

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

December 16, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, DECEMBER 16, 2016, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER GLADYS C. BAISA, G. RIKI HOKAMA, AND MICHAEL P. VICTORINO.

(Councilmembers Victorino and Hokama were not present when the roll was called; however, they arrived at 9:04 a.m. and 2:46 p.m., respectively.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have seven Members present and two Members currently excused.

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

With the opening remarks we have Councilmember Michael Victorino.

COUNCILMEMBER VICTORINO: The Member who was missing for a moment. I apologize, Chair.

CHAIR WHITE: No problem.

COUNCILMEMBER VICTORINO: I had to run and finish something else up, so I apologize for being late.

And Mr. Clerk, you can mark me present. Thank you.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael P. Victorino.

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

And with that, may I ask all of you to please rise and join me in the Pledge of Allegiance?

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: And before we proceed, if, just a reminder for everyone to please turn off your noisemaking devices so that we can have calm in the chamber.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on ceremonial resolutions.

We've received eight requests from individuals who have signed up to provide testimony in the Council chamber. There are no individuals on, in our District Offices who have requested to testify.

The first person to testify in the chamber this morning is Fred Ruge, member of the Maui County Veterans Council, to be testifying on "EXPRESSING APPRECIATION TO COUNCILMEMBER DON COUCH". To be followed by Jacob Verkerke.

CHAIR WHITE: Mr. Ruge, you'll need to, we'll be happy to pass the lei on.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. FRED RUGE:

Okay. Good morning.

CHAIR WHITE: Good morning, and welcome.

MR. RUGE: Don, I'd like to thank you for all your years of service to the people of Maui. When you were campaigning all the time, you always gave out a little bag of cookies to everybody you saw. And actually, you're the best cookie that Maui County ever had.

As a member of the Maui County Veterans Council, I would like to thank you, Don, for everything you've done for the veterans, and especially for your strong support of the Veteran's Day picnic.

Thank you, Don. And I wish you all the success in the world. And this is for you.

CHAIR WHITE: We can, if somebody can please convey the lei to Mr. Couch.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Jacob Verkerke, testifying on ceremonial resolutions expressing appreciation for both Couch and Victorino.

CHAIR WHITE: Thank you.

Good morning.

MR. JACOB VERKERKE:

Good morning, Chair. Good morning, Members of the Council. I'm here to bid aloha to two of your Members, and actually two of my friends, I believe.

Mr. Victorino, thank you for all your service on the Council. Thank you especially for being such an excellent representative of the Waikapu community. Your

involvement, and your interest, and your presence is much appreciated. Your hard work in the Council is also much appreciated. And we'll miss the entertainment value you've brought to this body.

Mr. Couch, thank you for your service. And on a personal note, especially thank you for translating this foreign language I've been speaking here in this body for all these years, and, and attaching a note of confidence that perhaps I knew what I was talking about, and, that perhaps it was worthy of the support. You've been instrumental in making that possible, so I'll miss you.

It'd be good to know that I'll see both of you around. And all the best to you. Thank you.

CHAIR WHITE: Thank you, Mr. Verkerke.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual to testify is Sydney Smith, testifying on ceremonial resolutions expressing appreciation to both Members Couch and Victorino. To be followed by Dave DeLeon.

MS. SYDNEY SMITH:

Good morning, Chair.

CHAIR WHITE: Good morning.

MS. SMITH: My name is Sydney Smith. I'm an Upcountry coffee farmer, and current President of the Maui Coffee Association.

I'd like to sincerely thank Councilmember Don Couch for his years of service to the people of Maui County. Thank you for being gracious and respectful to the thousands of testifiers over the years, many of whom are petrified when they're standing here. You look at them and listen, and pay attention. You're a friendly face to a citizen who has taken their time out of their day, away from their family or job, to testify. In Planning Committee sessions, you let those citizens exceed their time limits on many occasions.

Thank you for your unflagging efforts to support the Maui Island Plan, promote affordable housing, and especially for your support of farmers and ranchers. Being Planning Committee Chair is a thankless job, as all of your fellow Councilmembers

know. You get blamed for development, lack of development, noisy neighbors, lack of parking, buckling sidewalks, potholes, lack of open space, and every problem people have in the Planning Department. I've seen you blamed for many things that happened even before you took office. But, I never saw you lose your temper one time.

