and in opposition to 17-5 and 17-14. One of the reasons why I oppose 17-14 is because it's missing the Committee of the Whole, and it stacks the Committees without a balanced structure. I'm very concerned about the structure of the Committees, as that structural, structure will make crucial decisions for Maui County's people and environment.

There was immense opposition to Mike White being selected as Chair for good reason. These concerns are still being investigated as the Ethics Committee met for the first time last week to hear Charter and Sunshine violations made against him. It's essential that the Committee structure as proposed by Mike White be restructured. If there's people on this Council who don't want to be on the Committees because they want a lighter workload, please don't inhibit the Members who feel inspired to be on more Committees. By all means, let them do it.

We need even distribution. I support Councilmember Kelly King's proposal to allow all Members to be on every Committee if they so choose. This will create fairness and cooperation, and relieve the public fear that there's some old guard corporate factor that's trying to control this Council, which is how it appears. And the proposal directed, this proposal directly addresses the five hours of public testimony given on January 2.

I also agree with Susan Bradford. I left that day after hearing the discussion from the Council, you know, the five Members who didn't want to vote for a different Chair. I didn't really hear them address all those hours of testimony that the public came out to give. And I think it's really important, you know, those people, everyone matters.

I'm very concerned about the over, overdevelopment and what's going on with Alexander and Baldwin, you know, over 20,000 acres of land. I want to know where the water is coming from. And I want to make sure that our Council Committees are structured in such a way that are going to address those in favor of the environment and the health of the people.

I'd like to move onto the next one. We need environmental safety studies on GMO's and buffer zones, from restricted use pesticides to protect our communities. And I'm really concerned that A&B and Monsanto have influence on certain Councilmembers. And I definitely want to know that the Committees aren't stacked against us to kill efforts for public and environmental safety. And that's really what's important here. It's not these corporations and how much money they make, and how much money that they may be giving to certain Members' campaigns. It's a new time. We really need to advance our consciousness on that level. And I mean, the writings on the wall. It's what the people want, and it's what's right.

I would like to see progressive Members on every Committee, again, if they so choose. These being the esteemed Councilmembers Alike Atay, Don Guzman, Elle Cochran, and Kelly King. These are community leaders that I know personally and trust to make decisions with integrity for the people and the environment without being swayed by corporate interests like A&B and Monsanto. I hope to get to know

the other Members better, and that they will too choose to be trustworthy stewards for the health of all.

I'd also like to say that I like the idea of, I'd like to see Councilmember Alika Atay Chair the Water and Agriculture, Parks and Recreation Committee, and Don Guzman as Vice-Chair. And that's listed as Kelly, Kelly King's amendment on the proposal that I support, 17-15. I think they make a great, that would be a great leadership in that, in that Committee. And that I know that Don Guzman has taken on extra work in the past, and appreciate that he possibly be willing to this, this quarter. And I know Alika Atay as a water protector, and he's an organic farmer as well. So it just makes sense that he would Chair that Committee.

I see we have more and more people speaking out and showing up to protect our aina and the future generations. I would love more young people, more elders, so many more people are showing up saying it's their first time, and I think that's because they realize their voices are important. And then they know that they have representation on, on the Council that is listening to them and stands for them, and they voted for them.

Again, I support resolution 17-15. I left, and so here's your opportunity to make things right, and as Martin Luther King said, the time is always right to do right. mahalo.

CHAIR WHITE: Thank you, Ms. Bruch.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Donnie Decker *[sic]*, testifying on County Communication 17-15, 17-2, and 17-3. He will be followed by John Grant.

MR. DONNIE BECKER (testifying on County Communication Nos. 17-2, 17-3, and 17-15):

My name is Donnie Becker, sorry. You didn't read it correctly.

Okay. I just did a Google search on exactly how, what the population is of Maui, and I just came up with the number is 160,000 people that are living here today. And you nine people here have the responsibility of speaking and acting as if you're representing less than 200,000. But up, let's say 200,000 per each one of you. That'd be nine times two would be 180,000. So we're talking 160,000, a little bit less than 200,000. I don't feel the way that this thing has started in the beginning of the

year that the representation of having a Chair that propositioned the Members before the new Members even got a hold of what's going on would be fair.

And I'd love to hear more responses from the Chair, cause the Chair hasn't really spoke about that at all. I hope that eventually the public can actually hear the truth of, of what your thought was that you could have possibly made a mistake. And now we're hopefully feeling that you're going to go in a different direction.

I just got through pleading on another situation of, for the Planning Commission, of a really important event, event development that's happening in Makena. It's called the Makena Landing Project by Discovery. And a lot of us testified. And instead of testifying, the way I felt is we were pleading with them, these nine commissioners, which is the same as what you guys are, nine people, nine human beings. And I don't think that the public should have to feel like we're pleading with people to do what's right. This is not what you guys are all about. This is not what you guys took the oath of office for. And it's not a representation of what the people's wishes are. And I wholeheartedly, hopefully the last time I'll ever plead is that you all need to work together.

The responsibilities that you have taken are immense. And all these intersections that are intersecting on Maui as of this moment, we can all cry. Because what, in our lifetime we would, I would never have dreamt that from 150 years that A&B would be giving up the land for growing their monocrop because they could not make a business. They didn't really give it up, they actually went out of business. Excuse me for saying that. So they went out of business, and here we have an opportunity of intersections. We have water that's the most important thing of this whole equation.

So getting back to, we've heard enough about Mike White, I guess, so let's just beyond that part. I hope that you don't need more than 70 human beings testifying about what they feel you're doing wrong, that doesn't enlighten you to the fact that maybe there was a possibility that you were doing something wrong. I mean, how many more people than 70 would it possibly take is what I'd also like to also ask a question on? Was it 71, or 81, or 91?

Or was it the 23,000 people that voted in a law that said stop growing GMO's in Maui County till you can prove that it's safe, that we'd never heard from you and the other existing Councilmembers that were on the old Council, that never represented the people's wishes of even having a community get together about deciding how we can solve that problem. We've never once addressed that issue. People called it the elephant in the room.

Well, Monsanto, so that everybody will hear, and will be on record, got fined \$700 million dollars in Addison, Alabama alone, because they polluted the entire town. And they knew, with internal documents, that they were polluting the rivers and the streams that led into this lake for years. There was an environmentalist that went fishing one day, pulled out a deformed fish and said I'm going to get to the bottom of this. And that's the only reason that they were found to be in guilt, guilty of destroying the, you know, the, the land.

We have the same possible opportunity that will exist here in Maui if we allow the elephant in the room, which is Monsanto, to move into here --

DEPUTY COUNTY CLERK: Four minutes.

MR. BECKER: -- and also grow a monocrop, and grow a crop that doesn't feed us. Cause we will never eat the food that they will ever grow. And 90 percent of the food has to be shipped in because A&B also owned, they've recently sold Matson, but they owned the shipping lines that brought the food into us. So, --

CHAIR WHITE: Just one second. He's signed up to testify for three items, so if you can move him onto the next one.

MR. BECKER: Okay. So I'm very proud that we have a Kelly King who is, I can cry, an Alika Atay, and a Bob Carroll that we thought was part of us. And he had a choice the other, the other day to actually vote for himself, to actually help us to be in a positive direction, to be fresh, and to be whole, and to be new, that we could have made the change of just having a Bob Carroll allow himself to vote for himself. And I still, I'd love to hear the answer. Cause I still don't believe that you just didn't want to vote for yourself. There was more to it. And we're hoping that we're not going to find out that what other people have said. There's been other influences of other corporations that helped you to make that decision, Bob. I hope that's not the case.

So I do agree that the water and ag should absolutely be on the same Committee. There's no doubt that rhyme and reason you're going to need water to grow food. And it's not just agriculture. We want to grow food that we can survive. If God forbid Matson's or the shipping containers aren't coming back into our, our islands.

And the last thing. We have to figure out how to succeed in our existence on this finite little island of ours. And all nine of you have that responsibility. If I'm the only one telling it, which you didn't hear it only from me today, that you guys are the ones that will make or break this future of our, our future. I think this is an important, that all of you work together, and hopefully you guys can have fun with this. I mean, it doesn't sound like it's been much fun from the beginning. And then, you know, the

faces I'm seeing, you know, just, it's not that much excitement and fun. I really hope that you guys can get together and work as a team, and a family. I mean that's what aina and ohana is all about. And we only have one aina on this Maui.

And I'll, last thing I want to say is, there is only one Maui. Thank you.

CHAIR WHITE: Thank you, Mr. Decker *[sic]*.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is John Grant, testifying on every item on the agenda. He will be followed by Trinetta Furtado.

MR. JOHN GRANT (testifying on all items of the agenda):

Thank you, Honorable Councilmen and Chair, and Riki. I appreciate you letting me speak. I won't be very long. I, I am talking about the ethics of what you're doing. I wasn't coming here today. I have not been out of the house for two weeks, except to go down to get radiation. I'm standing before you as a victim of the, one of the cancers caused by, by Roundup. I have prostate cancer that metastasized into my bones. I have every bone in my body has cancer in it. I'm a scientist, so I can't say it was caused by Roundup. But I'll say this, there is a hell of correlation between Roundup use and this cancer. I wasn't going to come down here today. I got no dog in this fight. I'm dead. I was told two years ago I'd be dead in six months. So I guess I've not got long to say here standing in front of you guys.

What's happening in Maui is important. It's important on a worldwide level. We can change this. We can work together. I know that those ohana candidates, I know those people. They came in with hearts to work with you, they really did. I know them all. And they all were really excited about getting a chance to do this for the people of Maui. And that's what we're here for. That's what you're here for. All you people are here for the people of Maui. I'm not here to make ourselves rich, or take care of a hotel business, or whatever. We're here for the people of Maui. I'm standing here, because you guys got jobs to do for the people of Maui. For God sake's do them with ethics. Thank you.

Oh one more thing. I think the people with the most votes should be the Chairs of the Council. I think Elle and Don Cochran *[sic]* got the most votes overall. He was beating his own district very badly. The people in his own district didn't want him. The people downtown elected him. These two people were voted for everybody. They were beat, they won their districts, and they won overall. They should be Chair

and the Vice-Chair; that's ethical. Thank you, sir. Thank you, madam. Thank you all.

CHAIR WHITE: Thank you, Mr. Grant.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Trinette Furtado, testifying on Resolution 17-5, and County Communications 17-14 and 17-15. She will be followed by Mikel Gosney.

MS. TRINETTE FURTADO (testifying on Resolution 17-5 and County Communication Nos. 17-14 and 17-15):

Aloha, Councilmembers. Aloha, Chair White. Martin Luther King Day is what we see ourselves here in these chambers listening to a special public meeting on, not just standing Committees, but as we've heard from people who want to be represented. I've heard several times, not just today, but just throughout the course of these first two weeks of being here, that that this is a representative type of government. And I absolutely believe that. But in that representation, that needs to take into account the, the mana`o, the needs, the desires, the necessity of the people that you all represent.

Looking at all the resolutions; Chair White's resolution, the Councilmember Hokama's, and Councilmember King's, you can just see in those compositions talking about the aloha spirit. I always find it very interesting and, and I take it there's big pros and cons when you have people come and tell you about aloha spirit who sometimes are not aware of actually what that means. When you're talking about aloha spirit it is not to chastise one person and to lift up another. Aloha does not do that. Aloha takes all into account. And when it's taking all into account, it's taking everyone that is not here as well. That's the important thing. Yeah, when we are showing aloha, we don't only preferentially show aloha to those that we already like, that we already have aloha to.

Showing real aloha is showing aloha and that bit of patience, and that bit of compassion for those you may not normally show aloha to. And this is what we're seeing when we see people come and they talk about how it's combative in here and they don't want to see that. Nobody wants to see that, because what that means is none of their voices are being heard. And this is what is not only frustrating for people, this is what brings people back in to complain, because really nobody wants

to complain about what's going on here. They don't want to be looking at it on a day to day basis. They bring it to you guys to bring it on a day to day basis.

And that being said, when I'm looking at the compositions of, for instance, Chair White's proposal. If quorum is the reason for limiting the amount of Members, going through all of the meetings that were held in 2015 and 2016, it looks like quorum was not the problem there. It was the individual attendances of certain Members. So it wasn't that quorum was never ever achieved in any of those or was hard to achieve, it was there.

And I see that the Committee of the Whole is missing, not just from Chair White's proposal, but from Councilmember Hokama's proposal. I feel that especially with the proposed purchase of Wailuku Water Company, with all the litigation that the County is going through, that Committee is very much still needed and should not be put together with, let's see what is that, Parks, Recreation, and Energy. Those things are so incongruous and they're such broad topics, to put them together does a disservice not just to those in the Committee but to the people who are very interested in those topics.

And another Committee that I saw in Councilmember Hokama's proposal, which I think really does need to be broken up, is Policy, Economic Development, and Agriculture. When we look at agriculture, we don't think about Policy, Intergovernmental Affairs, and why should we? They don't, they don't belong together.

In Chair, I mean in Councilmember Hokama's proposal, I do see that Councilmember Carroll is on the Land Committee, but not really on the Planning Committee. And I would hope that you would also be on that, because Land Use and Planning go hand in hand as we are seeing, and are also very necessary that the people on both Committees know what's going on.

Because with those 36,000 acres that I keep hearing thrown out about A&B being available, it's very critical that we look at not only Land Use, but about what's being planned for those areas as well, to make sure that not only are we looking at sustainable agriculture, but that we're looking at homes, employment, and what we're going to do for our people here; feeding them, employing them, housing them. And those are kind of some of my issues.

I, I absolutely support Councilmember King's proposal, because I like the idea that all nine are available. They're all invited to be on every council, every Committee, excuse me. And, and I feel it's important. You are all here because you want to work for the people. And if you want to work for the people, I think you really should be

apprised of what's going on, especially since so many different issues are going to be coming before you in this next term.

And, and one more thing that I want to say. Again, bringing it back to the aloha spirit. We all, you all have to work together in this, in this building. We will all see each other, I've been telling people all the time, we see each other in the stores, we see each other in the banks. We don't only see each other here. And so, we need to find ways to get beyond whether it's an administrative rule, whether it's a personal issue. But we need to find ways to get beyond that, because when you leave this building, when you walk out those doors, it is more than just you, and just the decisions that you make. So thank you for your time.

CHAIR WHITE: Thank you, Ms. Furtado.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Mikel Gosney, testifying on County Communication 17-14 and 17-15. He will be followed by Michael Covich.

MR. MIKEL GOSNEY (testifying on County Communication Nos. 17-14 and 17-15):

Good afternoon, Chair, Councilmembers. Correction, Mikel, Mikel Gosney. I hope I'm not wasting anyone's time here today; not only mine, my breath. I hope that we have a County Council that responds to the wishes and needs of its constituents.

What I saw a couple weeks ago, and I fully support Mike White being Council Chair. I have no problem with that. But the unwavering, the fact that so many on the County Council were unwavering in whatever possible solution; we talk about this five, four split, and, and five people were so set in what they had decided. There was plenty of opportunity to compromise and to think about alternative solutions which I loved to see that true heartfelt deliberation. Hmm, like, it was neat, it was really neat to see.

In terms of resolution 17-15, I think I don't want to say what everybody else said. But when I, when I think of policy, this is, this relates to 17-14. When I think of policy, and economic development, and agriculture being grouped into the same pairing, it, I'm reminded of the fact that when we think of three pillars, economics, like social society, and environment, the thing that we tend to favor in any decision that we make is economics. That's the way that capitalism works. That's the way that most of our society is run, is in favor of economics. And when I see that paired with agriculture, I see many red flags. And especially given the history and nature of what has been happening in Maui County for so long.

I fully support all Members being able to choose what Committees they are on. And thank you for listening, yea.

CHAIR WHITE: Thank you very much for being here.

MR. GOSNEY: It's not always easy to stand up here, or like approach standing up here. I'm like, already shaking in my seat, you know. So thank you.

CHAIR WHITE: No, you did very well.

MR. GOSNEY: Thanks.

CHAIR WHITE: Thank you for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Michael Covich, testifying on every item on the agenda. He will be followed by Faith Chase.

MR. MICHAEL COVICH (testifying on all items on the agenda):

I, first of all, I want everybody to know that I have no intention of speaking to every item. There's a point of why I did that, and I individualized.

But first, Mr. Chair, County Councilmembers I'd like to welcome you to 2017. And what I'm hoping for is that you guys can come to a mindset that brings us what we need, but not to what you and some of your louder constituents might want. And I use the word want, because what we want is not always what we need.

I appreciate Mike White's leadership over the last few years. I appreciate Riki's, although at times, we've disagreed. I appreciate Bob's. I appreciate Crivello's, excuse me, Stacy, thank you. Yuki, you haven't been here before, you haven't heard me speak, we've had a couple conversations. I guess Don Guzman ran out on me, so, but I really appreciate him most of the time. The two new Councilmembers, I know absolutely nothing about, except what their ohana coalition. Oh, Elle, I'm sorry, I didn't mean to miss you. You've grown. I like some of the things you've done, you've done over the years. Some of what's happening now, I'm not exactly grateful for, but I'm not always supposed to get to be grateful.

The reason I put everything on the agenda is that, first of all, I'm not necessarily in, disfavor or favorable with some of these ways you want to structure the Committee. I kind of like the way it worked before, it was efficient. The most dangerous one I see is they have all nine Members on all Committees. Because the reason I signed up for all of the motions was to show you guys what can happen if there's going to be nine of you sitting here for every meeting. That means each one of you may have to get, only be able to talk for three minutes, which in some sense could be a good deal.

The other thing is if you guys are going to do this and have a nine Member Committee, the real way to do this is then you come in here, you come in here prepared. You come in here and you tell us what your reasoning is, where you're getting information for the decisions you're making, cause right now, that does not happen.

I do happen to. By the way, Chair, I'm trying to lump all three of these in together. And I'll be off here within a couple of minutes, if I could have that consideration please. Thank you. Every time the light goes, I'll take my new time.

I made a couple, first of all, I really wanted to comment on a lot of the . . . that was going on in here today, but I'm not going to try to do that. But one thing I found disturbing was the challenge in Mr. White's ethics. I also found disturbing the challenge to Bob Carroll's ethics on why he chose not to vote. It shows integrity not to vote for something you're up for, and I appreciate that, Bob. And I think that's where you're coming, we were coming from, and I find no other reason for you to doing that.

What a lot of people said here today, in my mind is, you know, there's an old saying "s" is always going by. What's important about "s" always flying by, it where, where it changes texture. When it changes texture over certain areas, then the people remember. And there's some . . . things said up here today where there should really be some texture changing over some of these people so we don't have to listen to it anymore.

Water, water is our most important resource. We all know we need it. We need housing for people. I've been listening here 30 years now trying to solve this housing problem, okay. Now, I'm trying not to make this personal, but this, during this last campaign season, I heard the two new particular Members, I'm trying not to name them but it's been being done all day so I hope you'll please forgive me. They said, oh we're going to solve the housing problem. Well, that's a little difficult for me to believe because some of the same people that are your strongest supporters are the people that gotten away of all, moving all the housing forward on this island. There's

a lot of people around here that need to get over themselves, so we can get on with doing what's right for Maui. Give us what we need, not what a bunch of individual small groups of people want.

Generally, I don't even take my own notes. Housing, water, and ag, probably even policy, maybe, if anything else I want the Committee of the Whole to remain, you got to have it. If I had my way, water would be that. With all respect to Mr. Atay, you're a rookie. When we have the vet Council meetings some other things, we get veterans coming all over, we should start doing this. We get caught up in that, and we end up fighting stuff we've been fighting over for years and make no progress. I do in fact think you should be on the Committee. But in all due respect, I think the Chairs of the Committees like that should be people that have been here and experienced for a while. And I appreciate, greatly, your Hawaii heart. I don't obviously, I'm not necessarily in line with your position on GMO and Monsanto, so those are all side issues.

What we're today is to talk about this Committee doing their jobs without pettily bicker, bickering. And I don't want to have to think in my head every time I'm going to come to a County Council meeting, I'm going to have to listen to the Bickersons. It's time to end the bickering in this community, and do something productive for the good of the whole. You guys can sit here and fight it out on how you're going to make up these Committees.

But I say, that if you're going to go to nine, then do your jobs. Discuss the issues right here. Every one of you come to work three times a week. If somebody misses, they want to take their two weeks' vacation or something, fine. If they have special County business to take care of . . . for a few days, fine. Otherwise, sit here. Bring your paperwork in here. Show it. Do the work. Instead of taking your two or three hours, spend your six or seven hours a day deliberating in here three days a week. If you want to have a productive nine Member Committee, that's the only way to do it. Otherwise, I'm in favor of Mr. White's original proposal. Thank you.

CHAIR WHITE: Thank you, Mr. Covich.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Faith Chase, testifying on Resolution 17-5, and County Communication 17-15. Ms. Chase is the last individual who has signed up to testify in the Council chamber.

MS. FAITH CHASE (testifying on Resolution 17-5 and County Communication No. 17-15):

Aloha --

CHAIR WHITE: Aloha.

MS. CHASE: -- 2017 Maui County Council. I want to say, right off the bat, that I support the 17-5 Committee kuleana definitions, the responsibility definitions. I have to say, you know, representing a lot of times my East Maui family, it is kind of, it is sad for me to see a Water Resources Committee be removed. But I understand, and I just have to say that for my, for my people.

There are some things that I'd like to see strengthened. I'm not sure if I would come to the first Committee meeting to say that. But since I have the time and I'm here, I'm going to say that. I think your grant review process, it needs to, it needs to have a stronger review. So whichever Committee that falls under, I'd like to see that. I know it's not always easy to keep up with grants and who gets them, but I get kind of frustrated seeing line item things on, line item repeatedly over the years from Maui County when I think that you should actually be giving them a hand up not a handout. I'd like to see some self-sufficiency in those line items that have been on the budget for years.

The Planning Committee, I see the digital mapping project on there. And I just want to say if that goes to an RFP and that whole component, I know that's going to be expensive. I talk that digital language. I want to, I really want to see some critical consideration when you do that. I know there was something at the Legislature to the tune of like almost \$200,000 where they just went, it neva work and that betta not happen here.

I, the Infrastructure and Environmental Management Committee, I'd like you to add an item F, and take recycling off of the one-line item where it says, "and includes recycling". I think recycling deserves its own area.

Number 6. So, I had to file a personal complaint. I was compelled to file a personal complaint with the Office of Information Practices about the violation of the Sunshine Law. And that wasn't very comfortable for me. It was the final hour; it was 4:20 on the meeting before the Board of Ethics. And I found it surprising that there weren't, information wasn't forthcoming. So, Chair White, I'm afraid that you have poor media literacy. And whatever area in the Committees talk about the terms of use for web and internet use, that needs to be strengthened. I implore all of you to do that.

Maybe it was just a hiccup. Maybe it was a staff member that you're not, you know, you don't want to shed light on. Whatever it is, it needs to be fixed.

And on that note, my mom always taught me if you're going to say something mean, say something nice. And so, you know, I've been, I've been really trying and I just got to say that, you know, you're really good at KBH. I love KBH. I take my family there. I love the hula and the mele, and all the aunties in the front. And, and so that's my something nice.

I have to say I'm kind of surprised. I know we've all heard Blossom Feiteira from time to time. I've, I've, I've liked some meetings. I've seen her at Army Corp of Engineer, but I don't terribly always agree with her. But I found that fascinating today that I actually really liked that recommendation to have a separate Agriculture Committee. I don't see how there's room for that, but I just had to note that in my little trend of saying something nice.

Bob Carroll, I just want to say that, you know, I know that there's some heated, there's some strong comments about your decision not to vote for yourself. And since you represent my area, and I know, I know your whole family, and your daughter is my classmate, and I've always respected you, I've held strong in trying to put out fires and the rumors about your decision, and I feel, I feel, I'm proud. I'm proud that you are able to keep a foot in both doors, and I have all the belief in you, and trust in you.

Just like I did with Mike Gabbard last year when I had to go and testify in front of him against HB 2501, directly in front of him. And to have to see that sweet uncle look me, you know, in the eye, and then for him to vote the wrong, not my way. So, I'd like to say that.

And let me see, one more. Oh, if this rumor about Monsanto is true, I will be pitching a tent in the yard out there, because I, I call every week. I call A&B and I try to get information from them about their plans. I'm very interested. My whole career has shifted towards agriculture. I'm a 25-year marketing specialist, and I'm so concerned that I've shifted my whole focus. So that, that better not be true because I call them regularly and I ask for comments. And I'm serious, because we all know that we got here today, where we are, with some of our elected officials, and your, your overzealous activists, and your, your increase in community participation because, because our moratorium wasn't honored. So I just wanted to say that. Thank you.