I've spoken to hundreds of people over the several years that I've been in the Maui Coffee Association, and I'm really surprised by the number of citizens who complain about issues, but they've never one time written a letter or called any of their Council people. And I've suggested to many of them to call your office. And they always call me back in amazement when you call them, and deal with their problem in person. They were always very surprised at that. So, thank you.

And Councilmember Mike Victorino has kept this Council chamber lighthearted, and has brought us joy when we really needed it. I can hardly believe he won't be here next month. He's been the furthest away from us testifiers in distance. But sometimes he feels the closest when he makes a reassuring comment after our three minutes are up.

As a frequent testifier, I've grown to care and respect for each and every one of you. I've gotten to know your staff. And knowing so many are leaving is just really sad.

Last month, I needed to park in a field on the first day of the Made in Maui Festival, and walk back to the Coffee Association exhibit. It was a hot and dusty field. And there directing traffic was Mike Victorino in one of the least comfortable, least visible, and least glamorous positions you could find. But there he was working hard, and still keeping everyone smiling and laughing. Mike, I'm going to miss you.

So, Councilmember Couch and Councilmember Victorino, you've embodied the spirit of aloha here, and you'll both be missed. Thank you for your service. Aloha.

CHAIR WHITE: Thank you, Ms. Smith.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Dave DeLeon, testifying on ceremonial resolutions expressing appreciation to both Councilmembers Couch and Victorino, on behalf of the Realtors Association of Maui. To be followed by Eve Hogan.

MR. DAVE DELEON:

Good morning and aloha. So, I'm here to say mahalo to the two graduating Members of this Council, Mr. Victorino and Mr. Couch. This is not a aloha, this is not goodbye, because I know you guys are both public servants till the end, and you will be serving the community. It's just in your DNA. So, it's not going to happen. You will be doing that.

Mr. Victorino, we really appreciated your service in water, especially getting the Hamakuapoko Wells open again, to help those get water meters Upcountry again. So, that was a major deal. People don't recognize the hard work it took to get the, the water regulations codified. You worked that one really hard and got it through. You became a really outstanding housing advocate, and always been a real advocate for your district; really appreciate your work on the Council.

Mr. Couch, this is a, planning, Planning Chair is really, as the former speaker had said, it's one of the positions where you can lose it really easily with people just because half the people in the room are, they're not going to agree with you no matter what you do. But, we really appreciate the, the work you did on the short-term rental ordinance. That'll, that is a prototype that's being used around the country. We're the only County in the State with good vacation rental ordinances that actually make sense and work, because of the work you and Gladys Baisa did.

We really appreciated the, the home business ordinance, because that allowed people to use, access their property for other things than sleeping at night, you know. You could actually put it to use, and that's a real valuable asset a lot of people have. And that ordinance really allows people to do that.

You became a housing, well, and the work on the General Plan, and getting the Maui Island Plan passed, particularly the motion toward moving agricultural subdivisions with small-lot non-farm properties to rural. It's really key to our, to our association. We really appreciate that effort. And it's unique in that nobody else in the State is even thinking about that. And you know, the work on the TIG and creating a list of possible scenarios to help affordable housing will give this next coming Council something to work with, and hopefully we will get more housing built.

And on that note, though, I'd like to also say mahalo to this Council. This has been a very hardworking Council, not that I necessarily agreed with everything the Council did. But we were, and, and really respect the work and dedication you folks put in. Mahalo.

CHAIR WHITE: Thank you, Mr. DeLeon.

Mr. Clerk.

COUNTY CLERK: Next testifier is Eve Hogan, testifying on ceremonial resolution expressing appreciation to both Councilmember Couch and Victorino.

MS. EVE HOGAN:

Good morning, Council, and happy holidays to all of you. I first want to thank you all for all the work you do. It's, it's been quite a journey this year.

I didn't get involved in politics until the last eight to ten years. And during that entire time, both Mr. Victorino and Mr. Couch were on the Council. And I, and it doesn't matter how many times I come up here or how many times I do this, my heart still pounds. And even now, it's pounding. And, but today it's pounding with a deep sadness, and I want to feel like wanting to cry.

I just want to thank you guys so much for your attention, for putting down your cellphones, for stopping reading all the papers, and the mountains of things that you guys have to do every time we get up here, looking at us, nodding, asking wise questions, giving us your aloha and your concern, and answering our calls as Sydney said, and just really caring about your community and wanting to know what's happening to all of us out here and the rest of the world. Cause I know the map is not the territory, and I so appreciate being able to represent the territory to you and have you listen to that.