CHAIR WHITE: Thank you, Ms. Chase.

COUNCILMEMBER KING: Point of clarification, Chair.

CHAIR WHITE: Yes, Ms. Kelly King.

COUNCILMEMBER KING: Yea, I just, I just wanted to clarify which version of the Committee structure that you were supported, cause I think you said --

MS. CHASE: With the red edits.

COUNCILMEMBER KING: Okay, cause I think you said 17.5, but the one that you're looking at is 17.15.

MS. CHASE: So it's, if my light isn't up, I'd like to also. It is number 5, Infrastructure, Environmental Management, is that the one you're talking about, adding F, recycling? Is that what you were talking about?

COUNCILMEMBER KING: Well, it's supposed to say 17.15, I think Chair. But it say, it does, she's right, it does say 17-5.

CHAIR WHITE: Yea, Ms. King is asking for clarification as to what, what version.

MS. CHASE: Oh okay. I'm sorry. 17.5. Thank you for that clarification.

COUNCILMEMBER KING: Well, I think, I think the problem is, Chair, it does say 17.5. But then on the, on the agenda it's 17-15.

MS. CHASE: Oh I see. Okay, yea, 17-15.

COUNCILMEMBER KING: Right.

MS. CHASE: And, since I was speaking on two items, I know I have like 45 seconds. I'm just going to add that on the Committee of the Whole, number 2, I'd like to see under B, where you, Committee of the Whole, intergovernmental issues including the Hawaii State Association of Counties and non-financial intergovernmental agreements. I'd like there to be a sentence added there somehow recognizing the, the kingdom. How did you say it? You had a resolution last, last session recognizing the Kingdom of Hawaii. And however you can word that, that would be nice. That would be the place to do it.

CHAIR WHITE: Okay. Thank you very much, Ms. Chase.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber or at the District Offices.

CHAIR WHITE: Okay. Thank you, Mr. Clerk.

Members, we have received written testimony. Without, without objection, we'll enter it into the record under both the testimony received in the public hearing, and the Council meeting.

MEMBERS VOICED NO OBJECTION.

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

1. James R. Smith;
2. Diana Custer;
3. Madge Schaefer;
4. Nick Drance;
5. Simon Russell, Hawaii Farmers Union United-Haleakala Chapter;
6. Dick Mayer;
7. Clifton M. Hasegawa;
8. Walle Landenberger;
9. Francesca Carey;
10. Alan and Patricia Cadiz;
11. Gilbert Guzman;
12. Barbara Potts;
13. Pamela Tumpap, Maui Chamber of Commerce;
14. Lee Aldridge;
15. Kanamu Balinbin;
16. Tom Blackburn-Rodriguez;
17. Sylvia Cabral;
18. Doreen Canto;
19. Linda Kay Okamoto;
20. Linda Puppolo;
21. Luly Unemori;
22. David Yanagihara; and
23. Leslie-Ann Yokouchi.

CHAIR WHITE: Thank you. And with that, we will close public testimony for the Council meeting, and we will close the public hearing.

DEPUTY COUNTY CLERK: Mr. Chair, we're going to, just for clarification, just to follow the procedures set by OIP is that we're going to establish that we close the public testimony before adjourning the public hearing.

CHAIR WHITE: Okay, we've, we've all agreed that we are closing public testimony on the, on the public hearing. So we will now adjourn the public hearing. This will allow us to continue with the Council meeting.

ADJOURNMENT

The public hearing of January 16, 2017 was adjourned by the Chair at 5:37 p.m.

CHAIR WHITE: And now we are continuing with the Council meeting. Members, we've been at it for five hours or so. This is a, an easy time for us to take a break. How much time do you want for dinner break?

Mr. Carroll.

VICE-CHAIR CARROLL: Six o'clock.

COUNCILMEMBER KING: That's a half an hour.

CHAIR WHITE: That's probably a little bit quick.

COUNCILMEMBER KING: That's 25 minutes, 24 minutes.

CHAIR WHITE: Why don't we, why don't we come back at 6:30.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: So we'll be in recess until 6:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 5:38 P.M., AND WAS RECONVENED AT 6:35 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER GUZMAN, EXCUSED.)

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

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

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

COUNTY COMMUNICATION

NO. 17-14 - RIKI HOKAMA, COUNCILMEMBER,
(dated January 6, 2017)

Transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS".

CHAIR WHITE: Mr. Hokama.

(Councilmember Guzman returned to the meeting at 6:36 p.m.)

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-14 BE APPROVED BY THE COUNCIL, AND THAT COUNTY COMMUNICATION 17-14 BE FILED.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I have put forth a proposal that took into account some comments received at an earlier meeting. Coming from a perspective of experience, Mr. Chairman, I would say at times something that seems to be very good in a, what we call that optimum environment, I can see. But coming from experience, let us not be naïve and kid ourselves about the workings of the body, and the requirements of the body to do its operations.

I believe the proposal is sound. I believe it's, each Council adjusts to its make-up, and the issues facing that Council at that point in time, Chairman. So, not necessarily how we did things ten years ago is good for today. And today may not work for the next term or the next two terms. So I believe we have put forth

something that deals with operational requirements. I believe that we have taken account some of the staffing perspectives of the seventh floor and how it impacts assignments.

I had looked at Ms. King's proposal. And with nine Members, I would say we could operate, but we should have no more than four or five Committees max, if you want all nine Member functioning at all Committees.

But I would ask if the Members have no objections, to let Mr. Baz give some comment, particularly from a staffing standpoint and impact of how we've, my proposal has put forth the standing Committees. And how it impacts the Committee Chairs as well as the staff that is required to help the operation get from posting to actual meeting, to actual reporting, and then final Council action.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Baz, if you don't mind --

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: -- helping explain the rationale behind the various Committee structures.

COUNCILMEMBER KING: Mr. Chair, point of order. Is this proposal coming from Mr. Baz and Mr. Hokama? If the rationale is coming from Council Services, is it a dual proposal?

COUNCILMEMBER HOKAMA: This is my proposal. I'm asking Mr. Baz to give a operational perspective as far as staffing is concerned to make this work, Chairman. And if she listens, she will get it.

CHAIR WHITE: And I think it's appropriate since the, the proposal was put together with the, in consultation with Mr. Baz and staff.

Mr. Baz.

DIRECTOR OF COUNCIL SERVICES SANANDA BAZ: Thank you, Mr. Chair. Yes, so the resolution that was originally proposed, 17-5, as well as the standing Committees and their duties as proposed in County Communication 17-14, Mr. Chair, the, passed out a little handout here that shows basically the 2015-2017 Committee structure and how the proposed Committee structure relates to those items. So I'm going to be going off of that if you don't mind, Mr. Chair.

CHAIR WHITE: That's fine. Does everybody have that handout?

COUNCILMEMBER CRIVELLO: What, what date is it?

DIRECTOR OF COUNCIL SERVICES: It was passed out in today's meeting, beginning of today's meeting.

COUNCILMEMBER KING: So are we, are we, just as a point of order, are we not going to resolution 17-5? I mean, isn't that the first resolution on the agenda?

CHAIR WHITE: No, the, Mr. Hokama has made a motion to consider 17-14.

COUNCILMEMBER CRIVELLO: That's first on the agenda.

COUNCILMEMBER KING: Okay, well, I mean, the.

CHAIR WHITE: It's all, as with any item, the item is up for amendment as Members--

COUNCILMEMBER KING: Right. Is it, is it appropriate at this time to provide an amendment?

CHAIR WHITE: I would prefer that we have Mr. Baz continue with his explanation and we'll be open following that.

Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Mr. Chair, so in the budget --

CHAIR WHITE: Wait, I'm not, actually I'm not sure that everyone has.

COUNCILMEMBER CRIVELLO: I got January 6.

COUNCILMEMBER KING: Chair. Chair, could I make a motion to amend and then have Council Services address both proposals, as far as what their support would be?

CHAIR WHITE: --just yet. We'll let Mr. Baz go through with his explanation and then we'll open up the floor.

Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair.

So, the first Committee listed here is the Budget and Finance Committee. And you'll see some modifications to this. These were reviewing the duties of the Committee itself. If you look at one, which is Budget and Finance Committee, "b.", Budget, capital program, bond authorizations, intergovernmental loans, intergovernmental agreements; the correct term is intergovernmental agreement for a loan, with a financial impact on the annual budget. So that means any intergovernmental agreements that have a financial impact on our budget, could be the loans that we get from the Department of Health or it could be other ones. And the finance component of all county grants. And this is something the Budget and Finance Committee reviews; the grant revenue that we received, as well as the grant subsidies that we put out, and has the financial responsibility of budgeting for both of those.

On "c.", there was no changes.

"d.", is a clarification that basically is, you would think the Budget and Finance Committee would be responsible for real property tax ordinances. There was some confusion in the past about which Committee that should go to. We wanted to make sure that that was just clarified that it would be Budget and Finance Committee.

In what was formerly "d.", which is now "e.", we added, "and the Community Development Block Grant program". This is a Federal program that is controlled by the Housing and Urban Development Department of the Federal government. They are the ones that dictate to our functioning division of the Office of the Mayor, which is the Community Development Block Grant Program on how to distribute monies that's coming from the Federal government. The responsibility of the County Council's involvement in this is to accept the funds and to authorize the expenditure of the funds. There is no oversight of the actual operations of the programs, it's just the receipt and expenditures of the Federal funds that come in.

Then in "e.", which use to be operations of the Office of the County Auditor, this again, was a clarification point. In the County Charter, the office, the operations of the Office of the County Auditor aren't a response, it's not a responsibility of the County Council to the extent where, you know, they are a fairly independent organization that is a part of this County government. So --

COUNCILMEMBER KING: Excuse me, Mr. Baz. What Section of the County Charter are you looking at?

DIRECTOR OF COUNCIL SERVICES: Section 3-9.1. So, in Section 3-9.1, it basically states that the Council has the authority to appoint the County Auditor and review, you know, so we also are going to be reviewing and commenting on the annual audit plan that's issued by the Office of the County Auditor, and to review any audit findings.

COUNCILMEMBER KING: I'm sorry, you said 3, 3-9?

DIRECTOR OF COUNCIL SERVICES: Point 1.

COUNCILMEMBER KING: Okay, that 3-9, says declaration of policy.

DIRECTOR OF COUNCIL SERVICES: Yea, 3-9.1. Go to the next paragraph.

COUNCILMEMBER KING: Limiting expenditures to the lowest amount consistent with the efficient performance of, I don't see anything about the County Auditor there.

DIRECTOR OF COUNCIL SERVICES: Yea, if you go to the next section, right below the Section 3-9.

COUNCILMEMBER KING: Oh, okay.

DIRECTOR OF COUNCIL SERVICES: Section 3-9.1, Office of the County Auditor and County Auditor.

COUNCILMEMBER KING: Okay.

DIRECTOR OF COUNCIL SERVICES: Yea, so that was just a clarification on that. So that's the Budget and Finance Committee recommended changes of that.

The Committee of the Whole as a part of the 2015 term was a sole item in there was litigation matters. So that was, you know, just basically one responsibility of that Committee. And it met as needed, as required, by the litigation items that came up. The having to, just from a staff perspective, having to staff a ninth Committee that even though it was just one kuleana, one responsibility, it makes things a little bit more difficult when you're assigning staff to different Committees. And so, you know, I believe the staff asked the Chair to try to see about the Committees and bring it either back down to eight or less. But the, the basic concept of this was to combine the litigation matters with another Committee.

Economic Development, Energy, Agriculture, and Recreation Committee, of course, was reviewed and dispersed and we'll get into the replacements of that Committee here shortly.

So the new second Committee is the Housing, Human Services, and Transportation Committee. And you'll see in this Committee that we added, specifically "Homeless programs and related matters". It's been a very important issue that this Council has dealt with over the last couple of years. In this past term, it's come to, you know, fruition that we really need to, to focus on homeless programs. And so that was a recommendation to add to the Committee's responsibilities, specifically homeless programs. It falls under human services, but it makes some difference there as well.

"Proposals for increasing the availability or affordability of housing", in general, you know, since it is the Housing Committee as well. They were looking at the, adding to that, you know, the issue of, of specifically looking at affordable housing, at what's responsibility is in our community.

And then the last section that was added was "Amendments to the Subdivision Ordinance and Building and Construction Codes". And again, this was, you know, some of the topics that came up out of the TIG, and out of, actually out of, in 2003, the Maui Nui Housing Task Force were to really look at what are the housing codes, and allow what housing codes can be changed to allow for better affordable housing and more housing built in our community.

Then in "g.", we added the word "operational" to the oversight of any grants that they administer from the Department of Housing and Human Concerns, and the Department of Transportation. So that, Mr. Chair is the second Committee; Housing, Human Services, and Transportation Committee.

The third Committee is Infrastructure and Environmental Management. And you'll see here the amendments to the Subdivision Ordinance, Housing Code and Building Code, as was moved to the Housing, Human Services, and Transportation Committee, was removed from Infrastructure and Environmental Management.

And then in "d.", we added "the operational oversight of any grants that they administer". The Department of Environmental Management administers quite a bit of grants, and so we wanted to make sure that the Committee had oversight of the grant operations as well.

In the fourth Committee, Land Use, you'll see here in "b.", that we added requiring, so "Other land use approvals requiring Council review and approval such as variances

and conditional permits". And that was just a clarification. No real structural changes to that one.

The structural change for Land Use Committee is "d.", "Land use ordinances not specific to a project". So you heard one of the testifier's mention Title 19. Title 19 is the Zoning Code. So in there, there's a Comprehensive Zoning, and then there's zoning for each of the different types of categories, and what's allowed as far as those go. I believe that the discussion as far as adding this "Land use ordinances not specific to a project" to the Land Use Committee was that the Committee consistently works on projects that are applying for changes to the Community Plan, changes to the land use of a specific project. They have a significant amount of expertise in reviewing those. As you develop land use approvals, there's a lot of times discussion about, well, maybe we could change the Code so that this is allowed or change the Code so that this is not allowed. And so, in that Committee we felt that it was appropriate that they not only look at changes to specific projects, but also if there's a need to change Title 19 itself.

The fifth Committee, Parks, Recreation, Energy, and Legal Affairs Committee. And this Committee, the Chair has expressed that, you know, the two Committees that were chaired by Councilmember Guzman this past year, past two years, Parks and Recreation, Energy, and then his Committee of the Whole which was solely doing legal affairs. We decided to combine them so that those discussions can happen and Mr. Guzman can chair both of those Committees that has significant abilities and interest in making sure that the County is meeting its responsibilities in these different areas. So there was those changes in there.

The sixth Committee which is the Planning Committee is, you'll see here that we added language just to clarify that we are including revisions and updates to the General Plan and the Countywide Policy Plan that's been discussed a little bit, just in this term. But it's a very, very important document that basically outlines what the County's policy is. And most of it's specific to land use, but some of it's not. But it's a very important document. And then the community plans, we added there as well so that, you know, there's a good understanding the Planning Committee is going to be reviewing community plans. In this upcoming term, the Molokai Island Plan is going to be coming up. So that's going to be a really important, and very, very long discussion about that, and how Molokai is going to be for the next, you know, many, many years, so.

Item "c.", we discussed in land use.

COUNCILMEMBER KING: Just asking a question? You said you had a very long discussion? Can I ask you who you were discussing that with, as far as the Planning Committee?

DIRECTOR OF COUNCIL SERVICES: No, you will have long discussions about the Molokai Island Plan.

COUNCILMEMBER KING: Okay. Cause I thought I heard you say you had very long discussions about this.

DIRECTOR OF COUNCIL SERVICES: No, yea.

COUNCILMEMBER KING: Sounds like a lot of it's coming from OCS or from outside things.

DIRECTOR OF COUNCIL SERVICES: Yea, the, like Chair mentioned, you know, the staff assisted in preparing these changes. A lot of them are, you know, for clarification purposes. And you know, as Mr. Hokama mentioned, you know, for the structure of the staffing as well.

The, at what was added to the Planning Committee is the "Implementation of the digital mapping project including review and adoption of digital land use maps by ordinance". Some of you remember a project called the Dead Sea Scrolls. Basically, it's our old tax maps that are very, very old, and very fragile. We want to make sure that we digitize them properly. That's going to be coming to this Council this term for adoption. So it's going to be a very detailed review of basically setting these in place.

And then, again we added the word "operational" oversight to any grants that the Department of Planning administers. And they do administer a couple of grants. So that was Planning Committee.

Seventh Committee is the Policy, Economic Development, and Agriculture Committee. And you'll notice that even though the words "and Intergovernmental Affairs" are removed from the Policy Committee, it's still the first thing that's reviewed there; "Intergovernmental issues, including the Hawaii State Association of Counties and non-financial intergovernmental agreements". So you saw in the Budget and Finance Committee that intergovernmental agreements that have a financial impact are in B&F. The Policy, Economic Development, Agriculture Committee will review any non-financial intergovernmental agreements, and the appointments of executive branch officials, including boards and commission members.

So item "c." was added; "Business and economic development issues, including agriculture". And this, I believe, the discussion on this topic specifically adding

agriculture to economic development was related to the closure of HC&S, and how the community is going to be responding in an economic factor to that agricultural need. So that was alignment of Economic Development and Agriculture.

"d.", remained the same.

And then the former "d.", "Revisions and updates to real property tax ordinances" was removed from here to put it into the Budget and Finance Committee.

Then "f.", "Amendments to the Charter and oversight of implementing amendments passed in the previous election". One of the things that passed in the previous election was the Council's oversight of appointments of the Mayor. We have to clarify the job descriptions and other items, and then work on a policy and set up parameters for, in two years when we do elect a new Mayor, and the new Mayor appoints staff, Directors then will need to be in place so that we can properly oversee that.

COUNCILMEMBER KING: Was the intention, the amendments, is this all amendments to the Charter under policy?

DIRECTOR OF COUNCIL SERVICES: Yes.

COUNCILMEMBER KING: I mean, the one's that involve legal, legal assistance are not under the legal matters?

DIRECTOR OF COUNCIL SERVICES: No. In the past term, all of the Charter amendments, including the one for the legislative attorneys was handled in the Policy and Intergovernmental Affairs Committee.

COUNCILMEMBER KING: Oh, I understand that, but we're in a new term now. So I just wondered if that was even discussed.

DIRECTOR OF COUNCIL SERVICES: Having all of the Charter amendments in one Committee assists because we can understand, you know, the Committee's work on developing those Charter amendments, what's required prior to posting, you know, for the election. And having it organized in one Committee, you know, it's important to keep everything in the same place. You know, that's purview of the Council to change that.

COUNCILMEMBER KING: Yea, and I don't understand why that's . . . Go ahead.

CHAIR WHITE: Ms. King, just a point of order. Before you speak to Mr. Baz, would you please be recognized first?

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Thank you.

DIRECTOR OF COUNCIL SERVICES: Sorry, Mr. Chair. Okay so, in the Policy, Economic Development, Agriculture Committee, there's also changes to the "g.", paragraph; operations of, and then Civil Defense Agency is no more. The Charter was changed to rename it the Emergency Management Agency. So that was just to reflect that change.

The oversight of Department of Corporation Counsel, including the ethics and regulations was removed to the Parks, Recreation, and Legal Affairs Committee. Department of Fire and Public Safety, Liquor Control, and Police remain in PEA. And the Department of Prosecuting Attorney was moved to the legal matters, and the Office of Mayor, except for CDBG. So, including the Office of Economic Development, operational oversight of any grants it administers, but excluding CDBG, and the Energy Office; and the MPO were taken out of that there.

And then the Water Resources Committee remains the same as a Committee that is, stands alone. And again, just added the operational oversight of any of the grants that it administers.

So that was the standing Committees and defining their duties, Mr. Chair.

CHAIR WHITE: Thank you very much, Mr. Baz. And we're going to go down the, down the row for comments before we, before the Chair will be open to considering amendments.

Mr. Carroll, comments or concerns?

VICE-CHAIR CARROLL: Thank you, Chair. Having been here and seeing the operations, and I've been on just about every Committee that the Council has and has had over the years, I've looked at this and the other proposals, and what I had, and I think this is, I think this is really a good foundation for us to work with our Committees. I think it will be effective and I support it. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I, I also wanted to hear from the Director, as far as staff assignments, you know, for the Committees as to how this would be more compatible for us and what we have for our OCS staff as well as the legal analyst that would be available for us. I think that was one of the rationales, if I understand, where Mr. Hokama's proposal is, is that such will be.

And previously, you know, you always cross your finger when you're going to facilitate and make meeting, we're going to have quorum. And bare quorum works, but it makes it very difficult. I like this setup. And you know, no matter what, I believe that most of the work are done in Committee. And, but if you're not a voting Member, we get to participate and give a whole bunch of opinions.

But at the end result, in full Council is when we really make a difference what to accept or not accept as far as, and again, you come to a simple majority to what we'll accept at the full Council, what we accept in the Committee. And if we have full consensus, more power to us.

So I've heard testimony about transparency. I've heard testimony about why we have to have a certain number of Committee or membership to a Committee. We are so transparent. We pay quite a big fee with our budget to Akaku, so we have that transparency. We have public meetings. We have testimony before our Committee meetings. And all nine of us can participate or not participate, and that's our choice. Whether you're a voting Member or non-voting Member. I've had Members parachute in and parachute out once the Committee is called to order.

So I'm sorry if sometimes the public judgement tells us that we're probably not pono in how we do select the Committees, or who sits on the Committee or the numbers. I believe that this proposal allows full voting participation with an, I think all our Committees are critical, but, and the real critical ones where our fiduciary responsibility, and that includes litigation as well as policies puts forth before us.

So at this point, Chair, I do support this resolution of 17-14 as presented by our Councilmember Mr. Riki Hokama. And, and this has worked. I don't know how much we're changing. I can't say that right off, but there's quite a bit of work that we have here. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Atay.

COUNCILMEMBER ATAY: No.

CHAIR WHITE: Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I would like to also share the support that I've heard for 17-14, Mr. Hokama's proposal. And from our January 2 meeting till today, I listened to the entire testimonies that were presented by the many testifiers. And I want to thank all the people who showed up at that time, as well as tonight or today, because of their interest in our community.

I will say that Mr. Hokama's proposal satisfies most of the testimony, or a lot of the testimonies that I heard the night of January 2 into the morning. And it changed from the first 17-5 to 17-14, and I think it addressed those concerns.

One of the things I want to ask is on the Committee that has cultural in it, Sandy or Chair. I want to ask a question to what Blossom mentioned, Feiteira, where she asked if we could look at the word "cultural" and give it more prominence. So I don't know if this is the quite, right time to ask that question, but I, that came up for me when I listened to the summary from Director Baz.

And I also want to echo what Stacy said, from the years I've never sat on, in this side of the Council. But I have been participating for many years, and I do know that Committee meetings provide selected Members to be part of and be experts so to speak, by having the time to study issues and know it, and ask questions in behalf of the constituents. And I don't think we need nine Members for every single Committee because we get to vote as Councilmembers during Council meetings, first and second reading. And that's when the true votes are really cast for final. Not that the Committee meetings is not as important, but it is. But I would just like to say that I like the Committee make-up better on Councilmember Hokama's proposal where it has seven or nine Committees. And like Stacy Crivello said, the nine Members would be for like Budget, and you know, those that have, that need the nine Members.

I also would like to say that through the testimony today, people think that there is no legal Committee, I think, by keep on talking about there's no Committee of the Whole. There's no words Committee of the Whole, but I think that as Director Baz said, that it's legal affairs which is similar to the categories as they place in Honolulu, City and County of Honolulu. So it's not like a new terminology, but it does serve that same purpose of handling our legal matters. So that's all I have to say.

COUNCILMEMBER KING: Point of order. Question, Mr. Chair.

CHAIR WHITE: Hold on just a second.

To your point, the Committee of the Whole, in the past session, was only focused on legal matters, and no other assignments. So I think it's important to clarify that.

And to your question of the cultural aspect, I think Mr. Guzman has done a good job on focusing on those issues, and I'm sure he will continue to do so. But if the Members are interested in, in making that more prominent within that Committee, I'm sure that he would agree to that.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR WHITE: Sorry. Ms. King.

COUNCILMEMBER KING: Yea, and thank you, Mr. Chair. I'm not sure I'm looking at the right. I mean, I was handed these two resolutions. And just following up on something that Ms. Sugimura said, that she said they all have seven or nine Members. And the one I'm looking at has five and nine. So I'm not even sure if I was given the correct version.

DIRECTOR OF COUNCIL SERVICES: Mr. Chair.

CHAIR WHITE: I think you're right. We'll take a quick recess, and make sure we.

DIRECTOR OF COUNCIL SERVICES: Mr., Mr. Chair, I can explain.

CHAIR WHITE: Oh, I'm sorry. Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Yea, the, the Ramseyer version, the, the version that Chair passed out today is, was based on the original resolution 17-5, not as, the structure of the standing Committees and defining their duties remain the same with Member Hokama's proposal. Mr. Hokama's proposal just added the Committee, changed the Committee make-up.

COUNCILMEMBER KING: So the, okay, but somebody, one of the other Councilmembers alluded to them being seven and nine Member Committees. And what I'm looking at is five and nine Members. So which one is?

CHAIR WHITE: Mr. Hokama's has the four, four Committees made up of nine Members and four Committees with seven Members, so.

COUNCILMEMBER KING: Okay, so this is not the right?

DIRECTOR OF COUNCIL SERVICES: Yea, well the motion that was made by Member Hokama was to adopt the resolution attached to County Communication 17-14. So if that's the, the resolution that should be reviewed. I for --

CHAIR WHITE: So, Mr. Baz, your, your focus is that we were, I believe we were asked for the Ramseyered version of the changes to the Committees, the Committee descriptions.

DIRECTOR OF COUNCIL SERVICES: Yes, Mr. Chair. In the January 2 Council meeting, there was a request made to compare Resolution 17-5 with the prior Council term. And that's what was done in what we passed out today.

CHAIR WHITE: Okay. So, Ms. King is correct that we, that this, this version focuses only on the Committee make-up, not the Committee assignments of the Members. And so when we, when we get to that point, then we should be comparing, we should work, be working off of Mr. Hokama's version. Okay.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. So let me get it straight then. So the resolution as handed out, that is what, the Ramseyered is what Mr. Baz went through just now, in the make-up, the duties and things of each Committee.

CHAIR WHITE: Responsibilities.

COUNCILMEMBER COCHRAN: But then the actual make-up of the membership, we are looking to 17-14, Mr. Hokama's proposal.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Which brings it up to seven and nine Member Committees?

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Okay. So I'm, I think it's an improvement to bring up. I personally would like to be on nine. When I first got on this Council, I did all nine. For me, that's how I look at it. That is what I'm here for. I'm here to do the people's work. I'm going to do as much and be, participate as much as possible, and actually be a voting, counting voting Member of the Committees, and I did that. And I believe

I did that very successfully, and I'm more than happy to do it again. And I would appreciate it if I could be.

So in regards to Mr. Hokama's proposal. If I am to fight and want one thing that change on this entire document, it is so I can be on HHT. It looks like I have been on every single, added to every single Committee, except for that one. And why? I have no idea. I'm the last surviving member from the TIG that was charged to do the increasing inventory on available housing. So I have that background, historical knowledge and what have you, and very, very well versed in the solutions that we have come up via that TIG. My staff is very, very well versed and knowledgeable about it also.

So I think it'd be a shame for that to be left wherever, and not within the Committee itself as a voting member. And I think, that's kind of my top, my top comments in regards to this proposal.

I like Ms. King's proposal and, also, so I'm sure she'll try and make some amendments. And I'll see where it goes from there. But that's what I have. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm happy to hear some amendments, Chairman.

CHAIR WHITE: Okay.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Yea, I guess one of my questions would probably be for Mr. Baz, because of the fact that, I guess he was, he started as the Director of Council Services like two weeks ago. And so, in terms of experience and how some of these Committees work, your, your, what you have said on the floor doesn't hold too much credence with me. Not out of disrespect, but just, I just out of work experience in some of these Committees.

Chair, you know that Economic Development, Energy, Agriculture, and Parks and Recreation, the EAR Committee, has been in existence when you look back in the history, starting back in 2007. So, that's been an existing Committee from, from way back in 2007. I felt that I have worked diligently in that Committee. It's one of those

Committee's that doesn't get a lot of items, but you've got to create the items, and you've got to be able to think outside the box and go out and seek items to address.

And one of the things that keeps it going is having a very active Department attached to it. So when you look at EAR, one of the active Committee, or Department's is Parks. And so it kind of works together. And I think that, I know that you were trying to make compromise for me to continue my work and I appreciate that, but I also see the bigger picture which is I'm here to serve the people. And whatever assignment that this body wants to assign me to, whether it's utilizing my legal skills. And I've done more than estate planning, and you know that Chair. I had a well 17-year practice. And Mr. Wong knows as well. I've served as a prosecutor for 5 years as well, so, doing all type of litigation in private practice. So whatever is the best for this body, I'm willing to do for the Committee.

I know I had that conversation with you in the past. And just like anything that you've worked on for the last four years, and I have been, put my heart and soul into creating the Ag Working Group, going after a lot of the agricultural issues, going after the Economic Development Revolving Fund, you know, the special improvement district. There's so many items that have gone through my Committee, and I've really worked hard to, to get it out and, and really work on it. But, I'm, I'm willing to move forward for the betterment of this Committee, or this Council, and you know, utilize my skills if need be for the constituency.

And if it means putting back litigation with policy, and if we go back in the history of all the Committees, I went back 2007 as well, going back to 2007, those two items litigation and policy have always been together as you've stated. This last term was the only difference. It went back from the name of Policy Committee, then it was called Committee of the Whole, and then it was called Policy and Intergovernmental Affairs, PIA. So, it's had various names. But like you've mentioned, it was the only year, the only term that we actually just focused on settlement and litigation matters.

And I, I felt that we've had a very active calendar in that Committee. We met 42 times in that term. And the EAR Committee met 36 times. So when you combine the two, the PIA and the litigation, there's not much left to do in PIA. The litigation settlements absorb the entire Committee. And I think that's what we saw when we were, we were, we bifurcated it, was that, look if we free up PIA, policy, then you know, and separated the litigation, a lot more can come out. And I think Mr. Victorino tried to do his very best in addressing a lot of the issues that came through. But that master agenda is huge. There's so many internal governmental issues in that, in that Committee.

And yea, I'm reluctant to take both of them on, because I feel that I'm being pigeon-holed in the sense that, you know, I went into office feeling that I could do a lot of legislation, not being coming into office and being an attorney, you know. And, and so yea, I, again, I'm more than willing to concede to the body. And if they need me to work on Committee of the Whole and put it back together, then I'm more than willing to do so.

However, I would suggest that there be a second time slot, because the litigation matters take up so much of time that it would absorb the entire policy portion of it. So, that's my two cents.

I also believe that agriculture, gosh, Chair, there's so much to do in agriculture. I just did not feel that I had the opportunity to focus on it, because it was combined with Parks, Energy, and Economic Development. And there is so much more we can do with it. I mean, I've got legislation just pending. And, and the Ag Working Group, you know, that just absorbs a lot of additional time. I actually hired an additional staff to staff that Ag Working Group to take notes on.

So, I really would think that we need to take a hard look at some of these items that are in EAR. I truly believe agriculture in itself has a lot. I mean, you can actually do more than, than what is presented. But, thank you for this opportunity, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I, I looked at the resolution, Mr. Hokama's resolution, and a lot of the issues that were put together didn't make sense to me. I think it's, I don't, I think we should do things that are most efficient for getting business done, and not necessarily focused on ease of staffing. So, and I agree with Mr. Guzman that, you know, we're hearing from somebody who's been in, in his office for two weeks. So, I don't know, I, I have some question about OCS's involvement in it.

But I also, I also wanted, I kind of take issues of, to some of the comments that have been made earlier. And one of them is that the full Council has the final say. Well, many issues don't get to the full Council if they're not explored fully and have good people in the Committees. So, we saw that happen with the County, professional County Manager issue. It never made it out of Committee. So to say that you can come and give your comments, really isn't the same as being a voting member of a Committee, that's very important.

And, and to say that this, this resolution satisfies the testimony, I mean, I don't, there was so much testimony about putting the legal and governmental affairs together, about putting water and agriculture together. The, I mean, there's, there was testimony about almost every Committee and, and how to make it, how to realign it so it makes more sense.

Even the, the proposal that I came up with could also use some amendments. But I'm, I'm concerned about the hard line and the unwillingness to make compromises and people saying that I will support this without taking a look at compromising and also giving the courtesy to all Councilmembers to make a statement for which Committees they'd like to be on, as was done in the past. There was a, there were choices of which Committee.

So I, you know, I'm, I don't know if you're ready but I, I'm ready to make an amendment to the proposal. If the Chair will entertain that.

CHAIR WHITE: Are there any further comments before we open for amendments?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: As I'm looking at Mr. Hokama's reso, and looking at the breakout of the Committees, I'm realizing that I'm in all Committees except one. And I'm willing, you know like I said, along with some of the colleagues here, we were elected to serve and I'm willing to serve. So I'd like to put my name in to also be added to the Planning Committee, so that I can also sit in on those meetings also.

CHAIR WHITE: Okay that would, that would be an amendment. So we'll need to bring it up a little bit later.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. And just a brief comment in regards to the cultural verbiage that people have been talking about. It's in the Charter that it's under Parks and Rec. So it's actually written, it's under, it's odd yes, but it actually is written in the Charter. So it'd need to be a Charter change. It has a cultural programs, recreational leisure activities that are headed under that, in our Charter. So just a note about that.

CHAIR WHITE: Yep. Thank you for that clarification.

Okay. Ms. King.

COUNCILMEMBER KING: Yes, thank you, Mr. Chair.

I'D LIKE TO MOVE TO AMEND THE RESOLUTION BEFORE
US TO REPLACE IT WITH RESOLUTION NO. 17., 17-15.

And I'd like to go through some of the changes.

CHAIR WHITE: Yea, actually I don't, I don't think you can replace it. Let's take a quick recess.

COUNCILMEMBER KING: Okay.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:23 P.M., AND WAS RECONVENED AT 7:26 P.M., WITH ALL MEMBERS PRESENT.)

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

And the replacement is, is out of order at this time. So you'll need to amend, or go through --

COUNCILMEMBER KING: Go through and amend? Okay.

CHAIR WHITE: Yea, we'll, and Members if it's okay with you, we'll go Committee by Committee, and consider amendments. And then we'll --

COUNCILMEMBER KING: Okay. And then I, I don't have the, on the reso, the hard copy that was given, I don't have the memberships. So I guess, are we waiting on that so I could?

CHAIR WHITE: You should have, you should have the original 17-14.

DEPUTY COUNTY CLERK: Mr. Chair, if I may. The Members, you do have it available to you on Granicus, if you're able to access that. But we also --

COUNCILMEMBER KING: I can't, I can't download it. It won't come, it won't download.

DEPUTY COUNTY CLERK: Okay, well we also printed off additional hard copies for all the Members, that we can distribute at this time of both 17-14 and 17-15 if you need that in front of you. We have it available right now for the Members, yea.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER KING: Okay. So, you want me to just go through?

CHAIR WHITE: Yea, why don't you wait till the copies are distributed.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: And Members, if it's okay with you, the Chair would like to go Committee by Committee, and then rather than changing the names in the first "BE IT RESOLVED", if the names change, the names change and we'll, it'll just simply to adjusted to match the decision.

COUNCILMEMBER KING: Okay so, do you want, Chair do you want me to go through?

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Members, have you, you need time to --

COUNCILMEMBER CRIVELLO: Yea, I would just like to have clarification. Are we looking at the resolution that indicates so many 7-Member Committees and 9-Member Committees that is with the 17-14?

CHAIR WHITE: That's correct. We're looking, what is being proposed, I believe Ms. King will be amending, offering amendments to 17-14. I believe she'll be working off of 17-15, with which to do so. So, if you have copies of both of those, you should have what you need.

Mr. Carroll, do you have the copies? Mr. Carroll, do you have the copies? Okay. Thank you.

And, Mr. Atay, you got them?

Ms. Crivello, you have both copies?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR WHITE: Okay. Everybody's got the two copies. Okay.

Ms. King.

COUNCILMEMBER KING: Okay, thank you. So just for clarification, I'm moving to amend resolution 17-14 with the following.

DEPUTY COUNTY CLERK: Mr. Chair, I apologize. Real quick before we start. I know in testimony this has been indicated as resolution 17-14 many times, but it's actually the resolution attached to County Communication 17-14. And the resolution hasn't been numbered at this time.

COUNCILMEMBER KING: Okay, so I'm moving to amend the resolution attached to 17-14.

CHAIR WHITE: Or just amend, you're amending the motion on the floor.

COUNCILMEMBER KING: Right. Okay, that's easier.

CHAIR WHITE: Yea.

COUNCILMEMBER KING: Okay, so I would like to make the following changes in the Committee titles. Do you want me to just go through all the, all the --

CHAIR WHITE: If you don't mind, what I'd like to do is go Committee by Committee first. Because if the titles change in that discussion, then the titles will, we can just make that a technical change.

COUNCILMEMBER KING: Okay. So you want me to go through, like do Budget and Finance Committee?

CHAIR WHITE: So we'll start, right, start with Budget and Finance if you don't mind.

COUNCILMEMBER KING: Okay. Okay. So the Budget and Finance Committee. And I'm going to ignore the parenthesis that have the number of Members right now, because like I said earlier, I, I was, that was a placeholder. And because my intent was to have Members have input into, and I don't know how to do this, because I was told that I couldn't put that in writing, that I had to put all the names in and then Members could opt out. That's what I was told by Council Services, so that's what we did.

But I'll just go through the duties.

AMEND THE PARAGRAPH BEFORE THE COMMITTEES TO SAY "BE IT FURTHER RESOLVED BY THE COUNCIL OF THE COUNTY OF MAUI THAT, TO EXPEDITE THE BUSINESS OF THE COUNCIL, STANDING COMMITTEES OF THE COUNCIL ARE FORMED TO ENSURE THE MOST EFFICIENT ALIGNMENT OF SUBJECT MATTER AND EXPERTISE. STANDING COMMITTEES SHALL CONSIDER AND MAKE RECOMMENDATIONS ON ALL MATTERS REFERRED TO SUCH COMMITTEES AS FOLLOWS:" THE BUDGET AND FINANCE, UNDER "B.", I HAD "BUDGET, CAPITAL PROGRAM, BOND AUTHORIZATIONS, DEBT MANAGEMENT AND INTERGOVERNMENTAL LOANS"; "C. TAXES, RATES, FEES, AND ASSESSMENTS FOR INCLUSION IN THE BUDGET, EXCEPT THAT REVENUE ORDINANCES MAY ALSO BE CONSIDERED BY OTHER STANDING COMMITTEES" --

CHAIR WHITE: Okay. I think to keep this clear in people's mind, we need to take these one at a time. If you don't mind making the motion on the first change in the "BE IT FURTHER RESOLVED". If you can state that again and see if you get a second for that.

COUNCILMEMBER KING: Oh, so you want every line to have an amendment and a second?

CHAIR WHITE: Unless, unless we have something you can pass out, but.

COUNCILMEMBER KING: Well, everybody's got a copy of it, I believe. Does everybody have a copy of, of, oh it's in red.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yea, Mr. Chair, it's basically, I believe Councilmember King is reading from the mark-up version of, it looks like this, that should have been distributed to everybody. So you should be able to follow along there.

And Councilmember King, you can correct me if I'm wrong, but I believe that's, that's what she's going off of.

COUNCILMEMBER KING: Its titled "Amendment to Resolution"?

DEPUTY COUNTY CLERK: Yes.

CHAIR WHITE: Okay. That's fine. Does everybody have the red, the red version? Okay. Okay, so we'll take that motion from the first "BE IT RESOLVED" through the end of Budget and Finance. So please continue.

COUNCILMEMBER KING: Okay.

-- "D.", IS "OPERATIONS OF THE DEPARTMENT OF FINANCE AND THE DEPARTMENT OF PERSONNEL SERVICES, INCLUDING SALARIES AND COLLECTIVE BARGAINING COSTS ITEMS"; "E.", IS "OPERATIONS OF THE OFFICE OF THE COUNTY AUDITOR"; "F.", IS "REVISIONS AND UPDATES TO REAL PROPERTY TAX ORDINANCES".

CHAIR WHITE: Okay. Do we have a second?

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Yes, actually when I, Mr. Chair, when I was going through this with Council Services, I was told that I needed to make an amendment to resolution 17-5. So this is actually an amendment to 17-5, which was your original, which, your original resolution.

CHAIR WHITE: Correct.

COUNCILMEMBER KING: So, okay. So this is actually not an amendment to 17-14. It's an amendment to 17-5.

CHAIR WHITE: 17-14 is the same thing, except when we get to the, the number of Members on each Committee.

COUNCILMEMBER KING: I think the duties were expanded in 17-14.

COUNCILMEMBER CRIVELLO: What, what's the main motion on? 17-5 or 17-14?

CHAIR WHITE: 17, what's in here as far as the description of the Committees is the same as, this is 17-5, but 17-14 is the same thing. So these, these changes that she is showing in red are changes that she is recommending to 17-14.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Correct, Ms. King.

COUNCILMEMBER KING: If 7, well, yea, I'm just confused by what was handed out, because now I don't have it in Ramseyer format. So, there was one, let's see, because the 17-14 is --

CHAIR WHITE: Yea, just to be clear, Mr. Baz, 17-14 is the same as 17-5 without the Committee, as far as the responsibilities of Committees.

DIRECTOR OF COUNCIL SERVICES: Yea, Mr. Chair.

CHAIR WHITE: It is, it was different in, with respect to the number of Members on each Committee.

DIRECTOR COUNCIL SERVICES: Yes, Mr. Chair. 17-5, the original resolution proposed at the January 2 meeting, and County Communication 17-14, resolution attached to that, the first five pages are exactly the same. So the standing Committees, defining their duties sections are exactly the same. It doesn't change until you get to page 6, where it changes the Committee make-up and the number of Members on the Committee. So that, the first change is between 17-5 and the County Communication 17-14 is on Housing, Human Services, and Transportation Committee where Member Hokama, Member King, and Member White were added to it, and Member Sugimura was taken away.

COUNCILMEMBER KING: Well, I, I respectfully disagree. Because when I, I'm looking at 17-14 and it's in Ramseyer format. So are these not changes to 17-5?

DIRECTOR OF COUNCIL SERVICES: Again, the, the first five pages of 17-5 and County Communication 17-14 are exactly the same.

COUNCILMEMBER KING: Okay. Then, but why are, why are there changes indicated in Ramseyer format?

CHAIR WHITE: Yea, if you don't mind.

DIRECTOR OF COUNCIL SERVICES: Because that was requested, excuse me, I'm sorry.

CHAIR WHITE: Yea, I believe the reason that is in the black Ramseyer is what was requested that Council Services provide, showing the changes from the previous year to this year.

COUNCILMEMBER KING: Oh, okay. So we don't have anything comparing it to 17-5 then? This is just showing, that's very confusing.

CHAIR WHITE: No, there are no changes. There were no changes to the first five pages in 17-5, when we moved to 17-14, or the reso attached to 17-14.

COUNCILMEMBER KING: Okay. So the, so then the first part of, I guess you wanted me, did you want me to end my, the first part of my proposed amendment at the end of the Budget Committee description?

CHAIR WHITE: And in the Budget, you have the, yea we have your motion and we have Mr. Guzman's second.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: So, do you have any further discussion on that, Ms. King.

COUNCILMEMBER KING: Well, when, you know, my, my feeling was that "e. Operations of the Office of the County Auditor" was how it was worded previously. And so, you know, I was assuming that that encompassed, if I didn't add in separately the appointment of the County Auditor, because as was stated earlier that's in the County Charter. But that was assumed under the County Charter. So I'm not sure if that needs to be in there separately. It wasn't in there before. So that was, that's a change.

CHAIR WHITE: That was, correct. And Mr. Baz, you can correct me, but that change was, was to make it consistent with the Charter because we don't, the Auditor is completely independent of the Council and the Administration. So it's a misnomer to say that we have control over the operations. We have control over their budget, but we don't have control over their operations. And we just, we appoint, but other than that we don't tell them what to do.

COUNCILMEMBER KING: Okay. Okay. So, but, but like I said this was, this was a, this was going by the, the previous, you know, the previous description of the Budget and Finance Committee. So, so there were changes made on Mr. Hokama's rendition of it.

But basically, I didn't see, because it already, I believe it already has nine people on it, I didn't see a whole lot of other changes that I made.

CHAIR WHITE: Okay. Thank you.

Any further discussion on the motion to amend?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: So for, I guess for Ms. King, so on Mr. Hokama's rendition item "f.", the one in regards to County Auditor, you, you're okay to keep that in?

COUNCILMEMBER KING: Yea. I mean appoint, yea right.

COUNCILMEMBER COCHRAN: So that'll, so that'll change your numbering?

COUNCILMEMBER KING: Right.

COUNCILMEMBER COCHRAN: Your alphabetical?

COUNCILMEMBER KING: Well that would be, that would be replacing "e.", the way its stated.

COUNCILMEMBER COCHRAN: Oh okay. It's going to expand your "e."?

COUNCILMEMBER KING: Because "e.", "e.", right now in the previous one, it said "Operations of the County, of the Office of the County Auditor". And as the Chair pointed out, even though it said that before, that's not as, that's not accurate because the Council doesn't oversee the County Auditor.

COUNCILMEMBER COCHRAN: Correct.

COUNCILMEMBER KING: So, it would be "Appointment of the County Auditor for a term as specified in the Revised Charter of the County of Maui". I'm not sure why it says 1983.

COUNCILMEMBER COCHRAN: When it was revised. Okay. When it was revised right?

COUNCILMEMBER SUGIMURA: Chair, excuse me.

CHAIR WHITE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So now I'm getting confused. So we're, we have Mr. Hokama's proposal that we went through, the resolution Ramseyer version. And then, now we're going through what Kelly is trying to change off of Mr. Hokama's proposal. And? But, we didn't vote on her, which one do we look at? Because they're a little different.

CHAIR WHITE: Basically, we're, we're voting on the recommendations that Ms. King is proposing on the, on the red Ramseyer version.

COUNCILMEMBER SUGIMURA: Right. Okay, so what happens to Mr. Hokama's one? It's still out there.

CHAIR WHITE: If the motion fails, then Mr. Hokama's description of the Budget and Finance will stand.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR WHITE: Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. This question would be more for Councilmember King. This 17-5 that you're making or requesting changes, or proposed changes, is it identical to your 17-15?

COUNCILMEMBER KING: Well, so, the communication is 17-15.

COUNCILMEMBER CRIVELLO: For your proposal?

COUNCILMEMBER KING: Right. But it says at the top "Amendment to 17-5", because that's what I was told by Council Services to work off of; to make an amendment to. 17-5 was the Resolution that was going to be on the agenda. So I was told to make an amendment to that.

COUNCILMEMBER CRIVELLO: Well, I'm just trying to clarify. Would you, would you say that your resolution for County Communication 17-5 is identical to these changes here that you have for, with all the red, red changes?

COUNCILMEMBER KING: That, right, that is the communication.

COUNCILMEMBER CRIVELLO: It is.

COUNCILMEMBER KING: Yea, I was just --

COUNCILMEMBER CRIVELLO: So, but, Chair, I ask that clarification because it's changing Mr. Hokama's, or amending, or attempts to amend Mr. Hokama's proposal resolution to read as such as 17-15, which we do have on the agenda to also propose to accept.

So I understand the efforts to make the amendment. And we're taking each Committee one by one, when it's already, if she clarified, if I understand the clarification, it's already noted in the resolution of 17-15, or the County Communication 17-15.

CHAIR WHITE: We're going to take a quick recess just so I can get something clarified.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:44 P.M., AND WAS RECONVENED AT 7:51 P.M., WITH ALL MEMBERS PRESENT.)

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

And we're back to Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

SO I'M GOING TO, I'M GOING TO RESTATE MY AMENDMENT FOR THE FIRST SECTION. AND, FOR THE FIRST SECTION STARTING WITH "BE IT FURTHER RESOLVED BY THE COUNTY OF MAUI". AND THIS IS THE SECTION THAT RELATES TO THE BUDGET AND FINANCE COMMITTEE. AND BASICALLY THE ONLY CHANGE I'M PROPOSING OVER 17-14 IS TO REMOVE THE CDBG GRANT.

I'd like to see it in, you know, my, after talking to the departments, I would like to see that in Economic Development. Because even though the Council, the Council has no control over the CDBG grant, because it, it gets, it's Federal money, so it gets distributed by a committee of the Administration. But it is part of that discussion of Economic Development, because it is money coming into the communities that's relative to other monies that we're putting into the community. So that was my only thought in putting that into the Economic Development portion.

CHAIR WHITE: Okay. So that's. So you've withdrawn your motion to --

COUNCILMEMBER KING: Right, then everything else would standing, including the statement about appointing the County Auditor.

CHAIR WHITE: Okay. And what about in the "BE IT FURTHER RESOLVED" section? That was part of your first motion.

COUNCILMEMBER KING: Right.

CHAIR WHITE: So are you withdrawing that as well?

COUNCILMEMBER KING: Well, no, I, I do want to keep that statement in there that says, you know, the standing Committees of the Council are formed to ensure the most efficient alignment of subject matter and expertise.

CHAIR WHITE: No, I understand that, I just wanted to be clear.

COUNCILMEMBER KING: Yea.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: I mean, hopefully we can all agree on that.

CHAIR WHITE: So.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Can I, can I assist a little bit? So the first motion, and I will second it, is to amend the second be it resolved, "BE IT FURTHER RESOLVED", and that's what we're talking about right now? Is the adding from the first sentence, oh excuse me, strike that. So it would be read as "BE IT RESOLVED by the Council of the County of Maui that, to expedite the business of the Council", to delete "the", "standing committees of the Council" and add "are formed to ensure the most efficient alignment of subject matter and expertise. And standing committees". And the rest of that sentence stays with, stays as fact, intact.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: Correct. That's the motion on the floor.

SECOND.

CHAIR WHITE: Yea, I believe, I believe Ms. King was also including that.

Well, let's vote --

COUNCILMEMBER GUZMAN: Yea, can we just --

CHAIR WHITE: -- vote on that.

COUNCILMEMBER GUZMAN: Right.

CHAIR WHITE: And then we'll move on. Any further discussion on this item? Is everyone clear, we're, this is a motion to, to add the words "are formed to ensure the most efficient alignment of subject matter and expertise", and then the words "Standing committees" shall. Everybody clear on the motion? Any further?

COUNCILMEMBER CRIVELLO: Please read the amendment as such again for me please, and where we're referencing it.

CHAIR WHITE: The motion is to amend the, the be it, "BE IT FURTHER RESOLVED" paragraph by deleting the word "the" before standing committees, and adding the words "are formed to ensure the most efficient alignment of subject matter and expertise." Then "Standing committees" shall consider and make recommendations. And the rest is as current language.

So are we, are we all clear? Okay. All those in favor please signify by saying "aye".

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed to say "no".

VICE-CHAIR CARROLL: No.

CHAIR WHITE: Roll call vote.

DEPUTY COUNTY CLERK: Councilmember Alikea Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
DEPUTY COUNTY CLERK: Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN: AYE.
DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: AYE.
DEPUTY COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: AYE.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: NO.
DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL: NO.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: NO.

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

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

DEPUTY COUNTY CLERK: Mr. Chair, that is five "ayes", and four "noes"; motion passes.

CHAIR WHITE: Motion passes. Thank you.

Okay, moving onto the next item.

COUNCILMEMBER KING: Okay.

MR. CHAIR, I MOVE TO AMEND THE BUDGET AND
FINANCE COMMITTEE RESPONSIBILITIES BY REMOVING
THE CDBG GRANT.

CHAIR WHITE: Okay. So that is amending the --

COUNCILMEMBER CRIVELLO: That's what I'm trying to find.

COUNCILMEMBER KING: The portion that says, "and the Community Development Block
Grant Program" be deleted.

COUNCILMEMBER CRIVELLO: Chair, point of clarification. Are we removing it
completely, or are we adding it to another Committee?

COUNCILMEMBER KING: The proposal is --

COUNCILMEMBER CRIVELLO: Because it's part of the Charter. I'm trying to find it.

CHAIR WHITE: The CDBG, I believe Ms. King's intention is to remove it from Budget and
Finance, and place it with the, place it in the Economic Development Committee.

COUNCILMEMBER CRIVELLO: Okay.

CHAIR WHITE: Okay, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: There's no second. The motion is dead.

CHAIR WHITE: Is there a second?

COUNCILMEMBER ATAY:

SECOND. SECOND.

CHAIR WHITE: Okay, we have a motion from Ms. King, and a second from Mr. Atay.

Further discussion?

COUNCILMEMBER GUZMAN: Chair. I'm sorry, Mr. Hokama. Did you want to go first?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER GUZMAN: Okay, yea I, I'm hesitant to put this in Economic Development, Chair, just because I, of my former experience as Chair of the Economic Development. The Community Development Block Grant has had issues in the past wherein it really needed a thorough study through. And, I believe we used PIA last time we had issues with, with the Community Development Block Grant, and I'm not sure if you can recall that. We had an investigation or there was some kind of issue that we needed to delve into. Do you recall that?

CHAIR WHITE: I believe it was done through Budget and Finance.

COUNCILMEMBER GUZMAN: It was through Budget and Finance, okay. So I, I recall that. I'm not sure whether Economic Development is the appropriate venue for delving into the Community Development Block Grant Program. And that's just my opinion. Thank you.

COUNCILMEMBER KING: Question, Mr. Chair. Where was it before? Because I didn't see it in the existing, in the previous, so.

COUNCILMEMBER GUZMAN: It was never stated, yea.

CHAIR WHITE: It just hasn't been, it hasn't been, it's one of those items that the Council has virtually no say over.

COUNCILMEMBER KING: Right.

CHAIR WHITE: We got an up or down vote. It comes to us at the end of a very long process that begins with community input. And so, it's always been, I mean it's always been done in the Budget and Finance Committee, but it's not been listed as one of the responsibilities, because there's really nothing, nothing to it.

COUNCILMEMBER KING: Right. So do we need to have it in there?

CHAIR WHITE: Pardon.

COUNCILMEMBER KING: Is it, is it necessary to have it in there?

CHAIR WHITE: Well, it comes to the Budget and Finance Committee for final approval.

COUNCILMEMBER KING: Right, but everything comes to Budget and Finance, right? So, that's what was confusing to me is if we have no say. I mean, everything eventually comes to Budget and Finance for approval, but we don't put it in there. We don't list it in there.

CHAIR WHITE: Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair. And just to clarify, I'm representing the Department, and the staff that made recommendations to this has been around for quite a while, and they're the ones that are making these recommendations and I'm just representing them. They were the ones that wanted to put that in just for clarification purposes on, so that we could have, to make sure where the CDBG Program would lay in case there are any discussions of topics.

COUNCILMEMBER KING: Okay.

AND MR. CHAIR, I'LL WITHDRAW THAT AMENDMENT.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: And let the Budget and Finance Committee stand.

I'd like to move on to my next amendment.

CHAIR WHITE: Okay, please proceed.

COUNCILMEMBER KING:

I MOVE THAT WE INSERT A COMMITTEE OF THE WHOLE WITH ALL NINE MEMBERS, AND THESE ARE THE CHANGE, WELL ACTUALLY, I, I'VE USED THE PREVIOUS 17-5. SO, LET ME JUST READ THROUGH THE WHOLE COMMITTEE OF THE WHOLE IN MY PROPOSAL. "A.", WOULD BE "LITIGATION MATTERS, INCLUDING SPECIAL COUNSEL, INDEMNIFICATIONS, AND SETTLEMENTS"; "B.", WOULD BE "INTERGOVERNMENTAL ISSUES, INCLUDING THE HAWAII STATE ASSOCIATION OF COUNTIES AND NON-FINANCIAL INTERGOVERNMENTAL AGREEMENTS"; "C.", WOULD BE

"APPOINTMENTS OF EXECUTIVE BRANCH OFFICIALS, INCLUDING BOARD AND COMMISSION MEMBERS, ISSUES INVOLVING THE RESPONSIBILITIES OF TWO OR MORE STANDING COMMITTEES"; "D.", IS "OPERATIONS OF THE OFFICE OF THE COUNTY CLERK AND THE OFFICE OF COUNCIL SERVICES"; "E. AMENDMENTS TO THE CHARTER AND OVERSIGHT OF THE IMPLEMENTING AMENDMENTS PASSED IN THE PREVIOUS ELECTION"; "F. OPERATIONS OF THE CIVIL DEFENSE; THE DEPARTMENT OF THE CORPORATION COUNSEL, INCLUDING SPECIAL COUNSEL, INDEMNIFICATIONS, SETTLEMENTS, AND ETHICS REGULATIONS; THE DEPARTMENT OF FIRE AND PUBLIC SAFETY; THE DEPARTMENT OF LIQUOR CONTROL; THE DEPARTMENT OF THE MANAGEMENT; THE DEPARTMENT OF THE POLICE; THE DEPARTMENT OF THE PROSECUTING ATTORNEY; AND THE OFFICE OF THE MAYOR (EXCEPT FOR THE OFFICE OF ECONOMIC DEVELOPMENT)".

CHAIR WHITE: Okay, do we have a second?

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Yes, Mr. Chair. These, this kind of realigns the litigation intergovernmental issues, and policy issues under one Committee. And I know it's a lot, but I think also by having nine Members, it allows for sub-committees, which is very difficult to do if you only have five Members.

But having the Committee of the Whole is one of the requests we've been hearing repeatedly from January 2, and all day today. So I think it's really important to have these issues be before all Councilmembers. And I, I heard what Mr. Guzman said earlier that it is a lot of work, and maybe litigation could be handled in a, in a third meeting or something like that. But, I just really think that this is, it's, I've been getting a lot of emails about this. And you saw the testimony from January 2, and today. And all of these issues are things that concern everybody on this Council and everybody in our community. So that's my, my point of doing this, is not, it's not to be

disruptive to the other Committees, just to fulfill what I believe are our obligations as Council.

CHAIR WHITE: Okay, thank you.

Further discussion, Members?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: I have additional amendments to Ms. King's proposed amendments. And this would be amending her language.

CHAIR WHITE: Yea, I don't believe you can. We have to wait and pass this amendment before you offer to amend that amendment.

DIRECTOR OF COUNCIL SERVICES: Mr. Chair.

CHAIR WHITE: Yes.

DIRECTOR OF COUNCIL SERVICES: This is a secondary motion that Member King has already proposed, so we can't put a tertiary motion, you can't put a tertiary motion to the secondary.

COUNCILMEMBER GUZMAN: Okay, after, after, if --

COUNCILMEMBER KING: If it doesn't pass, you can, yea, propose.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: Any further discussion on the motion?

Okay, the motion as Ms. King stated is to reinstitute the Committee of the Whole with the variety of additional responsibilities as she read.

So, everyone knows what we're voting on? Any further discussion? Seeing none, all those in favor please signify by saying "aye".

COUNCILMEMBER KING: Aye.

COUNCILMEMBER GUZMAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Roll call vote please, Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

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

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

DEPUTY COUNTY CLERK: Four "ayes", and five "noes"; motion fails.

CHAIR WHITE: Okay.

Moving on. Ms. King.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER KING: I think Mr. Guzman wanted.

CHAIR WHITE: I think that motion is --

COUNCILMEMBER GUZMAN: Yea, it's, it's dead, so I there's --

CHAIR WHITE: . . . at this point.

COUNCILMEMBER GUZMAN: I was just going to change some language in there, so. It's moot.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER COCHRAN: Chair. Sorry, Chair. Just a point of order in regard, if you don't mind.

CHAIR WHITE: Please.

COUNCILMEMBER COCHRAN: In regards to roll calling, like we're doing. I'm reading from Robert's Rules of Order, 9th Edition, that it's supposed to be alphabetical. Roll call is called in alphabetical order except that the presiding officer's name is called last, and only when his vote will affect the result. And it, it is too late, after one person has answered the roll call, no renew, the roll call, to renew the debate. Each member, as his name is called, responds in an affirmative or negative as shown above. So this is page 413 I'm reading. So I just wanted a point of clarification. And if that was the reason, as long as I've been here, we've all been seated alphabetically. Cause I guess it makes it a lot easier when you're calling roll like we are.

CHAIR WHITE: The way we have always done it in Council meetings is to call it alphabetically with the Pro Temp, the Vice-Chair, and the Chair being called upon last.

COUNCILMEMBER COCHRAN: And so the statement in Robert's Rules, we do not have to follow them?

CHAIR WHITE: I, I believe we have a past practice that we've always used. I don't see any reason to change it at this point.

COUNCILMEMBER COCHRAN: So.

CHAIR WHITE: Mr. Clerk, do you have any?

DEPUTY COUNTY CLERK: Mr. Chair, just for clarification, what the Rules of the Council passed was the 11th Edition of Robert's Rules, which more than likely indicates the same thing that Councilmember Cochran was indicating, but just for clarification, wanted to note that. And as you mentioned, it's been the past practice of the Council to call the order in the order that we have been, in terms of the Councilmembers first, Presiding Officer Pro Temp, Vice-Chair, and Chair.

And as Councilmember Cochran indicated previously, at various times, it has been in alphabetical order. But there have been deviations from that in the past as it is in this term.

CHAIR WHITE: Okay. Thank you.

Ms. King.

COUNCILMEMBER KING: Is there a decision that we need to change, we need to work on before this? Or, not sure where we're at with that concern.

CHAIR WHITE: No, we're going to continue with the past practice.

COUNCILMEMBER KING: Okay. I'd like to amend. I move to amend.

CHAIR WHITE: Hold on. Hold on.

COUNCILMEMBER COCHRAN: Mr. Wong has something.

CORPORATION COUNSEL PATRICK WONG: Chair, sorry. The, your own Council Rules that you've adopted, as it relates, it's Rule 12, excuse me, Rule 10, Roll Call. For Council meetings, the Clerk shall call the roll of Members as required by the Chair. So Chair, based on that Rule, it's your call.

CHAIR WHITE: Yea, so we'll still keep with our long time practice.

Ms. King.

COUNCILMEMBER KING: Okay, thank you.

MOVE TO AMEND THE, THE 17-14, BY CHANGING THE, BY MAKING A THIRD COMMITTEE, ECONOMIC DEVELOPMENT, ENERGY AND TRANSPORTATION; AND HAVING THE DUTIES BE: "A. BUSINESS AND ECONOMIC DEVELOPMENT ISSUES"; "B. ENERGY ISSUES (INCLUDING SOLAR, GEOTHERMAL, WIND, BIOMASS, HYDROPOWER, WAVE ENERGY PRODUCTION, BIOFUEL AND SYNTHETIC FUEL PRODUCTION, POWER SYSTEMS, AND EFFICIENT, AND ENERGY EFFICIENT TECHNOLOGIES FOR BUILDING)"; "C." COMMUNITY, OH, THAT'S NOT, TAKE THAT OUT; "C. OPERATIONS OF THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE OVERSIGHT OF ANY GRANTS THEY ADMINISTER"; "D. INTERGOVERNMENTAL TRANSPORTATION ISSUES, INCLUDING THE METROPOLITAN PLANNING ORGANIZATION", WHICH HASN'T BEEN MENTIONED HERETOFORE; AND "E. MULTIMODAL AND SUSTAINABLE TRANSPORTATION ISSUES".

And if I get a second, I'll explain those.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Thank you. Just speaking with the folks in the Housing and Human Concerns, there, there's so much going on there in that Department. And they didn't seem to understand why Transportation was added on. It didn't seem to fit with Housing and Human Concerns. I think it's with the direction that we're going on.

And I've been sitting on the MPO, the Metropolitan Planning Organization that Maui is now a part of; that we're moving into an exciting period of sustainable transportation that is also addressing multimodal transportation, things like bike paths and walking, and walkways, and green streets. And so, there has been no mention up till now of the MPO in our, in our Council duties or of sustainable transportation which is now a statewide forum that's happening on Maui. So that's why those two issues are added in.

And I think putting, pulling Transportation out of Housing and Human Concerns will allow that, that Committee to focus on housing and get some, get some real feet on the ground and, and some real action taken.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, Transportation with the Housing and Human Concerns, it's HHT. It's not part of the Housing Department, it's not part of that division. Really, Transportation is our transit, paratransit, human, the human services for the bus services, and a, and the actual bus service, Maui Bus.

As far as the, everything else that comes with Transportation, it, it's not part of, maybe the title is incorrect. But it's, if we all know how our departments are run, it

comes under Department of Public Works, when it comes to roadways, bikeways, and whatever infrastructure that is needed for that.

So, and the MPO is what we worked out of to create that through the Department of Transportation. As it stands now, there's a complete partnership in collaboration with the Transportation and MPO, whereby the Executive Director will be occupying that particular office. So it's like, it's not part of the Housing, it, it's no different than you having Energy, Parks and Recreation, they're all, they're not all of one Department. They're separate departments that's part of that one Committee. That's my understanding.

So I have to try and clarify that. So I'm wondering if Councilmember King has that understanding why it's not part of Housing.

CHAIR WHITE: Yea the, as I think most of the current Members will remember, we added Transportation to Housing and Human Concerns because the vast majority of the services provided by Transportation are provided to those kids, or elders, or people that are on the lower income end. So, there is quite a lot of meshing between the transportation issues that are housed in HHT along with the human services responsibilities in that Department, so.

COUNCILMEMBER CRIVELLO: And the actual proposal that came through HHT or Transportation for the MPO came from the Transportation division, or Department.

CHAIR WHITE: Okay. Thank you.

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

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER KING: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

VICE-CHAIR CARROLL: No.

CHAIR WHITE: Okay. Roll call please.

DEPUTY COUNTY CLERK: Councilmember Alike Atay.
COUNCILMEMBER ATAY: NO.
DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
DEPUTY COUNTY CLERK: Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN: AYE.
DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: NO.
DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: AYE.
DEPUTY COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: AYE.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: NO.
DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL: NO.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: NO.

AYES: COUNCILMEMBERS COCHRAN, GUZMAN, AND KING.

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

DEPUTY COUNTY CLERK: Mr. Chair, there is three "ayes", six "noes"; motion fails.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. King.

COUNCILMEMBER KING: Mr. Chair, there's a huge lack of willingness to compromise, which makes it unnecessary to go through the next Committee. Because if, if we couldn't change the Economic Development, Energy Committee with Transportation, then it doesn't make sense to try to ask to take it out of Housing and Human Concerns. But, so, I, I would like to make one more stab at getting a compromise, and that is with the Planning Committee.

I'D LIKE TO AMEND THE PLANNING COMMITTEE SECTION TO, AND MY REVISIONS ARE IN HERE, TO INCLUDE THE COUNTYWIDE POLICY PLAN, MAUI ISLAND PLAN, AND COMMUNITY PLANS, WHICH WERE NOT MENTIONED IN THERE BEFORE; THE, THE OTHER CHANGE WOULD BE TO ADD BACK IN THE NON-SPECIFIC LAND USE ORDINANCE ISSUES.

And that's, that's probably the biggest one. And if I get a second I'll explain that one.

COUNCILMEMBER KING: The land use ordinances not specific to a project.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Thank you.

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

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Chair, the, the concern I have is as the potential Chair of the Planning Committee, is that non-specific ordinances are part of

the planning process. And having that happen outside of the planning process could impede the planning process.

The description of General Plans and community plans in the County Charter says that "The General Plan shall indicate desired population and physical development patterns for each island and region within the County; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments". That's directly related to non-specific land use. And it doesn't, the Land Use Committee addresses specific projects, but unless they want to get involved in the planning process and be part of the community plans, and be at every one of those meetings, I think the non-specific uses have to stay in there.

It also states in the County Charter that each Citizen Advisory Committee is in charge of reviewing and recommending revisions to the community plan for its community plan area. So, to me that needs to stay in the Planning Committee, so that that can be part of the community plan process, and part of the General Plan process as well.

I wanted to, I'll close by reading one of the Department of Planning duties which says, "Prepare, administer, and enforce zoning ordinances, zoning maps and regulations and any amendments or modifications thereto". So, I think it kind of splits the, it sends one of the major duties of the Planning Committee off to another Committee, and kind of hampers that planning process.

CHAIR WHITE: Okay. Thank you.

Members, further discussion?

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, thank you. Just wanted to note that on Councilmember King's motion, I believe part of that is already in Councilmember Hokama's proposal related to the inclusion of the Countywide Policy Plan and the community plans, on 6. b., on page 4 of Councilmember Hokama's proposal.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Okay. Thank you for that.

Members, further discussion?

COUNCILMEMBER KING: So the, the main, may, may I restate the main amendment then, Chair?

CHAIR WHITE: Sure.

COUNCILMEMBER KING: Thank you.

THE AMENDMENT IS TO ADD BACK IN NON-SPECIFIC
LAND USE ORDINANCES INTO THE PLANNING
COMMITTEE.

CHAIR WHITE: Okay, is everybody clear?

And I'm assuming the second remains to Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: Okay.

COUNCILMEMBER SUGIMURA: Can you clarify again?

CHAIR WHITE: Pardon.

COUNCILMEMBER SUGIMURA: Can you clarify again?

CHAIR WHITE: Ms. King.

COUNCILMEMBER SUGIMURA: So how it affects Mr. Hokama's proposal.

CHAIR WHITE: Ms. King, go ahead.

COUNCILMEMBER KING: Oh, you want me to? I'm sorry. I thought you were talking to the Chair.

Yes, basically, it just takes that, the non-specific land use ordinances and puts it back in the Planning Committee where it was before. For, Mr. Hokama had taken it out of the Planning Committee and put it into the Land Use Committee.

COUNCILMEMBER HOKAMA: Chairman.

COUNCILMEMBER GUZMAN: So

CHAIR WHITE: So, so --

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: That's not correct. If you look at the proposal I have presented, Land Use Committee is being asked to consider projects specific under General Plan and community plan. Because, we have applications that go for multiple amendments at one time; the General Plan amendment, a community plan amendment, and a Change in Zoning amendment.

If you look at the Planning Committee, my proposal still keeps non-specific proposals without a project stay within the Planning Committee. It's under "b.", revisions that are not specific to a project, stills stays within the jurisdiction and parameters of Planning Committee.

COUNCILMEMBER KING: Chair, if I may.

CHAIR WHITE: Yea. Ms. King.

COUNCILMEMBER KING: In Mr. Hokama's proposal, under Land Use Committee, it says, "d. Land use ordinances not specific to a project". And I spent hours poring over the previous two-year term Committee duties, and that had been in Planning previously. So it's just that item "d.", putting it back into Planning.

CHAIR WHITE: Okay.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. One of the reasons I had before for discussion like this, was that putting it in my Committee. Well, it obviously, you know, planning does fit in Planning Committee, but it would relieve the other Committee because of the responsibilities are so great.

I can, with my time, schedule, obviously, if anybody's been watching the Land Use Committee, I'm able to do this, and do it in an expedited manner. I think it's better for the good of the Council, which is generally if you . . . a spade a spade for the good of the community to keep it in my Committee. Thank you.

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

COUNCILMEMBER KING: Well, I just wanted to clarify. Mr. Carroll is saying to keep it in his Committee, but it hasn't been in his Committee so I'm not sure that it was scheduled. The non-specific land use was in Planning previously. It was in the Planning Committee. So I'm just asking to, to have it remain there.

CHAIR WHITE: Yea, but the, part of the reason why it was moved is because the Planning Committee has the Molokai Island Plan, the mapping, and the, there's going to be plenty for that Committee to do. We've had, I, I don't remember the exact number, but the Land Use Committee has not had all that many meetings. So they have much more time with which to, to address those issues. So that was the purpose of that.

COUNCILMEMBER KING: Okay, yup. If I may, Chair, I'm more concerned, you know, I mean, I'm willing to put the time in, I'm just more concerned about it being conflicting interests. So that's my biggest concern, that it's taking one of the issue, the methods of doing planning out of the Planning Committee.

CHAIR WHITE: Okay. Thank you.

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

COUNCILMEMBER KING: Aye.

COUNCILMEMBER GUZMAN: Aye.

CHAIR WHITE: Those opposed say "no".

VICE-CHAIR CARROLL: No.

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

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

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

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

CHAIR WHITE: Thank you.

Ms. King.

COUNCILMEMBER KING: Yea, I think I'm going to rest my case there. It's obvious there's no appetite for compromise. So, we'll let the other resolution stand.

CHAIR WHITE: Okay, are there any further amendments, Members?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yea, Mr. Guzman.

COUNCILMEMBER GUZMAN: Are we still on Mr. Hokama's resolution.

CHAIR WHITE: Yes.

COUNCILMEMBER GUZMAN: I'd like to propose an amendment.

CHAIR WHITE: Is that the one you just had passed out?

COUNCILMEMBER GUZMAN: Yes, Yes.

CHAIR WHITE: Members, Mr. Guzman has a amendment proposal that you should have.

COUNCILMEMBER GUZMAN: Yes, this is in regards, if you could follow the Amendment Summary Form.

CHAIR, I'D LIKE TO PROPOSE AN AMENDMENT TO THE ATTACHED CC NO. 17-14 TO DELETE FROM AND ADD TO THE DUTIES OF THE PROPOSED PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE BY;
1. PLACING A PROPOSED LANGUAGE OF DUTY "A." OF THE PARKS, AND RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE WITH "CULTURAL, LEISURE, RECREATIONAL, AND PARKS MATTERS".

I'll stop there for now, Chair, and then move on to the next amendment.

CHAIR WHITE: Okay. Thank you.

Do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'm just adding a parks matters in there, and clarifying cultural, leisure, and recreational.

CHAIR WHITE: Are you leaving out the legal matters?

COUNCILMEMBER GUZMAN: No, I'm not, I'm not. I wanted to do this in smaller amendments instead of the entire Amendment Summary Form.

CHAIR WHITE: Okay, so you're just amending?

DIRECTOR OF COUNCIL SERVICES: Mr. Chair, if I may.

CHAIR WHITE: Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Yes, thank you. So on page 3 of resolution attached to County Communication 17-14, starts off with "5. Parks, Recreation, Energy, and Legal Affairs". And what it currently is proposed to read is "Cultural, leisure, and recreational issues". But Member Guzman is requesting to add "park matters". So basically "Cultural, leisure, recreational, and park matters" to that line. So all he's requesting to do right now is amend that, that one line.

CHAIR WHITE: Okay.

COUNCILMEMBER GUZMAN: Just, just adding "park matters", Chair.

CHAIR WHITE: Okay. Any further discussion, Members? I think that's a reasonable request. Seeing no further discussion, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: I believe that passes with nine "ayes".

COUNCILMEMBER GUZMAN: Thank you, Chair. Moving on. If the Members could follow me on my Amendment Summary Form.

NEXT AMENDMENT IS TO ADD A, FOR NUMBER 2, IS ADD THE DUTY "B." UNDER, ADDING A DUTY "B." DESCRIPTION IMMEDIATELY FOLLOWING THE DUTY "A." TO READ AS FOLLOWS: "B. MANAGEMENT AND ACQUISITION OF PUBLIC RECREATIONAL LANDS, INCLUDING PARKS, OPEN SPACE, NATURAL, CULTURAL RESOURCES AND SCENIC VIEW PRESERVATION, INCLUDING GRANTS OF SUCH REAL PROPERTY".

And I'll stop that, I'll stop there for that.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Okay, we have a motion. Do we have a second?

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Ms. King provided a second.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, I currently have been, I have several projects that I'm sure that the Members are aware of that deal with open space and some of the grants, and one of them is Moku`ula. And so I would like to have that as part of the

language in, as part of the duties that I would be able to facilitate some of those projects further on.

CHAIR WHITE: Okay, I just, Members further discussion? I have a question as to whether the word acquisition.

COUNCILMEMBER GUZMAN: Well, this, this was set forth when we were doing the TIG for the open space, and I realized that a lot of the open spaces that we do manage and we've acquired, there is no, I mean, the Parks Department is supposed to be the head jurisdiction over it, but really, they're not in full capacity to handle it.

So it's really intergovernmental thing that goes on. And so by, by doing the TIG, I realize that this is a very complex issue, that we have a lot of open space that doesn't get maintained. And when we do acquire it, we don't really have a process in picking which properties should go into the open space, or being used for the open space. So I was wanting to develop a process and procedures in how we pick these open spaces. And so that was one. And I needed that type of language in order to move forward in creating that type of policy.

There's a green print, green print, green gosh, I can't call it, I had them set for one of my hearings, but they weren't able to come. But it was a blueprint in how to go about picking these open spaces. And I wanted to be able to develop some type --

CHAIR WHITE: Well, I recall you talking about that.

COUNCILMEMBER GUZMAN: Right, right.

CHAIR WHITE: Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair. Member Guzman's amendment in concept is something that I believe is beneficial to the work of the Council. The, as he described, this issue has come up with, in his Committee in, well in EAR. And basically, a concern with the word acquisition would only be that the Budget and Finance Committee is, would be assigning the appropriation.

COUNCILMEMBER GUZMAN: Oh, yes. Of course, I mean.

CHAIR WHITE: I'm sure you understand that.

COUNCILMEMBER GUZMAN: Yea, yea.

CHAIR WHITE: So it's just a matter of wording it.

COUNCILMEMBER GUZMAN: Yea, we could reword acquisition. Cause I know as well as all of you that, of course, Parks cannot, you know, actually give the money; it's actually Budget. So I mean, it's part of acquisition, you know, it's the process of acquiring, and what is that process? How do we pick those open spaces?

DIRECTOR OF COUNCIL SERVICES: Right. So Mr. Chair, oh, maybe I'll defer to Corporation Counsel. But yea, as far as appropriations go for acquisition, you know, that would be Budget and Finance Committee. Should a reso, should the appropriation be put in place and a resolution to authorize the purchase be proposed, it would most likely be assigned to this Committee.

CHAIR WHITE: How about establishing the process of acquisition?

COUNCILMEMBER GUZMAN: Yea, can do, if that's the language you want to use.

CHAIR WHITE: Cause I think that's where your, you're going.

COUNCILMEMBER GUZMAN: Yea, right. Right.

CORPORATION COUNSEL: Chair, if I may.

CHAIR WHITE: Yes, Mr. Wong.

CORPORATION COUNSEL: Is there a distinction being drawn between a negotiated acquisition or an acquisition by eminent domain?

COUNCILMEMBER GUZMAN: Excuse me, again, Mr. Wong.

CORPORATION COUNSEL: Is there a distinction that you're drawing between a negotiated acquisition or one by eminent domain?

COUNCILMEMBER GUZMAN: Wow. I would say more of a negotiated. I don't want to get into eminent domain. That's a whole different ball of wax.

CORPORATION COUNSEL: Okay, you know. Chair if I may. It's just, it's just a matter of clarifying for our Department which Committee would be seeking authorization for.

COUNCILMEMBER GUZMAN: Oh, right.

CORPORATION COUNSEL: In the event the issue rises.

COUNCILMEMBER GUZMAN: Well, I guess, I could handle eminent domain issues, I guess, if that's what you're looking for a Committee to handle that. I mean, I didn't envision eminent domain in this, but certainly in the legal affairs portion of it, we, I probably could take that on if there's, I don't think. When was the last time we did an eminent domain? It was like forever right?

CORPORATION COUNSEL: From, Chair, if I may. From a Public Works standpoint, there typically are --

COUNCILMEMBER GUZMAN: Oh for this, easements.

CORPORATION COUNSEL: -- on a regular, yea, and consistent basis. Either a property owner voluntarily negotiates with the Department or we're asked to exercise that legal right for a public purpose.

My point of clarification is, you know, we would ultimately, if we exercise that action of eminent domain, we would need more than likely a budget amendment to accommodate the values involved. So in as much as the initial request, I mean, the way it moves typically is we need a budget amendment to accommodate the values involved before we file the complaint.

COUNCILMEMBER GUZMAN: Okay.

CORPORATION COUNSEL: So, although it's a legal matter, it's a legal matter that has budgetary constraints to it.

COUNCILMEMBER GUZMAN: It could, does the negotia, I'm sorry, did you want to go, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yea, let me . . .

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, there's points of Mr. Guzman's consideration I'm very open to. But part of my experience, Chairman, has been when we split some of the key responsibilities among multiple Committees, that's when we tend to get into more issues and problems down the road than resolving those up front.

And I taken into account, again, when we went through planning process, when we went through land use, we tend to forget input from RPT, Real Property Taxation Division and the impact upon proposals. And then we find out after the fact of a

decision, there is this financial consideration we should have taken into account and we never did.

So coming back to Mr. Guzman's proposal. I have no problem as long as all fiscal matters return to budget.

CHAIR WHITE: Yea, my --

COUNCILMEMBER HOKAMA: Because I want only one Committee to be in charge and be held to the fire regarding the financial requirements, and outputs, and the balances, and hold our Committee responsible for that.

I think we can look to Mr. Guzman, under this consideration, for the key initial leg work and due diligence regarding the potential acquisition. Was the appraisal pretty accurate? It was so off-base we need another appraisal? I mean, we've gone through this before, okay, in the last four years.

COUNCILMEMBER GUZMAN: Yeah, I know.

COUNCILMEMBER HOKAMA: So most of us are speaking from experience, Chairman. So with that, I don't have a problem with the management, and I guess the potential acquisitions of lands be done by the subject matter Committee; including the various types of financial sources, whether we look at special funds, general funds.

And again, let us get correct; conditions of zoning requirements where a landowner developer is paying the County. That is not a grant, okay. They are paying what is required of them for approval. It is not a grant donation coming to the County. It is satisfying a condition of approval. And it needs to be placed in the appropriate account to recognize its exact purpose and what it was intended for, but not as a grant donation.

And I make that comments up front, because there's these concern about sometime we, why is this so and so entity giving us a grant? Well, my perspective, that's not a grant. They're conforming to requirements, obligations that have to be met. That is what they're paying for, Chairman. They're not paying us out of the goodness of a generous gesture.

So for me, I'm open to this amendment, but then again, I'm stating for the record that the fiscal components, the financial components must remain within the Budget and Finance Committee's responsibilities.

COUNCILMEMBER GUZMAN: Yes.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: I believe Mr. Guzman's concept is that his Committee would look, I think you were saying that you were going to be looking at the framework.

COUNCILMEMBER GUZMAN: Yea, we, we would do the leg work.

CHAIR WHITE: So, we can, we can identify things up front and do the research.

COUNCILMEMBER GUZMAN: And even, Chair, like some of these grants that are, we have these lease agreements under Parks and things like that, there's a lot of investigation that goes into this, like what's going on with this stuff. And I feel that I'm really good at it, you know, looking for things.

And, and I think that my Committee could really be a essential part of the Budget and Finance Committee. I mean, we're not going to be issuing any monies, or you know. So I, I clearly understand the division and the roles of each Committee. In fact, when I was Chair of EAR, we got a lot of referrals from Budget, and that we followed through with.

COUNCILMEMBER HOKAMA: Yeah, right.

CHAIR WHITE: Right.

COUNCILMEMBER GUZMAN: So I think if Mr. Hokama had, you know, really great concerns, I would love to have him as my Vice-Chair on this Committee, if you would want to do that, you know so.

But I rest assure, Chair, I know the lines between the different Committees, and I know what is appropriate, when to refer and what to take.

CHAIR WHITE: So would you be comfortable amending, or changing your amendment to state "Management and potential acquisition"?

COUNCILMEMBER GUZMAN: Yes, that's fine. That's perfect.

CHAIR WHITE: I think that's, that states what you're interested in doing.

COUNCILMEMBER GUZMAN: Yes.

CHAIR WHITE: But I think that's a very reasonable item.

Further discussion, Members?

COUNCILMEMBER CRIVELLO: Yea, Chair.

CHAIR WHITE: Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: I too can accept something, and potential acquisition, because actually it is a fiscal responsibility we have if we can afford, or if it's meeting appraised values, or what have you. So I, I like that potential acquisition, if Mr. Guzman accepts that.

CHAIR WHITE: Well, I also like the idea of coming up with the list of potential sites that we should be wanting to acquire.

COUNCILMEMBER GUZMAN: Right.

CHAIR WHITE: And I think that's, we always end up having things tossed in our lap.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Back to number 3, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. Thank you, Chair.

MY THIRD AMENDMENT WOULD BE TO, IN NUMBER "C.", IS TO ADD, OH EXCUSE ME, BY ADDING A NEW DUTY UNDER "C." DESCRIPTION IMMEDIATELY FOLLOWING NEWLY PROPOSED DUTY "B.", WHICH WAS PREVIOUSLY, TO

READ AS FOLLOWS: "THE AUTHORIZATION OF CONCESSIONS AT, AND THE PERMITS OF EVENTS AND ACTIVITIES CONDUCTED ON MAUI COUNTY'S PUBLIC PARKS AND FACILITIES".

And, oh sorry. I'm waiting for a second.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I know that this language of the concession was in last terms duties as part of the Parks and Recreation. And I know that I've worked extensively on the amendments of the, the new Parks chapter that we did this last term. And we were able to get some enabling legislation.

I'm excited with Mr. Hokama's legislation that is pending in Budget and Finance. And just wanted to be able to work with Mr. Hokama in developing this whole concession concept throughout our parks system.

CHAIR WHITE: Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, I think the past term, Mr. Guzman and I have worked together whereby we've shared responsibilities of a mutual issue, like taking care of the fiscal component and he taking care of the nitty gritty of the language, and as far as the concept and the parameters of the proposal. So we've shown that we can work it together through multiple Committees within reasonable timing.

So I'm very open to his current amendment that is before us, Mr. Chairman. I would agree, I think the standing Committee should be able to review these concession permits and activities we get in County public facilities.

The one area that I believe should and must be retained within the budget is of course the actual fee schedule that would be in the appropriate appendix when we

go through the annual budget to set up the revenue component to help pay for some of the improvements and operations of the parks and County facilities. So that is my understanding of it.

And if there's any changes to what Mr. Guzman and I have done within the last two years, then it needs to be said now. Other than that, if we keep operating as we have over the last two years, with again Budget taking care of the fee structure, and the appendix reviews of the annual budget; and the standing Committee taking care of all of the required nitty gritty up front, I'm very supportive of this proposal.

CHAIR WHITE: Okay.

COUNCILMEMBER GUZMAN: Yes. Yes, thank you, Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: I would also agree with Mr. Hokama. I am more than willing to do the heavy lifting and making sure that the concessions type of agreements, or the type of, I guess, coordinated efforts, are followed through with the Department.

And of course, Mr. Hokama has the fiscal responsibility of the fees and the actual contract prices, so.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

COUNCILMEMBER GUZMAN: Thank you, Chair.

MY NEXT AMENDMENT IS NUMBER 4 ON THE SUMMARY
FORM ADDING A NEW DUTY "F." DESCRIPTION
IMMEDIATELY FOLLOWING THE DUTY "E." OF PARKS,

RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE
TO READ AS FOLLOWS: NUMBER "E.", IS TO "CONDUCT
INVESTIGATIONS OF (A) ANY DEPARTMENT OR FUNCTION
OF THE COUNTY AND (B) ANY SUBJECT UPON WHICH THE
COUNCIL MAY LEGISLATE".

CHAIR WHITE: Okay, do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I wanted to expand the legal affairs portion to coincide with our Charter, which basically under Section 3-6, Powers of the Council. And that is to conduct investigations of the operations of any department or function of the county and subject upon which the Council may legislate.

So what I was thinking is that before we used PIA to investigate the Post Office, and that was our Committee that we used for any type of investigation. And so, since I felt that possibly the legal affairs portion of it, we could take on that duty as well. So just like I said, I was a prosecutor for five years and we did a lot of investigation stuff too, and so I felt that would be a good Committee to at least be able to refer some investigations portion such as example what we've done before in the past with PIA.

CHAIR WHITE: Okay. Members, further discussion? Seeing none.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm just looking at the final phrase of the proposal. I'm just wondering if whether it should say any subject upon which the Council may authorize?

COUNCILMEMBER GUZMAN: Authorize. That, I think that's better language, Chair. Because, correct Mr. Hokama, it's very vague in general if I leave it as legislate. So it would have to be authorized by a referral from the full Council to the Legal Affairs Committee.

CHAIR WHITE: Right.

COUNCILMEMBER GUZMAN: I think that's the appropriate language. If I could amend that, a friendly amendment.

CHAIR WHITE: Any objections to the friendly amendment?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm only in favor of the language that says the Council may authorize. For one, it will be a Council directive regarding the Council investigation. The Committee would not be in charge of the investigation. Council will be in charge of the investigation. So as Chief Procurement Officer of our branch, you would have the responsibility of securing and reviewing an appropriate contract to fulfill the directions of the Council.

CHAIR WHITE: Correct.

COUNCILMEMBER HOKAMA: After it approves a resolution that authorizes the investigation. So that's what I look for in the Committee, is to help frame the appropriate parameters and requirements of the investigation that it would move forward in a contractual form to give you guidance. And that is something I look to the Committee to help develop, give guidance to you and additional third party auditors if required. And I would assume that we would then also appropriate sufficient funds under the Council Services budget to take care of such requirements. Thank you, Chairman.

CHAIR WHITE: Thank you.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. I'm fully understanding that. It was a same similar situation when we were doing the Post Office. And we had to, at one point, it was a decision or a vote to do it on our own. And so PIA had to put together, Mr. Hokama was the Chair during that time, had to put together a formula or procedures. And then we voted again, and we went to special counsel. So then Mr. Hokama had to go do some further development, and then send it off to Budget, I

think you were Budget during that time, for the appropriate amount of monies to hire or move forward.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: But then at that point, it went on to the Auditor's, so. But I'm just saying that we would do the leg work on these type of situations.

CHAIR WHITE: Okay, so your proposal, and I think I'd like to leave it to staff to make sure that we have the wording correct. But your intent is that the investigation would be, would be formulated in your Department and then, so that you give, so that your Committee would establish what the investigation is about.

COUNCILMEMBER GUZMAN: And the parameters, yes.

CHAIR WHITE: The parameters of the investigation, and then it would --

COUNCILMEMBER GUZMAN: Go back to Council.

CHAIR WHITE: Go back to Council for final approval.

COUNCILMEMBER GUZMAN: Or Budget.

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Everybody.

Yes, Mr. Wong.

CORPORATION COUNSEL: If I may, Chair. So, my understanding the intent of Member Guzman and Member Hokama, the word conduct then should be replaced prospectively with some of the language as you just described; initiate and --

COUNCILMEMBER GUZMAN: . . .

CORPORATION COUNSEL: -- develop parameters for investigations, or something of that nature.

COUNCILMEMBER GUZMAN: Okay.

CORPORATION COUNSEL: That way you're not actually conducting the investigation, but you're formulating the basis for it.

COUNCILMEMBER GUZMAN: Oh, but --

CORPORATION COUNSEL: That's what I'm understanding your, your wanting it to be.

COUNCILMEMBER GUZMAN: Can I elaborate more?

CORPORATION COUNSEL: Absolutely.

COUNCILMEMBER GUZMAN: So at one point when we were doing the Post Office issue, there was a vote that we could do it on our own as a Council. And so, there's the exception. Is that, at that point PIA took, started developing parameters and guidelines in doing the investigation. And so that's what I'm talking about is that there is that exception there. But then also is formulating parameters where it would go outside, for outside Council or outside investigation. So it would be both scenarios I would say, I would think.

CHAIR WHITE: Yea, the, because the Council has the authority to investigate on its own.

COUNCILMEMBER GUZMAN: Right.

CORPORATION COUNSEL: Correct.

COUNCILMEMBER GUZMAN: But then that would be full Council and I don't think we have the time to do that kind of stuff in full Council.

CHAIR WHITE: Correct.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I hear Mr. Wong's constructive comment, and I hear Mr. Guzman as our past Chairman's rationale. I would say that I would maybe look at language that says that, under "e." may conduct investigations, or the Committee can decide upon Council decision to either investigate, hire a third party to do the investigation on the Council's behalf. But it gives enough flexibility that if Council chooses, its own standing Committee may do the investigation also. And I think that's just a clarification. I think Council and the attorneys would like is what is our parameter. And I'm saying that the parameter should be that the Committee may also be the venue for such an investigation besides contractual third parties.

CHAIR WHITE: What the Chair would like to do is just take a five-minute recess, and Mr. Wong and Mr. Guzman can work out the wording so that we know what we're, what we're voting on. So with that, we'll be in recess for five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 8:51 P.M., AND WAS RECONVENED AT 8:58 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: The Committee will please come back to order.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. May I have a friendly amendment to my initial motion.

CHAIR WHITE: Why don't you just restate the, the motion.

COUNCILMEMBER GUZMAN:

OKAY, I WITHDRAW THAT MOTION, AND RESTATE THE MOTION, EXCUSE ME, JUST RESTATE THE MOTION, WHICH WOULD BE; WITH COUNCIL AUTHORIZATION MAY INITIATE AND CONDUCT INVESTIGATIONS OF ANY DEPARTMENT OR FUNCTION OF THE COUNTY AND ANY; AND (B) ANY SUBJECT UPON WHICH THE COUNCIL MAY AUTHORIZE.

CHAIR WHITE: Okay, thank you.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Nothing further, Chair.

CHAIR WHITE: Okay. Any questions, Members? Any further discussion?

COUNCILMEMBER SUGIMURA: Can you restate it?

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: If you don't mind.

COUNCILMEMBER GUZMAN: Yes, yes. The amendment is to add a duty to the Legal Affairs Committee. And the duty would be "e. With Council authorization may initiate and conduct investigations of (a) any department or function of the County and (b) any subject upon which the Council may authorize".

CHAIR WHITE: Okay.

COUNCILMEMBER KING: Question.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: So, it says with authorization. So does that mean it has to go to the full Council first for a vote, and then goes to the Committee? Okay.

COUNCILMEMBER GUZMAN: That's my understanding, Chair.

CHAIR WHITE: Yea, generally what happens with an audit, or in this case an investigation, it comes, it's initiated by the Committee. It comes to the Council for final authorization, and then it either goes to, in the case of an audit like this, Solid Waste audit that we did, the audit is authorized by the, is initiated by the Committee, authorized by the Council. And then when we're hiring outside services, it comes to the Chair and it's my responsibility through OCS to, to put out an RFP and actually gather the proposals and make the final selection. Then when it comes back, the audit goes to the appropriate Committee; whether it's a standing Committee like the golf course audit that went to EAR. We had a, the, the audit for Solid Waste went to, to Elle's Committee.

COUNCILMEMBER KING: So the process, I'm still confused. So the process would be that an investigation could be initiated by any Committee on, on, but then it goes to the full Council and then it comes back to legal?

COUNCILMEMBER CRIVELLO: I think just for this one, yea, Mr. Chair?

CHAIR WHITE: Wait, hold on a second.

Mr. Guzman, if you don't mind responding to that.

COUNCILMEMBER GUZMAN: Well, I apologize. Chair this would just act as though there was a PIA Committee. And other Committees have continuous work that they're working on pending their master agenda. And so, this would not interrupt the other Committees work while the Legal Affairs Committee could then do the leg work of the investigation portion of our, or when it's authorized to do so, do the leg work of it. And, thereby freeing up the other Committees to continue on their master agenda, or their agendas that are.

I know what it's like to be a Committee Chair, and when you get stuff that are last, or you didn't plan on doing it, it jams up your entire term schedule. And so this is, this is a way of alleviating some of the Committee work from the burden of having to do these investigations. While, you know, this, my Committee could handle, you know, that portion of it, so.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: I, I just wanted to clarify. It doesn't mean that every Committee is, this Committee is what, requesting to initiate an authorization.

CHAIR WHITE: Correct.

COUNCILMEMBER CRIVELLO: Clarification for Councilmember King.

CHAIR WHITE: And just for clarification, the Committees, a lot of the work that Committees are able to do you could almost call investigation, because they're able to ask questions or able to ask for information and so forth. It's only when something rises to a critical mass, so to speak, that it then becomes appropriate for us to either do an audit or to do an investigation. And that requires a totally, totally separate focus. And that's why it's set up to go through the legal affairs process.

COUNCILMEMBER KING: Okay. Chair if I may. I'm just, I'm just trying to get it clear in my mind, the process.

CHAIR WHITE: No, that's fine.

COUNCILMEMBER KING: Because we had testifiers say that there was no process for this. So, so it would initiate from a Committee or Committee Chair to the full Council who would authorize the legal Committee to, to set up to initiate the investigation? I mean, or is the legal Committee going to initiate all investi, I mean, you, you don't know all the content that's that. Okay, I'm just.

CHAIR WHITE: No, generally, yea, generally what happens is that, for example, Mr. Hokama has requested audits of, I believe the Water Department at one point and another. So it's, it can be initiated, a request for an investigation can be initiated by a Committee Chair. It can be initiated by anyone of us. So that's why it's not really in our Rules, because we can do it any time.

COUNCILMEMBER KING: Okay, and then that request goes to the full Council?

CHAIR WHITE: Well it would be --

COUNCILMEMBER KING: Who would authorize --

CHAIR WHITE: The tran, you would transmit the request through Council, and it would go to the, the Legal Affairs Committee for consideration.

COUNCILMEMBER KING: Okay. Okay, so you're not talking about getting a vote of the full Council before it goes to this Committee? That's what I'm trying to clarify.

CHAIR WHITE: No. No, the full, my understanding of Mr. Guzman's proposal is that the, once his Committee has decided to move forward, either with an investigation done by the Committee or an investigation using third party resources, it's that proposal. Once he turns a request into proposal for an investigation, then it comes to the full Council for a vote. And then it will either go back to the Committee for the investigation, or it will be conducted by a third party in collaboration with the Committee.

COUNCILMEMBER KING: Okay. I think I understand. So it only has to go to the full Council once then?

CHAIR WHITE: Right.

COUNCILMEMBER KING: Okay.

CORPORATION COUNSEL: Chair.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: If I may. Just a point of clarification for Member Guzman and his motion. I was tracking the language of the Charter, and the language of the proposed amendment. And the language of the --

CHAIR WHITE: Can you speak up a little bit more?

CORPORATION COUNSEL: Tracking the language of the Charter and the proposed amendment in comparison, the language of the Charter has, under subparagraph "(a) the operation of any department or function". Whereas, in the proposed language, Member Guzman has, it does not reflect the operation of any department, but simply says any department, and wondering whether or not there's a reason for that.

COUNCILMEMBER GUZMAN: No that's, that's an error on my part.

I COULD ADD IN THE LANGUAGE SO THAT IT TRACKS THE CHARTER, AND ADD IN "OPERATIONS OF ANY DEPARTMENT".

CORPORATION COUNSEL: Yes.

COUNCILMEMBER GUZMAN: Yes, if I may amend.

CHAIR WHITE: Any objections to that addition?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you.

Okay, any further discussion on the motion? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", and zero "noes".

COUNCILMEMBER GUZMAN: Okay, that's it for me, Chair, on the amendments. Thank you.

CHAIR WHITE: Okay. Thank you. Very good amendments. I appreciate that.

Okay, Members, we're back to the main motion.

COUNCILMEMBER COCHRAN: Chair.

COUNCILMEMBER KING: Mr. Chair.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER KING: Go ahead.

COUNCILMEMBER COCHRAN: Chair, yea, I have a question for Mr. Hokama, I guess, in reference to his make-up of the Committees. On page 2, under HHT, item "f." It looks like, it says amendments - so this is an addition put into this Committee - "Amendments to this Subdivision Ordinance and Building and Construction Codes." Cause historically that's been with IEM. And I was checking the Charter, and my, well it's not mine, but IEM has normally had the jurisdiction over Public Works and DEM, and this is sole responsibility under Public Works. So I was just curious as to why it had got shifted out from under the IEM heading.

COUNCILMEMBER HOKAMA: My idea in this area, Ms. Cochran, was regarding the amendments was more about revisions to subdivision and housing requirements. And you know, as I stated over the last few months, I'm tired of us telling people what we think they should be building and buying. I don't have a problem with us changing, adjusting subdivision codes, especially under the housing component. To say, as long as you hit the setbacks, if all you can afford is one bedroom, or one bath, or one carport at this point in time, that's good enough for me. If that's what you can afford, go ahead, buy it, and build it. I don't care if HUD says you should have a two-bedroom, two-bath, two car garage as your affordable. If that's not what our people can afford, I'm happy to make those adjustments.

For me, again, I was looking more within the housing component of the County Code regarding this area of amendments. And that's why I threw it in the Housing, cause I'm basically looking at the housing components and the housing standards. And for me, as I stated before, you know, I like the transportation . . . because we've talked about adding more density on small lots. We've talked about adjustments to water meters. But then we tend to forget the impact on what, how real property is going to have to adjust the assessment and values. Where do all these people park already on substandard streets, because they're already blocking half the street. We tend to find a solution, and yet create three more issues out of that one solution.

For me, I'm thinking we need to try and centralize as much as possible instead of spreading out in more Committees, Chair. And that's why I was looking at trying to consolidate things that I thought we could make a more concentrated effort through one Committee and try and capture as many factors then as we've done in the past; solve one in one Committee and create three more in different Committees. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Cochran.

COUNCILMEMBER COCHRAN: Okay, yea, thank you.

COUNCILMEMBER HOKAMA: That was just my proposal.

COUNCILMEMBER COCHRAN: Okay. No, no, thank you for your explanation. I'm just looking at IEM having, you know, the kind of oversight, operational oversight of Public Works. And then in our Charter, powers and duties, function of Public Works, "Administer the building, housing, and subdivision ordinances and rules adopted thereunder."

Also, they do subdivision plans, you know, which are in conformity with subdivision ordinance, and things of that nature. So, I mean, I'm, yea, I mean, I was hoping to perhaps still have that under the IEM heading. And seemed, I get your, your correlation into the housing aspect of it. And Housing, I think has a really, has a lot on their plate, and to you know, add all this in. I mean, through my, through this IEM Committee, definitely, you know, looking to address everything you're concerned about too in regards to Housing. So I was hoping to pull that back in, because it does incorporate a lot of the other things that fall under the, I guess, parameters of the Public Works Department themselves. So, I'd like.

CHAIR WHITE: Is that, is that a --

COUNCILMEMBER COCHRAN: Yea, I'd like to make a motion. I guess to, what would that be, a motion to amend, would I take it out of HHT or add it, add it to IEM?

CHAIR WHITE: I think it would be appropriate for the motion to state that it's, you're proposing to amend the resolution, or amend the motion I should say, to remove that portion of HHT.

COUNCILMEMBER COCHRAN: From HHT.

CHAIR WHITE: And insert it into IEM.

COUNCILMEMBER COCHRAN: Okay.

SO, I'M MOVING TO AMEND THE MOTION TO REMOVE ITEM "F." FROM HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE, "AMENDMENTS TO THE SUBDIVISION ORDINANCE AND BUILDING AND CONSTRUCTION CODES", TO BE ADDED TO ITEM 3. INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE.

CHAIR WHITE: Okay.

COUNCILMEMBER KING:

SECOND.

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

Further discussion, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yea, thank you. So again, I completely concur with Mr. Hokama's comments in regards to the correlation to the housing aspect of this.

But I do see it as a lot more and have gone through the updates of the Building Codes and Construction Codes, the Plumbing Codes, the Electrical, all those codes throughout the years, and feel very, you know, adept to those things and, and have a really great working relationship with the Public Works Department themselves. And they know that whenever they have things to change and adjust, and what have you, work through, you know, it happens via this Committee very, very expeditiously.

So that's my reason for that, and looking for support. But, however, Housing is definitely top of the list. And also see housing, I mean, it's at a critical point right now, as we all hear from all the testimonies and what have you. And this HHT has a lot on their plate, and this is one thing that I can definitely take care of under the infrastructure aspect of, or, it can be taken care of under the IEM Committee. Thank you, Chair.

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

COUNCILMEMBER KING: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Okay, roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

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

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

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

CHAIR WHITE: Thank you. Any further discussion on the main motion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: And just a clarifying question in regards to, under item 3,
on page 3, IEM, "a." the, the term waste management systems; that is inclusive of
Solid Waste and Wastewater?

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Okay. Just wanted to double-check on that.

CHAIR WHITE: Okay. Back to the main motion. Any further discussion?

COUNCILMEMBER KING: Just one more proposal, amendment proposal.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: And I feel like we owe it to have a discussion about this too, all
the testimony that we have had both on January 2 and today.

AND I'D LIKE TO PROPOSE A CHANGE TO 17-14 TO ADD
AGRICULTURE TO THE WATER COMMITTEE.

Because, oh I'll wait to get a second.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Yes, I think, you know agriculture discussions are almost moot without water discussions. And I think putting those two items together, as we've heard multiple times tonight in testimony, would be appropriate. The discussions would utilize many of the same experts assisting that Committee. And I think those are issues that, that while water has larger implications as well, not a whole lot has gotten done on agriculture.

And I think it's because it's such a separate issue from the, the items that it's, in the Committee that it's been in up till now, and it's proposed to be in this time. So I'm looking forward to putting those two issues together, and then actually seeing some progress. And especially due to what we've heard over and over again how dire it is now that we're in that situation with HC&S with the, the 36,000 fallow acres.

CHAIR WHITE: Any further discussion, Members?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, thank you. I can understand where to, to do ag, you have to have your water. But to also build homes, you have to have your water. And so, you know, if, when I think of the Committee with the State Legislature, you have water and land.

Agriculture is, in my opinion, fitted under economic development, because it's for us to come into production, whatever type of farming we, one chooses to farm with, and would coincide with the economic side; whether its transporting, or exporting, or importing. Or, there's a big picture when it comes to agriculture/farming, pastoral, or what have you. So not necessarily only water.

So for me, I understand where Councilmember King is coming from, because that's the biggest cost for agriculture. And, I think it should be separated because we have different needs when it comes to water, and it's not only ag, it's potable. And do we look for just ag water? Do we have the State, you know, designate us with agriculture water? And what about the potable side of it. And so I think there is a

separation when it comes to ag and, and water, though I understand what she's saying. But to specifically leave it there, not necessarily so in my opinion.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. What Councilmember Crivello said, I agree with. But taking it further, all the conversations I've had over the years with Land Use Committee and discussing the agricultural opportunities, and acquiring land, and supporting agriculture; water is an important component of it. But it is an economic development that makes it necessary.

Small farmers we have over here, if it's not economically feasible, the water is not going to help. It's economics; we have to make it economically feasible. It's a very, very difficult thing to do. Small farmers are struggling in it. We know the problems. I won't even try to go over the problems. I think most people out there are aware of what a lot of them are. But it really is an economic development issue, and that's where it really needs to be. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Cochran, I mean, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Sorry to, but I forgot to add this too. When we talk agriculture, there's a heavy duty mandate that's coming down from the Federal government; safety food mandate. And, and that's heavy concentration that needs to come from our agriculture, as well as the economic side, because our farmers, now, in, once the Feds starts to implement it fully, our farmers will have quite a challenge that we would have to face when it comes to the safety food mandate that is expected from the Federal government. So agriculture has more than one component that we have to deal with. And it ties in, again, to economic development.

I look at my island. Many of the farmers there are just under stress thinking of all the mandates that they have to meet. Fortunately, through the efforts of the Agricultural and the Economic Development Committee, we were able to use some of those funds set aside with OED to address some of the safety food mandate on our island.

I just needed to add that, why I support the economic side of it.

CHAIR WHITE: Okay. Thank you.

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

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER KING: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER SUGIMURA: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

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

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

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

CHAIR WHITE: Thank you, Mr. Clerk.

We're back to the main motion that's on the floor.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. And so as I mentioned in opening comments, in reference to the membership count on these Committees, I was in complete support of Ms. King's having all nine at first and any Member willing to opt out, opt out. And I am standing on the point that I'm here to do service to this community, and be representative and voice for all, and an actual voting Member of the Committees.

SO I WOULD LIKE TO ADD MY NAME ONTO PAGE 6,
ITEM 2., FOR THAT COMMITTEE, WHICH WILL MAKE
MYSELF BE A VOTING ACTIVE MEMBER ON ALL OF THE
COMMITTEES; EIGHT COMMITTEES.

So I take it that's a motion.

CHAIR WHITE: Okay, do you have a second.

COUNCILMEMBER ATAY:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I think the key point here is in reference to last terms work on my behalf, Mr. Don Couch, and Ms. Baisa, on the TIG that was created out of Don Couch's Planning Committee. That sole charge was to investigate and find solutions in regards to increasing inventory for available housing, which we did. We came up with five key points, and then the other nine are being set for referral into respective Committees to further that work.

I am the only last person left from that TIG with that background in historical and knowledgeable background with that, the inner workings of that Committee. And also my staff was very instrumental in doing the research, compiling all the information that came out of that report.

I have been diligent in going and reaching out to this community, and explaining, and bringing the, this community into the fold of all the recommended referrals and solutions as I've stated, because it transcended a wide variety of people from this community to help us, this Council, to assist in building more housing, affordable housing; just increasing overall the inventory of housing. So I feel very, I think I can be of use and of help into this Committee.

And there's been quite a few testimonies in today's written, written testimony of my support there. And I think it has reference to do with the outreach that I've had, because people have asked for my input in explaining what happened during this TIG and how did we get to these solutions that are presented. So with that, feel like I can be a positive addition to this Committee. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER ATAY: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CRIVELLO: No.

COUNCILMEMBER HOKAMA: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alike Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

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

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

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

CHAIR WHITE: Thank you, Mr. Clerk.

Back to the main motion.

COUNCILMEMBER KING: One, one more Mr. Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING:

ONE MORE AMENDMENT. JUST OWING TO THE PREVIOUS DISCUSSION ABOUT HOW MUCH WORK THERE IS ON THE PLANNING COMMITTEE VERSUS THE LAND USE COMMITTEE, IT SEEMS TO MAKE MORE SENSE THAT THE PLANNING COMMITTEE HAS ALL NINE MEMBERS, AND MAYBE THE LAND USE COMMITTEE DOESN'T NEED ALL NINE MEMBERS. IF WE WERE TO MAKE A SUB-COMMITTEE TO TRACK CERTAIN COMMUNITY PLANS, MY UNDERSTANDING, AND MAYBE YOU CAN CLARIFY THIS FOR ME, IS THAT THE SUB-COMMITTEE CANNOT BE A MAJORITY OF THE COMMITTEE. SO THIS WOULD LIMIT NO MORE THAN THREE PEOPLE ON THAT, AND IF WE HAD THE FULL NINE, WE COULD GET, WE COULD HAVE A SUB-COMMITTEE OF FOUR.

CHAIR WHITE: Mr. Baz can chime in here, and others. My recommendation would be that you might prefer creating a TIG, because it's, it's much easier to deal with. If you create a sub-Committee, that sub-Committee has to abide by the same Sunshine Law provisions. Whereas, a TIG is able to bring in community members, get their feedback, and can get back to the Committee, the whole committee much more rapidly.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: As, as the--

COUNCILMEMBER KING: I agree with that, but I still think the Planning Committee, and I know that we've heard testimony tonight on that, meaning, you know, being one of the Committees that needs all nine Members on it. So, I do want to stick by my amendment.

CHAIR WHITE: Okay.

COUNCILMEMBER KING: I do appreciate the suggestion.

CHAIR WHITE: Do we have a second.

COUNCILMEMBER COCHRAN:

SECOND.

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

Any further discussion?

COUNCILMEMBER SUGIMURA: Please restate the motion.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Sorry.

CHAIR WHITE: Pardon.

COUNCILMEMBER SUGIMURA: Can you restate her motion, what she's?

CHAIR WHITE: Could you restate the motion?

COUNCILMEMBER KING: My motion is to have the Planning Committee be all nine Members. And you know, the reason behind it, we heard earlier how much work there is on the Planning Committee, and some of the duties being switched over to the Land Use because of that. So I feel like we need all nine Members on there would be more productive.

CHAIR WHITE: Okay. Of course all, all nine can show up.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Mr., Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I appreciate the concerns, however, as the Chair has said, a sub-Committee is much more appropriate than going over there and changing it to a nine Member Committee. So I will not be supporting the motion.

CHAIR WHITE: Okay. Thank you.

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

COUNCILMEMBER ATAY: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

CHAIR WHITE: Roll call vote please, Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, AND KING.

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

DEPUTY COUNTY CLERK: Mr. Chair, there are three "ayes", and six "noes"; motion fails.

CHAIR WHITE: Thank you.

Back to the main motion. Any further amendments? Seeing none, all those in favor of the --

DEPUTY COUNTY CLERK: Mr.

CHAIR WHITE: I'm sorry.

DEPUTY COUNTY CLERK: Excuse me, Mr. Chair, if I may real quick. Just for staff purposes, if there are no objections from the Council, we'd like to request that non-substantive revisions be also included, and be allowed as part of this, the vote on the main motion.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you, Mr. Clerk.

Back on the main motion to pass 17-14 as amended. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: I didn't hear any "noes". Okay, measure passes with nine "ayes", and zero "noes".

I believe before we can move onto the referrals, we need to deal with a motion to file the original 17-5, and County Communication 17-15.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

MOVE TO FILE.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: Do we have a second.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Any discussion?

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, with the Council's permission, I'd like to bring it before the body those two items.

CHAIR WHITE: Oh yes. Thank you very much. Please do so.

NO. 17-15 - KELLY T. KING, COUNCILMEMBER,
(dated January 6, 2017)

Transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND MEMBERSHIP".

RESOLUTION
NO. 17-5

ESTABLISHING THE STANDING COMMITTEES
OF THE COUNCIL, DEFINING THEIR DUTIES,
AND APPOINTING THEIR MEMBERS

CHAIR WHITE: Okay. I believe we have a motion together already.

Any discussion? Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, relative to County Communication 17-14, that's RESOLUTION 17-5, DRAFT 1.

Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

COUNTY COMMUNICATION

NO. 17-2 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to referral of various matters that were referred to the Council Chair for the term beginning January 2, 2017, pursuant to recommendations in committee reports adopted on December 2, 2016, and December 16, 2016.

Exhibit "A" - Parks, Recreation, Energy and Legal Affairs Committee

OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2); and OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0435(1); and a Miscellaneous Communication from the County Clerk, referring the matter relating to the Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1), and a copy of the Complaint.

Exhibit "B" - Land Use Committee

Matter relating to comprehensive rezoning based on community plans.

Exhibit "B" - Planning Committee

Matter relating to comprehensive District Boundary Amendments based on the Maui Island Plan.

Exhibit "B" - Housing, Human Services, and Transportation Committee

Matter relating to expediting the building plan review process by developing a catalog of pre-approved plans; Matter relating to exploring zoning and permitting issues to establish "tiny house" communities and tiny houses on existing lots; and Matter relating to identifying underdeveloped properties with multifamily and industrial designations that could be targeted for redevelopment as multifamily housing.

Exhibit "C" - Budget and Finance Committee

County Communication Nos. 16-168, 16-213, 16-290, 16-293, 16-243, 16-158, 16-199, 16-242, 16-269, 15-72, 16-279, 16-28, 15-248, 16-136, 14-17, 14-171, 15-190, 16-144, 16-211, 16-245, 16-270, and 16-273; Contract Nos. C5867, C5908, C5739-1, C5966, C5119-4, WC0869 (April 2016), C5783-1, C6037, C5823-1, C5216-4, C5828-2, C5347-3, C6050, WC0880, C5713-2, C5867-1, WC0869 (August 2016), WC0886, 5857-2, C6070, C6081, and C6090; Grant No. G4221; Cost of Government Commission, transmitting a report entitled "COUNTY OF MAUI COST OF GOVERNMENT COMMISSION ANNUAL REPORT, 2015-2016"; Miscellaneous Communication from the County Clerk, referring the matter relating to tax classifications for transient accommodations; Miscellaneous Communication from the County Clerk, referring the matter relating to the real property tax rate for buildings valued at \$1 million or more in the Residential classification; Miscellaneous Communication from the County Clerk, referring the matter relating to separate real property tax rates for land and buildings within a classification; Miscellaneous Communication from the County Clerk, referring the matter relating to equipment purchases, replacement equipment, fleet vehicles, and a comparison of equipment lease vs. purchase; Miscellaneous Communication from the County Clerk, referring a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 3.48.450, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY TAX HOME EXEMPTION AMOUNT"; Miscellaneous Communication from the County Clerk, referring the matter relating to a minimum threshold amount to require Council authorization to transfer funds between categories of use; Miscellaneous Communication from the County Clerk, referring the matter relating to grants issued in the last

quarter of the fiscal year by the Office of Economic Development and the Department of Housing and Human Concerns; and Miscellaneous Communication from the County Clerk, referring the matter relating to costs attributed to the processing of green waste tonnage, along with data received from the Department of Environmental Management.

Exhibit "D" - Housing, Human Services, and Transportation Committee

County Communication Nos. 16-132, 13-343, 16-76, 15-206, 15-252, 16-114, 16-130, 16-131, and 16-133; Miscellaneous Communication from the County Clerk, referring the matter relating to building affordable homes for sale or rent on County-owned properties in West and South Maui; Miscellaneous Communication from the County Clerk, referring the matter relating to licensing animals other than dogs; Miscellaneous Communication from the County Clerk, referring the matter relating to a third-party chief (not a County employee) to coordinate construction of affordable housing; Miscellaneous Communication from the County Clerk, referring the matter relating to revising County housing policies in Chapters 2.86 and 2.96, Maui County Code, to encourage the development of affordable housing and reduce barriers and costs; and Miscellaneous Communication from the County Clerk, referring the matter relating to the sale or development of County-owned properties at the Maui Lani Fairways and Sand Hill Estates Subdivisions.

Exhibit "E" - Infrastructure and Environmental Management Committee

County Communication Nos. 14-308, 16-37, 16-62, 16-172, 16-188, and 16-275; and Miscellaneous Communication from the County Clerk referring the matter relating to prioritizing County development of off-site infrastructure, especially water, sewer, and roadway improvements, to support housing and make it more affordable by reducing pass-through costs.

Exhibit "E" - Housing, Human Services, and Transportation Committee

Miscellaneous Communication from the County Clerk, referring the matter relating to allowing for an independent third-party building plan review process.

Exhibit "F" - Land Use Committee

County Communication Nos. 13-137, 13-78, 13-284, and 16-278; and Miscellaneous Communication from the County Clerk, referring the matter relating to amending Chapter 19.30A, Maui County Code, to decrease the minimum lot size for farm labor dwellings on agricultural land.

Exhibit "F" - Planning Committee

County Communication No. 16-85.

Exhibit "G" - Budget and Finance Committee

County Communication No. 15-125; and Miscellaneous Communication from the County Clerk, referring the matter relating to a performance audit of the Office of Council Services.

Exhibit "G" - Policy, Economic Development, and Agriculture Committee

County Communication Nos. 09-314, 15-156, 13-226, 15-255, 15-295, and 15-296; Miscellaneous Communication from the County Clerk, referring the matter relating to an evaluation of a policy to allow the applicable department director to waive filing fees for applications filed by or on behalf of any County agency; Miscellaneous Communication from the County Clerk, referring the matter relating to "cyber breach" insurance as a part of the County's risk management activities; Miscellaneous Communication from the County Clerk, referring the matter relating to cost recovery for rescues; and Miscellaneous Communication from the County Clerk, referring the matter relating to proposing an amendment to Section 3.35.010(B), Maui County Code, to require a larger percentage (e.g., 4 percent) of real property taxes be set aside in the Affordable Housing Fund.

Exhibit "G" - Infrastructure and Environmental Management Committee

County Communication No. 12-181.

Exhibit "G" - Housing, Human Services, and Transportation Committee

Miscellaneous Communication from the County Clerk, referring the matter relating to a "one-stop shop" at the new County service center or other appropriate location for processing permits.

Exhibit "H" - Land Use Committee

County Communication No. 15-50.

Exhibit "H" - Water Resources Committee

County Communication Nos. 14-217, 16-249, and 06-160.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I request that County Communication 17-3 and 17-4 also be brought up at this time.

CHAIR WHITE: We have a second?

COUNCILMEMBER HOKAMA: Second.

CHAIR WHITE: Okay, we have a motion from motion from Mr. Carroll and a second from Ms. Sugimura [*sic*].

We've had a request for a quick break. So we'll be in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:33 P.M., AND WAS RECONVENED AT 9:36 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KING EXCUSED.)

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

Members, the reason for the break was that we needed to distribute the referral sheets so that you know what you're voting on.

So thank you, Mr. Baz.

And, Mr. Clerk, Mr. Carroll has requested that you also call up 17-3 and County Communication 17-4.

NO. 17-3 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to referral of various matters anticipated to be pending at the end of the 2015-2017 Council term.

Exhibit "A" - Budget and Finance Committee

County Communication Nos. 16-272, 16-224, 16-167, 16-223, 16-226, 16-227, 16-228, 16-229, 16-110, and 16-231; and Bill 97 (2010), "A BILL FOR AN ORDINANCE AMENDING TITLES 2 AND 3, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX REVIEW BOARDS".

Exhibit "B" - Parks, Recreation, Energy and Legal Affairs Committee

County Communication Nos. 13-41 and 15-6; Memo from Deputy Corporation Counsel Kolbe, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. FELICIA PROVENCAL, CIVIL NO. 12-1-0255(1)", and a copy of the Complaint; Memo from Deputy Corporation Counsel Bilberry, transmitting a copy of the Complaint and Resolution 14-93, entitled "AUTHORIZING SETTLEMENT OF DOUGLAS LEONE AND PATRICIA A. PERKINS-LEONE V. COUNTY OF MAUI, ET AL., CIVIL NO. 07-1-0496(3)"; Memo from Deputy Corporation Counsel Rost, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JUSTIN DOBBS V. COUNTY OF MAUI, ET AL., CIVIL NO. 12-1-0812(2)", and a copy of the Complaint; Memo from Deputy Corporation Counsel Bilberry, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DUKIE RACADIO V. COUNTY OF MAUI, ET AL., CIVIL NO. 14-1-0451(2)", and a copy of the Complaint; Memo from Deputy Corporation Counsel Bilberry, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF SPIRIT OF ALOHA TEMPLE, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 14-00535 SOM-RLP", and a copy of the Complaint and errata to Complaint; Memo from Deputy Corporation Counsel Tarnstrom, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. LANAI WASTE REMOVAL, INC., ET AL., CIVIL NO. 15-1-0476(2)", and a copy of the Complaint; and Memo from Deputy Corporation Counsel Bilberry, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. KEHALANI HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)", and a copy of the Complaint.

Exhibit "C" - Policy, Economic Development, and Agriculture Committee

County Communication No. 15-153.

Exhibit "D" - Land Use Committee

County Communication Nos. 11-199, 15-151, 16-39, 16-97, 16-202, 09-181, 16-247, 09-246, 16-276, 14-162, 16-277, 16-295, 16-296, and 10-42.

Exhibit "E" - Land Use Committee

County Communication Nos. 13-207 and 15-152.

Exhibit "E" - Planning Committee

County Communication No. 16-98.

Exhibit "F" - Water Resources Committee

County Communication Nos. 12-133, 16-15, and 16-40; and Committee Report Nos. 12-124 and 16-156.

NO. 17-4 - MIKE WHITE, COUNCIL CHAIR,
(dated December 22, 2016)

Relating to matters from the 2015-2017 Council term that were referred to the Council Chair for the 2017-2019 term at the Council meetings of December 2, 2016, and December 16, 2016.

Budget and Finance Committee

County Communication Nos. 16-299, 16-307, 16-308, 16-316, 16-317, and 16-319.

Housing, Human Services, and Transportation Committee

County Communication Nos. 16-300 and 16-323.

Land Use Committee

County Communication Nos. 16-301, 16-302, and 16-310.

Parks, Recreation, Energy and Legal Affairs Committee

County Communication No. 13-309.

Policy, Economic Development, and Agriculture Committee

County Communication Nos. 16-322 and 16-326.

CHAIR WHITE: Thank you.

Mr. Carroll. Turn on your microphone, please.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE FIRST TO REFER ALL THE LISTED COMMUNICATIONS TO THE COMMITTEES AS INDICATED ON EXHIBIT "A" THROUGH "H" OF COUNTY COMMUNICATION 17-2, DISTRIBUTED BY THE CLERK AT TODAY'S MEETING; (2) REFER TO THE LISTED COMMUNICATIONS TO THE COMMITTEES AS INDICATED ON EXHIBIT "A" THROUGH "F", COUNTY COMMUNICATION 17-3, DISTRIBUTED BY THE CLERK AT TODAY'S MEETING; (3) REFER ALL THE LISTED COMMUNICATIONS TO THE COMMITTEES AS INDICATED ON COUNTY COMMUNICATION 17-4 DISTRIBUTED BY THE CLERK AT TODAY'S MEETING; AND (4) FILING COUNTY COMMUNICATIONS 17-2, 17-3, AND 17-4.

COUNCILMEMBER CRIVELLO:

SECOND

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

Mr. Carroll.

VICE-CHAIR CARROLL: No further discussion.

CHAIR WHITE: Okay. Thank you.

Members, further discussion on these items?

Mr. Clerk.

DEPUTY COUNTY CLERK: Sorry, Mr. Chair. Just immediately before going to recess, you had stated that there was a motion from Mr. Carroll, and a second from Councilmember Sugimura, just in relation to 17-2. So just for clarification purposes, what we have on record right now is just the motion for Councilmember Carroll, and the second from Councilmember Crivello related to those three matters.

CHAIR WHITE: Okay, we've included the three, so the second, second stands. Thank you.

Any further discussion, Members? Seeing none, all those in favor of the referrals as stated, please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

COUNCILMEMBER HOKAMA: Eight "ayes".

CHAIR WHITE: Oh, I'm sorry, eight "ayes". Thank you. And one "excused"; Ms. King.

Mr. Clerk.

NO. 17-5 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Filing of various matters that were referred to the Council Chair for the term beginning January 2, 2017.

File County Communication Nos. 13-349, 06-276, 14-310, and 16-325; Bill Nos. 66 (2006) and 67 (2006); and Miscellaneous Communication relating to the proposed transfer of the Grants Management Program from the Department of Housing and Human Concerns to the Department of Finance.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. County Communication 17-5 attaches various communications listed in Exhibits "A" and "B" that were referred to the Council Chair for the term beginning January 2, 2017.

I MOVE TO (1) FILE THE VARIOUS COMMUNICATIONS LISTED IN EXHIBITS "A" AND "B" OF COUNTY COMMUNICATION 17-5; AND (2) FILE COUNTY COMMUNICATION 17-5.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: No further comments on the motion, Chair.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yea, just wanting some background as to why these are being sought to be filed, and not being forwarded. There's a couple of items here that I tried to refer, and you're wanting to file it.

CHAIR WHITE: If you could state which items.

COUNCILMEMBER COCHRAN: Actually, all of them look very helpful to push forward; the composting on ag, I think Traffic Impact Fees are something I've been wanting to see get addressed, looks like from Charmaine Tavares days actually.

COUNCILMEMBER CRIVELLO: Chair, I can explain to Councilmember Cochran's concerns.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: And she mentioned all of it. So if I just may go through some of it. First of all, in reference to PC-8, Traffic Impact Fees, the study to implement Traffic Impact Fees was done in 2005. The study was outdated and need to be redone with new proposed bills.

If we go back to PIA-50, Department of Finance no longer requests the transfer of Grants Management.

PIA-56, this is a authorizing acceptance of seized property pursuant to Federal law. This is a blanket request for all property. Police Department makes individual requests upon receipt for Council notification and no longer needed.

PC-12, composting as a permitted use in the Agriculture District. The bill is written, is not supported by the three planning commissions and Planning Department. I guess we could again bring that up though.

As far as the, the filing on Exhibit "B" of various matters referred to the Council Chair, this is a request for funding that should be addressed in the Fiscal 2018 Budget.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Okay. Well, I mean, it's just one added layer and step. Yea of course, all of these can be re-filed, re-sent through. Traffic Impact Fees, I think, just cause it was looked at, and from 2006 or whatever, it doesn't mean we shouldn't be continuously trying to look at it.

And the composting on ag districts. I think there is some amendments and things that could be changed in reference to that to become more palatable for majority of people to accept. So if that's the route we need to take it, then I shall do it that way.

CHAIR WHITE: This is certainly not, not to suggest that these are not issues that should be discussed, just that the majority of them are somewhat stale, and should be reintroduced.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

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

Mr. Clerk.

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

NO. 17-6 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to litigation matters.

The recommended action is that County Communication No. 17-6 be referred to the Policy, Economic Development, and Agriculture Committee.

(COUNTY COMMUNICATION NO. 17-6 WAS LATER REFERRED TO THE PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE. See page 187.)

NO. 17-7 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to nominations of boards, committees, and commissions.

The recommended action is that County Communication No. 17-7 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-8 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to Hawaii State Association of Counties matters.

The recommended action is that County Communication No. 17-8 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-9 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to the Maui County Legislative Package.

The recommended action is that County Communication No. 17-9 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-10 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to amendments to the Rules of the Council.

The recommended action is that County Communication No. 17-10 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-11 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to proposed Charter amendments.

The recommended action is that County Communication No. 17-11 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-12 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes.

The recommended action is that County Communication No. 17-12 be referred to the Land Use Committee.

NO. 17-13 - MIKE WHITE, COUNCIL CHAIR,
(dated December 23, 2016)

Relating to amendments to Appendix A, Grant Revenue – Schedule of Grants by Departments and Programs for Fiscal Year 2017.

The recommended action is that County Communication No. 17-13 be referred to the Budget and Finance Committee.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 17-6

CHAIR WHITE: Thank you. Just for clarification, Mr. Baz, County Communication 17-6, relating to litigation matters. Would you refresh my memory as to what those matters are?

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair.

CHAIR WHITE: I'm just wondering if it should be going to Mr. Guzman's Committee.

DIRECTOR OF COUNCIL SERVICES: I believe that's what it's being referred to; Parks, Recreation, and Legal Matters. I'm not, Mr. Clerk.

CHAIR WHITE: Yea, this, the way this is stated, maybe incorrect.

DIRECTOR OF COUNCIL SERVICES: I believe the Clerk read that it would go to the Parks, Recreation, and Legal Matters Committee.

DEPUTY COUNTY CLERK: Mr. Chair, the referrals that we just read were indicated on a handout that was distributed.

CHAIR WHITE: Okay, then my notes were correct.

DEPUTY COUNTY CLERK: And, but I believe you're correct, related to litigation matters. But that's a consideration that the Council can make if they so choose.

CHAIR WHITE: The litigation matters would go to Mr. Guzman's Committee. So without objection Members, unless, and there's nothing different with that. It's all the litigation matters, right?

DIRECTOR OF COUNCIL SERVICES: Yes, that's correct. It was, it meant to go to Member Guzman's Committee.

CHAIR WHITE: Without objection, Members, we'll put those items in Mr. Guzman's Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

And the remainder, are there any objections to any of the others as read by the Clerk?

VICE-CHAIR CARROLL: The motion?

COUNCILMEMBER CRIVELLO: No need motion.

CHAIR WHITE: No objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you. So ordered.

Mr. Clerk.

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

CHAIR WHITE: Well, I want to thank you all very much for a spirited day. And I think you will all find that as we move into Committee work and issues, that we will all enjoy a much easier working relationship than we've had in the last couple of weeks. And I look forward to working with all of you to make sure that we get the peoples' work done. And thank you all for your attention this evening.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I look forward to working with everybody. And this has been a great experience. And it's good to hear from the community, and, and our residents. Thank you.

CHAIR WHITE: Thank you.

And with that, Members, we are adjourned.

ADJOURNMENT

The special meeting and public hearing of January 16, 2017 was adjourned by the Chair at 9:48 p.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written in a cursive style.

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

FROM: James R. Smith

TO; Maui County Council

SUBJECT: Proposed amendment to Resolution 17 - 05

DATE: 01_16_17

I submit following suggested amendment to the proposed Resolution 17 – 05 for your consideration.
The word “shall” and the term “as follow” are deleted.

At page 1: BE IT FURTHER RESOLVED BY THE Council of the County of Maui that to affirm the equal dignity of each individual the standing committees of the Council may consider and make recommendations on all matters referred to such committees to include:

Respectfully Submitted



James R. Smith

01_16_17

Good Morning Chair White and Council, I am here to speak on the formation of Committees and Chairs. I aim to do three things today, welcome our new representatives, opine on the formation of Committees, and put forth important matters that we face as a community with the hopes of building coalition within you all, as a group. I usually speak for what I call "The Innocents", that being the soil, water, and animals, most urgently now being cows. And today I will continue my pattern, with a core concept for you all to consider. We need TREES PLANTED, thousands of them, especially on A&B's vast acreage.

Returning members, you all know me pretty well, and I appreciate all of your support for my causes and concerns in past years. Thank you! New members, I welcome you and appreciate the new viewpoints you bring forth, Thank you for your bravery and ambitions. Kudos to you!

I am a Biologist by education and trade. I have a Bachelors degree in Biology and a Masters degree in Marine Science. Much of my professional career was working for the University of Hawaii, Department of Plant Pathology, stationed at Kula Experiment Station conducting research on virus diseases of truck crops. I tell you this for perspective, and hopefully to add weight to my words.

My opinion of formation of committees and also this meeting today, is a big thank you to all of you. Thank you Chair for scheduling this special meeting, and thank you to those who called for the meeting. My hope is the friction in this room will cause sparks of the right kind. Please make that spark a huge interest for us, the little people, and The Innocents, the soil, the water, and animals.

May the spark be a heads-up to resist temptations to give our dominating corporations what they want. Monsanto clearly does not have the best interests the innocents at heart, and must be resisted with tenacity as a group. Remember how the little people voted.

A&B is already trying to end laws that have protected animals on Maui since 1997. Please each and every one of you, find common ground here. Protect the innocents with every core of your beings.

My request going forward, to each of you, is to guide the future of our soil, water, and animals in this precarious and pivotal moment in Maui's history. I ask you to use the skills animal trainers use with great success. Make the wrong thing hard and make the right thing easy.

Use legislation to do this. Use tax laws to do this. Make the right thing easy. Give big tax breaks for trees planted. Make it a big enough break for large numbers of trees such that A&B takes notice and takes advantage by planting thousands of trees on their now vacant lands. Trees for food, and most importantly, trees for shade for cows, and also trees to rehabilitate the soils.

Make the wrong thing hard. Charge full tax for true land value if cows are put into fields with no shade. Also be sure our animal welfare laws are fully enforced. Make the wrong thing so hard, that breaking the law will be too expensive for even the powerful A&B.

In summary, We the people, and our precious soils, waters, and animals are in your hands. Take it seriously and let these responsibilities bring you together as a Council. Perhaps you may differ on other causes, but please be one strong force going forward in protection of "The Innocents". Get trees planted by the thousands through tax law legislation and the legacy of this fresh Council will be enjoyed and remembered for generations to come.

Thank you,
Diana Custer 808-573-0507

HOW THE ALOHA SPIRIT BECAME LAW

According to reports from the Hawaii 2000 conference, which was held in 1970 to begin to map the islands' future, the revered sage, poet, teacher, and Maui native Pihahi Pahi discovered to her dismay a mood of "anxiety, tension and widely shared expectations of the possible eruption of angry confrontations."

So she rose and delivered an impassioned appeal to the Aloha Spirit, and received a standing ovation.

Some 15 years later, as Aunty Pahi neared death, she felt mankind was fast approaching a point of no return. "Hawaiians have the power to save world culture," she told friends who gathered around her. "The world will turn to Hawai'i as they search for peace because Hawai'i has the key...and that key is Aloha."

Those friends then drafted a Bill, echoing many of the words she had spoken at that conference years before. That Bill was enacted into law in 1986. No one is exempt from that law.

Yet when the Maui County Council met for the first time on January 2 of this year, Aloha was nowhere in evidence. Imagine how downhearted Aunty Pahi would have been.

RESTORE ALOHA is a movement to urge County Council to embrace the Aloha Spirit and get on with the People's business.

"Aloha is to be in the presence of life, to share the essence of one's being with openness, honesty and humility. It is a way of being, a way of behaving, a way of life. It is a commitment to being real. It is a commitment to accepting others and giving dignity to who they are and what they have to offer."

HAWAII STATE STATUTE

[§5-7.5] "Aloha Spirit". (a) "Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "Aloha", the following unuhi laula loa may be used:

"Akahai", meaning kindness to be expressed with tenderness;

"Lokahi", meaning unity, to be expressed with harmony

"Oluolu", meaning agreeable, to be expressed with pleasantness;

"Haahaa", meaning humility, to be expressed with modesty;

"Ahonui", meaning patience, to be expressed with perseverance

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. "Aloha" is more than a word of greeting or farewell or a salutation. "Aloha" means mutual regard and affection and extends warmth in caring with no obligation in return. "Aloha" is the essence of relationships in which each person is important to every other person for collective existence. "Aloha" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "Aloha Spirit". [L. 1986, c. 202, §1]

**Council of the County of Maui
Testimony of Nick Drance**

1/16/2017 1:30 PM

I have reviewed the three proposed resolutions:

1. **Resolution 17-5:** ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS. (White)
2. **County Communications 17-14:** COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS". (Hokama)
3. **County Communications 17-15:** COUNCILMEMBER KING, transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND MEMBERSHIP". (King)

With regard to County Communications 17-15, I would consider the White/Hokama resolutions as one because both propose the same standing committees with exact changes, additions and deletions defining their duties, although they differ in appointed committee members makeup and numbers. I support 17-15 because 17-5 and 17-14 remove the Committee of the Whole with its duties divided and redistributed to other committees which 17-15 does not. Both proposals appear to create a stacked deck by ensuring a clear majority preference vs. a minority status in every committee makeup.

Here are my conclusions:

1. The committees delegation of the Chair and Vice Chair assignments seem to be evenly divided in all proposals and those positions do not appear to be overworked.
2. The **Committee of the Whole** needs to remain as shown in the King plan because their primary duties and responsibilities will require full membership to address:
 - a. Litigation matters, including special counsel, indemnifications and settlements.
 - b. Appointments of executive branch officials, including board and commission members,
 - c. Issues involving the responsibilities of two or more standing committees.
 - d. Operations of the Office of the County Clerk and the Office of Council Services.

My three main points are:

1. I support County Communication 17-15 plan with the exception that I wish all committees to have 7 members **with the exception of Budget and Finance and Planning and the Committee of the Whole** which seems to be the most democratic makeup. It requires each elected Council Member equal weighting, duties, responsibilities and decision making opportunities.

This is predicated on the 7 member committees being comprised of Council Members individual skill sets and interests, for example, Alike Atay involved with Water. No one can argue with Committee make ups based on skill sets and interests.

All Council Members are still free to sit in on other Committee Meetings.

2. Without reservation or exception, I fully support the inclusion of the Committee of the Whole as outlined in Reso 17-15.

3. I wholeheartedly object to the rearrangement of Committee functions as outlined in Resolution 17-5 and 17-14

My support of the Resolution 17-15 is in great part based on the following 4 points.

1. The White/Hokama proposal deletes the Committee of the Whole and redistributes its duties to unrelated committees and functions that do not seem to work efficiently. Breaking up this committee quite clearly intends to dim the light on items and issues of importance that require the full attention and participation of all councilmembers. Thus my support for maintaining The Committee of the Whole as proposed in CC 17-15 (King).

2. Reso 17-15 addresses problems with The Hokama White proposals which redistribute Legal Affairs and Energy combining it into Parks and Recreation as a result of **deleting the Committee of the Whole.**

3. The Committee of the Whole in Reso 17-15 also addresses problems with the White/Hokama proposals which create a Policy Committee to capture important duties of the Committee of the Whole and combines it with Economic Development and adding Agriculture to it. This combination does not make for an efficient committee and further, Reso 17-5 (White) reduces this committee makeup to 7 councilmembers, irregardless of the gravity of the duties of Policy.

4. Reso 17-15 addresses the fact that the number and composition on each committee assignments in the White/Hokama proposals appear to establish a majority vs. a minority status to maintain control of the committee functions.

In closing, the so-called "Ohana Candidates were elected based on their love of the Aina and not on an obstructionist platform. As such, it is the sacred duty of the Council as the Legislative Branch, along with Judicial and Exective Branch, to fulfill this sacred duty. It took me 28 years to get here at a considerable cost and I expect you guys to put your other political and financial considerations aside for that higher goal. There are no secrets on this island. Let's all remember that.

Resolution 17-5 (White)

Budget and Finance Committee
Housing, Human Services, and Transportation Committee
Infrastructure and Environmental Management Committee
Land Use Committee
Parks, Recreation, Energy, and Legal Affairs Committee
Planning Committee
Policy, Economic Development, and Agriculture Committee
Water Resources Committee

County Communication 17-14 (Hokama)

Budget and Finance Committee
Housing, Human Services, and **Transportation** Committee
Infrastructure and Environmental Management Committee
Land Use Committee
Parks, Recreation, **Energy, and Legal Affairs** Committee

Planning Committee

Policy, Economic Development, and Agriculture Committee

Water Resources Committee

County Communication 17-15 (King)

Budget and Finance Committee

Committee of the Whole

Economic Development, Energy, and Transportation Committee

Housing and Human Services Committee

Infrastructure and Environmental Management Committee

Land Use Committee

Planning Committee

Water, Agriculture, Parks, and Recreation Committee

**Council of the County of Maui
Testimony of Nick Drance**

1/16/2017 1:30 PM

I have reviewed the three proposed resolutions:

1. **Resolution 17-5:** ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS. (White)
2. **County Communications 17-14:** COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS". (Hokama)
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 - b. Appointments of executive branch officials, including board and commission members,
 - c. Issues involving the responsibilities of two or more standing committees.
 - d. Operations of the Office of the County Clerk and the Office of Council Services.

Riki Hokama – Council Committee Chairs, Vice Chairs and Member Assignments

	B&F	HHS/Tr	Inf/Env	Land	PR/E/L	Plan	P/ED/Ag	Water	
Mike	x-VC	x	x	x	x	x	x	x	8
Riki	x-CH	x	x	x-VC	x	x	x		7
Stacey	x	x-CH		x	x	x	x-VC	x	7
Yuki	x		x	x	x	x-VC	x-CH	x	7
Bob	x	x-VC	x	x-CH	x		x	x	7
Don	x	x	x-VC	x	x-CH	x	x		7
Elle	x		x-CH	x	x	x	x	x-VC	7
Kelly	x	x		x	x-VC	x-CH	x	x	7
Alika	x	x	x	x	x		x	x-CH	7
	9	7	7	9	9	7	9	7	

Kelly King – Council Committees

	B&F	COW	ED/E/T	HHS	I/EM	LU	PC	WAP/R	
Mike	x-VC	x	x	x	x	x	x	x	8
Riki	x-CH	x	x	x	x	x	x	x	8
Stacey	x	x	x	x-CH	x	x-VC	x	x	8
Yuki	x	x	x-CH	x-VC	x	x	x	x	8
Bob	x	x	x	x	x	x-CH	x-VC	x	8
Don	x	x-CH	x	x	x	x	x	x-VC	8
Elle	x	x-VC	x	x	x-CH	x	x	x	8
Kelly	x	x	x-VC	x	x	x	x-CH	x	8
Alika	x	x	x	x	x-VC	x	x	x-CH	8
	9	9	9	9	9	9	9	9	

Mike White – Council Committees

	B&F	HHS/Tr	Inf/Env	Land	PR/E/L	Plan	P/ED/Ag	Water	
Mike	x-VC		x			x	x	x	5
Riki	x-CH		x	x-VC	x		x		5
Stacey	x	x-CH		x	x	x	x-VC		6
Yuki	x	x			x	x-VC	x-CH	x	6
Bob	x	x-VC	x	x-CH	x			x	6
Don	x	x	x-VC	x	x-CH				5
Elle	x		x-CH		x		x	x-VC	5
Kelly	x			x	x-VC	x-CH	x		5
Alika	x	x				x	x	x-CH	5
	9	5	5	5	7	5	7	5	

- These spread sheets give you an indication of the eight committees of the council and who are assigned to them.
- It shows how many committee assignments each council member has compared to other council members. (Right Column)
- It also show how each proposal differs in their committee numbers and make up. (Bottom Row)
- It clearly identifies the committee make ups compared to Kelly's 9 member committees. (Hokama = less, White = even lesser)

It is just a quick reference of the 3 scenarios and the difference in committees from Kelly vs. Hokama/White, noting the elimination of the Committee of the Whole and its redistribution by Hokama and White.



January 16, 2017

Support for County Communication 17-15

HFUU Haleakala
Board of
Directors

Aloha Chairperson White, Vice Chair Carroll and honorable members.

Simon Russell
President

Hawai'i Farmers Union United - Haleakalā Chapter is a membership organization of 322 people in the agricultural communities of North, South, East and Upcountry Maui.

John Dobovan
Vice-President

We would like to take this opportunity to thank the County Council for their support over the years. We welcome in the new members, and also congratulate the re-election of the former members as well. We need also to thank the office of the Mayor and the Office of economic Development for supporting the programs of the Maui Chapters of the HFUU. We thank you all for choosing to serve the County of Maui.

Jenny Pell
Secretary

Melissa Jenks-Olivit
Treasurer

We stand in strong support of Kelly King's Resolution establishing the standing committees of the Council, defining their duties and membership. We find Councilwoman King's suggested committee structure inclusive, and one that uses many of the talents that Council members have in a useful way.

Susan Campbell
Member

We feel that Maui County will be best served when all Council members are included in all committees. Councilwoman King has done this with her draft resolution.

Tara Grace
Member

Furthermore, as an organization with a seat on the Maui County Agricultural Working Group, which has met tirelessly for the past three years, Hawaii Farmers Union United hopes that this Council would see fit to engage that group, and further utilize its depth of experience and talent in all matters agricultural.

Jake Lansky
Member

Robert Ward
Member

This is a pivotal time in Maui, America, and indeed in planetary history. So many things hang in the balance and are within the reach of us as citizens of this world. Climate change and food security come to mind. We can and must do more to build community and solve the issues confronting us with real and lasting solutions.

Michael Howden
Member

We appreciate your hard work and dedication to public service, thank you for stepping forward to represent and work for our County of Maui, and thank you for hearing our testimony on this important matter today.

Irene Fernandez
Member

Me ka ha'aha'a, me ke aloha 'āina

Simon Russell 808-209-8102
HAWAII FARMERS UNION UNITED-Haleakalā Chapter
President

The Hawai'i Farmers Union United and its Chapters is a nonprofit corporation formed under Hawai'i law. It advocates for the sovereign right of farmers, ranchers and fishers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawai'i through cooperation, education and legislation.

The Council will have to consider:

1. Committee names (Areas of Jurisdiction)
2. Size of each Committee (5 or 7 or 9)
3. Each Committee's Specific Duties and Responsibilities
4. The Chair and Vice-Chair of each Committee
5. Committee Members (+ Who has majority control?)

1:30pm, Monday, Jan., 16, 2017

COMMITTEE NAME	Committee Chair	Committee Vice-Chair	# of Members		
Full County Council	White	Carroll	9	All 9 members	Majority
Committee of the Whole	Guzman	Hokama	9	All 9 members	Majority
Budget and Finance	Hokama	Guzman	9	All 9 members	Majority
Planning	King	Carroll	9	All 9 members	Majority
Land Use	Carroll	Cochran	7	All, except White and Guzman	Majority
Economic Development, Energy and Transportation	Atay	King	7	All, except Crivello and Sugimura	Ohana
Housing and Human Services Committee	Crivello	Sugimura	7	All, except King and Atay	Majority
Infrastructure and Environmental Management	Cochran	Crivello	7	All, except Carroll and Hokama	Ohana
Water, Agriculture, Parks and Recreation	Sugimura	Atay	7	All, except White and Cochran	Ohana

MAUI COUNTY COUNCIL

RECEIVED

PUBLIC HEARING

2017 JAN -9 AM 8:09

January 16, 2017

OFFICE OF THE
COUNTY CLERK

Agenda Item

Appointment of Committee Chairs and Committee Membership

Testimony of

Clifton M. Hasegawa

President and CEO

Clifton M. Hasegawa & Associates, LLC

1322 Lower Main Street A5

Wailuku, Hawaii 96793

Telephone: (808) 244-5425

Email: clifhasegawa@gmail.com

LinkedIn: <https://www.linkedin.com/in/cliftonhasegawa>

The Honorable Council Chair Mike White

The Honorable Council Vice-Chair Robert Carroll

The Honorable Presiding Officer Pro Tempore Stacy Crivello

The Honorable Councilmember Alike Atay

The Honorable Councilmember Elle Cochran

The Honorable Councilmember Don Guzman

The Honorable Councilmember Kelly King

The Honorable Councilmember Riki Hokama

The Honorable Councilmember Yuki Lei Sugimura

TIES THAT BIND

THE CORD

The dockline rope that anchored the Council has reached its maximum and is frayed. Repairing this frayed rope is the Order of Business for the Council.

The Cord representing and governing for the well-being of Maui and the People of Maui County is your anchor cord.

THE CHORD

Harmonizing the working relationships between members of the Council is the Order of Business for the Council. Each member of the Council was elected for their integrity of character, experience, qualifications, knowledge and vision.

Each member is independently a strong-willed gifted individual blessed with exemplary courage and stamina who bring to the table differing views of what is best for Maui and the People of Maui County. Harmonization by being accepting and agreeable by merely saying "YES" when you believe otherwise for the sake of being with the "Majority" is not in the best interest of Maui and the People of Maui County. This would be a flagrant omission and a violation of the public trust.

Harmonization by acting with due diligence and with due speed is the Order of Business for the Council.

D'ACCORD

Be your votes cast on the Resolution result in a protocole d'accord, a Memorandum of Agreement, certifying that each Member of the Council shall by their representative skills, diligence, character of integrity duly govern on the narrow pathway by applying their personal best for Maui and the People of Maui County.

This is the Order of Business for the Council.

... Mahalo nui loa ... Malama pono ... Aloha ...

Respectfully submitted,



Clifton M. Hasegawa

Walle Landenberger

PO Box 1525

Makawao, Hi 96768

walle@maui.net

January 13, 2017

Maui County Council

Reso 17-5, CC17-14, CC 17-15

Public Hearing of January 16, 2017

RECEIVED

2017 JAN 13 PM 1:46

OFFICE OF THE
COUNTY CLERK

My name is Walle Landenberger and I live in Makawao Town.

I am a voter and I watch a lot of AKAKU to keep abreast of some of the goings on in the County.

I watched the January 2nd meeting from the beginning until I fell asleep sometime after midnight. I woke up couple of times only to see the screen telling me the Council was in Executive session.

I have watched enough of the reruns of that meeting that I have a very good handle on what went on.

I want to speak to the Committees of the Council and the membership of those committees.

Over the past years I have been frustrated that meetings have been cut short because a member has had a prior commitment and there were not enough members in the committee to keep a quorum.

I support CC 17-15 proposed by member King. I support the fact that ALL members are able to participate as voting members of ALL committees.

Voters did not elect representatives to serve on a few committees that serve their own interests.

Voters elected representative to represent each of the Council Regions of the County of Maui.

Voters in each area want their particular representative to be available to speak for the region.

All members means that the entire council is educated in ALL matters at the committee level.

All members means every council member has the opportunity to VOTE at the committee level.

All members means there is less chance of quorum problems.

This is the better way to give representation to all the citizens of Maui County.

Mahalo, Walle Landenberger makawao

County council meeting

Francesca Carey <info@fabmachomes.com>

Fri 1/13/2017 1:38 PM

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

Please consider the Hokama plan for committee organization in your deliberations on Monday, Jan 12. Also, please review the report from Cochran on Increasing Inventory of Available Housing for its merits. We need to find ways to increase our inventory of housing in MauiCounty, and this report is a start in the right direction. Thank you!

Francesca Carey
President, FABMAC Homes, Inc.
808-276-2936 cell 808-244-0888 office
221 South Wakea Ave., Kahului, HI 96732
www.FabMacHomes.com
Member of the USGBC
www.usgbc.org

RECEIVED
2017 JAN 13 PM 2:00
OFFICE OF THE
COUNTY CLERK

Establishing the Standing Committees of the Council

RECEIVED

2017 JAN 16 PM 12:06

Patricia Cadiz <psc5@mac.com>

Sat 1/14/2017 3:21 PM

OFFICE OF THE
COUNTY CLERK

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

Cc: Mike White <Mike.White@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>;

Dear Chair White, Vice Chair Carroll & Council Members,

Aloha and mahalo for the opportunity to provide testimony on this matter.

We are writing in support of the proposals introduced by Chair White and Council member Hokama. While we admire Council member King's ambitious proposal, we feel that when Council members serve on too many committees, it is not humanly possible for each council member to be fully informed on every single issue prior decision making. Additionally, meeting quorum may prove difficult.

It is helpful - not just for council members but for *your citizens* - if committee members have a more focused workload with fewer committee appointments so they could be thoroughly informed on the important issues facing their committees. We feel that smaller committees are more efficient and allow for expertise to shine.

From a citizen's perspective, it is extremely difficult to meet with all nine members individually on matters dear to the heart, or alternatively, to compellingly express all facts in the 3 minutes allowed at public testimony.

From a time-management point-of-view, if all council members must sit at all committee meetings as well as all the full-council meetings, they will have even less time to meet with concerned constituents. It is already very difficult to get appointments. Therefore, an unintended consequence of larger committees would be the *decreased opportunity for citizen input* due to time constraints.

Therefore, we favor Chair White's proposal with fewer committee members, and support Council member Hokama's proposal only as a second best approach. Thank you for your careful consideration.

With respect,

Alan and Patricia Cadiz

Council members;

Gilbert Guzman <gguzman@KBHMAUI.com>

Fri 1/13/2017 8:15 PM

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

RECEIVED
2017 JAN 16 PM 12:06
OFFICE OF THE
COUNTY CLERK

Aloha Maui County Clerk,

I am very disappointed of council members Elle, Atay, and King of their immature mind. We need to move forward for the sake of the people, on the second biggest island of Hawaii. I'm frustrated of their immature games that they are intent of doing. I support Mr. Hokama's proposal committee resolution, so that this councils can concentrate of their duties for the people on Maui.

Mahalo,
Gilbert

Sent from my iPhone

Attention Council Members

Barbara Potts <barb@alohapotts.com>

Fri 1/13/2017 5:31 PM

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

Cc: Lee Potts <lee@alohapotts.com>;

RECEIVED

2017 JAN 16 PM 12: 06

OFFICE OF THE
COUNTY CLERK

Aloha,

I support Elle Cochran's efforts with the TIG for affordable housing solutions. Please place Elle on the committee for affordable housing since she has a history with this very important effort.

Mahalo,

Barbara

Barbara S. Potts, R(B), GRI, ABR, RSPS, SRS, SFR, MBA
Live Aloha!



Aloha Group
Maui
AGENTS OF ALOHA

Barbara S. Potts
Realtor® Broker
RB-19006



kw ISLAND LIVING

255 W. Kaunimānu Ave., Suite 201, Kahului, Maui, HI 96731 (Main Office)
180 Ole Kalaheon St., Suite 212, Lahaina, Maui, HI 96761 (Lahaina Branch)

AlohaGroupMaui.com | 808.344.5008 | barb@alohapotts.com



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

RECEIVED
2017 JAN 16 PM 12:06
OFFICE OF THE
COUNTY CLERK

Testimony on Resolution 17-5

Re: Public Hearing of the Maui County Council on Establishing the Standing Committees of the Council, Defining Their Duties, and Appointing Their Members
Monday, January 16, 2017

Dear Chair White, Vice Chair Carroll &
Council Members,

Aloha and Mahalo for the opportunity to provide testimony on this matter.

We are writing in support of the proposals introduced by Chair White and Councilmember Hokama. We believe Chair White has been extremely fair in providing each Councilmember with an important roles in the various committees. While we believe either proposal would work well for the Council, we do often see that when Council members serve on too many committees, that not enough research is being completed prior to meetings and decision making. This can leave Council Members relying upon information from testifiers presented as facts, but which are not necessarily facts, with unverified information that lacks a scientific basis regularly presented. Therefore, It may be helpful if committee members had a smaller workload with fewer committee appointments so they could better focus on the important issues facing their committees. However, we are okay with either Chair White's proposal with fewer committee members or Councilmember Hokama's proposal with more members as the Council sees fit, understanding the public is looking to Councilmembers to be well researched and informed on the topics that they are making decisions on.

We were surprised at first by the split of the 2016 Policy & Intergovernmental Affairs Committee into two other committees—the Parks, Recreation, Energy & Legal Affairs Committee and the Policy, Intergovernmental & Agriculture Committee. It seemed a little disjointed. However, given the expertise of the proposed Chairs, we can understand the purpose of the split.

Therefore, we support the adoption of either proposal as we see the committee duties, definitions, and appointment of members is fair and sensible in both.

We believe the best thing that can happen for our community is cooperation, respect, and aloha at this meeting. We see a problem with holding meetings on a holiday as it deters the public from participating in public testimony. We also see a problem with council meetings going into overtime on a holiday as that creates more of a cost for our County and an unnecessary cost burden on our people. We also have a huge issue with the cheering and booing that is taking place at council meetings. This is setting up an environment that makes testifiers uncomfortable and must stop immediately. We have spoken on this before and will continue to speak on this if it continues to happen. We hope to see our Council work together on a respectful, fair and transparent process where diverse opinions can be expressed without causing an uprising.

We look forward to sharing the views of the business community with you and working together on winning solutions.

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.

County Council Special Meeting of 1/16/17 on County Council Organization

RECEIVED

2017 JAN 16 PM 12:07

OFFICE OF THE
COUNTY CLERK

Lee Adridge <leealdridge@msn.com>

Mon 1/16/2017 11:52 AM

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

Dear County Council

I am writing and testifying in support of Council Chair Mike White and the majority of Council Members who support Mike White. It has been the four Ohana Coalition Council members, Atay, Cochran, Guzman, and King who have been acting unethically and in the radical, subversive and disruptive fashion characteristic of all of the Ohana Coalition/Shaka Movement leaders, advocates, and backers. These are the people who have a public tantrum whenever they don't get their way. They have no room in their hearts for the Aloha Spirit of Hawaii and would be better suited to be situated on Councils in Chicago, Detroit, or other politically corrupt big cities that are rife with dissension and unrest. I believe that these Ohana Coalition members have been elected or re-elected under a false premise and should be subjected to a recall election. I will be asking everyone I know to keep a close eye on the behavior and motives of these Ohana Coalition Council Members.

Mahalo for this opportunity to submit testimony.

Aloha,

Lee Adridge

Kahului

Committee Selection Hearing

Kanamu Balinbin <nalugrindz808@gmail.com>

Mon 1/16/2017 11:31 AM

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

RECEIVED

2017 JAN 16 PM 12:07

OFFICE OF THE
COUNTY CLERK

Aloha, my name is Kanamu Balinbin and I would like to thank you for allowing me to testify on this subject.

We the people deserve responsible, efficient and trustworthy people in government. The people that I represent would very much like to see that happen. We feel that the original Committee Selection or Councilman Hokama's proposal makes the most sense. Having every Council member be on every committee is not feasible. It will take time away from issues that are critical to Maui County because it will be too spread out and not enough time will be spent on the most important issues like affordable housing, water rights, homelessness ect.

We would like to see the County Council come together as one. Please come to a compromise for the better of Maui County. Alike had it right when he said that the Council needs to, "Bring the people's trust back to our government." I pray on a daily basis that this come true. Mahalo nui loa and mat God bless all of you.

Monday, January 16, 2017 Council Meeting regarding committee chairs and organization

RECEIVED

2017 JAN 16 PM 12:07

Tom Blackburn-Rodriguez <tominmaui@icloud.com>

Sun 1/15/2017 11:48 AM

OFFICE OF THE
COUNTY CLERK

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

Dear Chairman White,

Thank you for holding the hearing today, which may do much to provide a voice for those eager to testify on the issue of council committee membership and chairs. I am a member of Go Maui, Inc., but I am submitting my testimony today as an individual.

I believe this is an internal organizing matter for the Council and my testimony is to respectfully request that as the committee membership and chairs are selected that the critical discussion on water and affordable housing do not get diminished in the process.

Water and housing issues have a momentum from the previous council and members have developed expertise in these areas. That expertise can be helpful in continuing to move these issues forward.

Thank you for the opportunity to testify.

Sincerely,

Tom Blackburn-Rodriguez
808-283-4570
tominmaui@icloud.com
85 Manino Circle #202
Kihei, Hi 96753

We support Elle Cochran for Housing Committee

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2017 JAN 16 PM 12:07

OFFICE OF THE
COUNTY CLERK

Sylvia Cabral <sylviacabralmaui@gmail.com>

Sun 1/15/2017 8:36 AM

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

We support all members on every committee.

Your Maui Real Estate Broker
808 879 9007

PAF 16-128

RECEIVED

2017 JAN 16 PM 12:07

Doreen Canto <cantodoreen@gmail.com>

Mon 1/16/2017 7:23 AM

OFFICE OF THE
COUNTY CLERK

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

Subject: Resolution establishing the standing committees of the Council, defining their duties, and appointing their members.

Dear Chair White:

Please be advised that I stand in strong *support* of the Committee structures as proposed by Councilmember Riki Hokama.

Sincerely,

Doreen Nāpua Canto
Resident of Kula, Maui

To Council Chair Mike White, and council members:

I want to express my concern about the way that the council has started their business for the coming term. Organizing for your year should be the business of the nine members. Going to public hearings for discussion of committees is ludicrous. Committees are formed to help you get your business completed in a thorough and yet timely manner. As a community member and a voter, I want to see you get to the business at hand.

I do not have access to Akaku, thank goodness in this situation, as I have heard about your extremely long and contentious meeting. Is this the best way to start out your session? As a voter, I had hoped to see people, new and returning, come in with an attitude of working together for the county.

I have worked on committees and chaired organizations many times. Never have I had to go to a whole membership to decide how to set up my committees. I have also never had a committee that is the entire group. Why have a committee if all 9 members are on that committee? It is just a "committee of the whole."

I have served on some committees for the county and see that tireless public meetings often hamper accomplishing the needed tasks. We do need to have public input, but here in Maui County it is almost becoming like the US Senate and filibustering. A few people come to meetings and want you to believe that they speak for all the voters. Most of the residents of Maui do not have time to come to meetings that last for 4 to 5 hours. They have jobs and families. They have voted for you and entrusted you to get the job done. Please move forward and get the job done for the people of Maui County.

Linda Kay Okamoto

P.O. Box 630038

Lanai City, HI 96763

808-559-0200

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2017 JAN 16 PM 12:07
OFFICE OF THE
COUNTY CLERK

RECEIVED

2017 JAN 16 PM 12:07

January 16, 2016 – PUBLIC TESTIMONY OF LINDA PUPPOLO

County Council Members,

My name is Linda Puppolo. I cannot be at today's meeting at 1:30pm due to work commitments. I will be there in spirit as I believe this meeting will set the tone for the next two years of your service to our Community. I want to commend all of you for your passion in your efforts to serve us.

I fully support the proposal put forth by Kelly King to include all nine members on each Committee. I believe also that the Committees need to be reorganized and I fine tuning should continue throughout your tenure. I support this proposal for the following reasons:

- I really want to see you committed to ALL of the issues of our community.
- I believe this position is an honor and I believe we need to have your undivided attention. It is a good living wage and I believe you should give us 100% of your time. I think keeping outside positions is unacceptable.
- Council Member White expressed the difficulty of achieving quorum. This is a way for you folks to be as committed to the issues as you choose. There are no limits on you and it will show just how committed you choose to be.
- If you can become a good working Council that can benefit from the strengths and weaknesses of your colleagues, there will be no power struggle. You will collaborate these things down until you can reach compromise. This is hard work but as you are diverse; so is your Maui Community. Everyone loses in perpetual power struggles.
- Council Member White said that the last two years have been extremely productive. I do not agree. The last two years have been full of power struggles. Little has been accomplished because of this. The Mayor has stated constantly that he had some ideas for the homeless issue that was never scheduled in a timely manner. This issue is a failing of the last Council. I don't mean A MEMBER; I mean the whole Council. There are many ideas from Council Member Cochran for housing, from Keith Regan and Mayor Arakawa and from the Homeless Task Force but little to no movement. It is because of the power struggle and it has to stop. This is a Council of unique individuals. The real problem is leadership. A real leader does not need to organize behind closed doors. A real leader wants the Community to see the progress. Please commit to voting for the good of the community; not to perpetuate this power struggle.
- And if you are tired; take the day, the month, the tenure off. We do not need Council Members in meetings with their eyes closed. It is embarrassing and insulting. I know most of you personally. I have great hope for this Council. It started off rocky but I believe that is a good thing if you see where it all went wrong. At least it is real. We see who you are now.

The Committee structure is crucial. Please consider collaboration instead of force. Alliances change. It just may be you on the other side of that 5-4 split someday. The work speaks for itself. Show us and a divided nation that Politics isn't as seedy as everyone thinks. This IS Maui after all.

Mahalo,

Linda Puppolo

lpmindeze@gmail.com

PO Box 218, Puunene, HI 96784

Council committee hearing on January 16

Luly Unemori <luly.unemori2@hawaiiintel.net>

Sat 1/14/2017 4:01 PM

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

RECEIVED

2017 JAN 16 PM 12: 07

OFFICE OF THE
COUNTY CLERK

Aloha Honorable County Council Members,

I am writing to ask that you please adopt the original proposed committee organization, or the one put forth by Council Member Hokama. With no disrespect to Council Member King, her proposal seems the most bureaucratic and impractical of the three, and is not advantageous in any way over the other two.

I've been very dismayed by the recent events at the County Council, that the actions of a minority group within the Council have effectively shut down the Council. It bothers me greatly to see such political maneuvering jeopardize the smooth running of our local government. In the end, it's the citizens of Maui County who stand to be hurt the most by such machinations.

Thank you for letting me share my personal thoughts, and thank you all for your willingness to serve the needs of all the people in our county.

Respectfully,

Luly Unemori
Wailuku

Written testimony for public hearing 1/16/17

RECEIVED

2017 JAN 16 PM 12:07

David Yanagihara <dayanagihara@gmail.com>

Sun 1/15/2017 5:39 PM

OFFICE OF THE
COUNTY CLERK

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

To: County clerk

Re: Submitting written testimony of Maui county council public hearing on Monday, 1/16/17

Dear County council members:

I find the calling of a public hearing by council persons, Cochran, Atay and King, to decide matters, of what I consider, internal council affairs, a waste of precious council time. I feel that the majority of the public do not have enough knowledge and experience of the inner workings of council committees to give sound recommendations. As a result, I suspect that the majority of testimony by the public will be based on emotions, hearsay, and group political mentality. Specifically, I feel that this call for a public hearing is an attempt by the Ohana Coalition council members to use their aggressive and vocal support group at the public hearing to try to pressure the other council members to go along with their agenda that would give them more control over the council.

In my opinion, the selection of council committees chair, vice chairs and content should be internal council business and the majority rules. This is the case of most legislative bodies.

Since the public hearing has already been scheduled, and will take place then here is my testimony of the proposals based on the Maui news and MauiNOW articles.

1. Regarding the question of how many members on each committee: If there was a problem of committee attendance and quorum, then it makes sense to have smaller committees and NOT to increase the number of committees. A compromise between the two extremes of 5 members vs all committees having 9 members, is Mr. Hokama's proposal of the more "powerful" committees having all 9 and the "lessor" committees having 7.

2. I am against Ms. King's proposal to add yet another committee titled "committee as a whole". My reasoning is that there is already a committee that handles legal affairs

of which Mr. Guzman is the chair. In terms of operation of agencies and departments, I would assign specific agencies and departments issues to be taken up by the existing committees that naturally match their area of responsibility. Regarding charter amendments, I would assign this to Mr. Guzman's legal affairs committee.

3. On the subject of reassigning subject matters of each committee: Again, as originally stated, I think the council should haggle this out amongst themselves. But since there change being proposed here is my "un-knowledgeable" opinion:

A) Budget and Finance: as proposed by Mr. Hokama. Chair: Hokama.

B) Land use: as proposed by Mr. Hokama. Chair: Carroll

C) Housing, Human services, (I would put parks and recreation into this committee):
Chair: Stacy Crivello

D) Infrastructure, (I would put: energy and Environmental Management into this committee.) Chair: I would put Kelly King as chair. (Due to her bio diesel company experience.)

E) Planning (I would put transportation into this committee.): Chair: Cochran. (I would like the west side council person push for the bypass to the West side. Long overdue in my opinion. Plus a LOT of the luxury development is happening in her district and it appears she has a slow growth philosophy that many on Maui support.)

F) Economic Development and Agriculture committee. Chair: Sugimura

G) Water resources: Chair Atay.

H) Legal Affairs and Policy (I pus policy into this committee since it sound like it would be good for a lawyer to write up any policy statements). Chair: Guzman

Addendum: I am specifically NOT in favor of Ms. Kings proposal to have Mr. Atay take over the agriculture committee by adding it to his water resources committee. I have nothing personal against Mr. Atay, but I find his strongly held views on anti GMO, and organic farming biases him against an open attitude to other forms of agriculture.

The committee membership would be as per Mr. Hokama's proposal.

I feel Mr. Hokama proposal fairly divides up the membership and chairmanship. Each council person chairs one committee. Each council person sits on 7 committees. The exception being Mr. White would sits on all 8 committee but has no committee chair position, but rather has the council as a whole chairmanship.

Thank you for hearing my opinion.

David Yanagihara

Personal note: I am a 30+ year resident of Maui (originally born on Oahu.). My father was born and raised on Maui. All my children are born and raised here on Maui. My children are 5th generation here on Maui. I plan to live the rest of my life here and die here. Maui is my home.

January 16, 2017

Good Afternoon Everyone,

I am presenting testimony in support of Council Member Riki Hokama's resolution regarding the committee assignments of council members. The committee composition and size are fair to all members.

In all the years I've been following the Maui County Council, I've never seen nor heard of a public hearing being held to address an internal matter that has been and should be within the purview of the Council.

As citizens and taxpayers of Maui County, we need you, our elected officials to take responsible actions, not use tactics to delay addressing the important work of the Council.

I urge you all to stop the childish bickering and stop the spread of misinformation and personal attacks that unfairly targeted and questioned the motive of honorable public servants like Council Member Mike White. It's time to move on.

Thank you for your time.

Leslie-Ann Yokouchi

357-6288