You guys have made, all of you have made getting involved safe and effective. And I extend my sincere aloha. I'm looking forward to getting to know the new Councilmembers. But, I will never stand up here without sadness over not seeing you. So thank you so much.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Leslie Couch, testifying on ceremonial resolution expressing appreciation to Councilmember Couch. To be followed by Carey Owen.

MS. LESLIE COUCH:

Aloha. I'd like to take this time to first thank Mr. Victorino, too, for your service and, and the lightness that you have brought. And I have really enjoyed getting to know you over the last six years, and I will miss you.

And I'd also like to thank Councilmember Couch for his valuable service. I have an inside advantage, and being his wife, and I can testify that your heart has always been with the community. And not only in your public role, but also in your private life. You have never stopped caring for the community, not just in Kihei, but all of Maui County.

But primarily, I want to thank you for what you've taught me. How wonderfully diverse Maui County is, and how difficult that that's been in the decisions that you've had to make over the last few years. But most importantly, you taught me to hear all sides first before making a decision. And I can't tell you how many times my opinion has changed because you have sought everybody's input, and you've used that to make your decisions, and you've taught me to do that too.

So not only do I want to thank you for helping make Maui a better place, but I want to thank you for helping me be a better person. And I'm very proud to be your partner, and I'm proud to be your wife.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Carey Owen, testifying on the ceremonial resolution expressing appreciation to Councilmember Couch. To be followed by Tom Croly.

MS. CAREY OWEN:

Good morning and aloha. Excuse me. My name is Carey Owen and 23 years ago I got hired at Akaku at the same time as Mr. Couch. We became instant friends.

Our first assignment was actually to start videotaping the Council meetings. They weren't live back then. We actually hauled all the equipment right here into the chambers. And because of that, we got an inside view behind the scenes of what happens during the Council meetings. So I think a lot of that helped plant the seed for him one day running for office.

Fast-forward several years ago when Don was now on the other side of the cameras. It was with great pride that I saw him step up and serve the community. Like Leslie said, he was always willing to listen to both sides before he made a decision. And we often got into debates. He and I did not agree, but he was willing to hear me out.

A few times I got to help out in the office when Adrienne and Susan weren't available or out on holiday, and I tell you if anyone thinks being a Councilmember is glamorous, just answer the phones and emails for a day, because it's about chickens, and feral cats, and noisy neighbors, and vacation rentals, or maybe either a disagreement with a project.

But Don, I was so impressed, cause he would take those calls and he would, or he would return that call, but he would listen. And if he couldn't help them right away, he would make sure that they were led in the right direction to where they needed to go to get more information or to solve their problem. So that was really nice.

Being a public servant is no easy task. And the joke in our house is my son would go with him to Costco and it's a two-hour trip because so many people want to talk story, and Don takes the time and he listens.

He also has a way of getting you to help him out. In September of 2012, he called me up and he said hey, I think we need a Kihei Friday Town Party. I need you to get involved. So, I showed up at one of the first meetings, and a few months later, because of Don's support, Fourth Friday was born. And this month, we're going to celebrate our four-year anniversary. And maybe many of you don't know this, but Don has been an event volunteer since the day we started. So it's great to see him out there in the community. And he gets, same thing, he's listening to people and talking.

I want to thank Don for taking the challenge to step up to public service. And I think he made Maui a little bit brighter for all of us. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Croly, testifying on the ceremonial resolution expressing appreciation to both Members Couch and Victorino.

MR. TOM CROLY:

Aloha, Chair. Aloha, Council. Aloha, Mr. Victorino, Mr. Couch. Council is made up of nine Members for good reason. Each of you brings something unique to this Council. I've been close to this Council for about 10 years, and I can say without question that each of you, the two of you, Don and, and Mike, you bring something very necessary to this Council. And it's needed, and it's appreciated.

Don has brought the technical eye for details to this Council. He consistently asks the difficult questions about every piece of legislation that comes before the Council, and makes sure that the details are taken care of and that we don't pass something that we, that we really don't know what those details are. Sometimes in Planning Committee, the difference between a "shall" and a "may", or a "must" and a "can", took a lot of time, but Don recognized that it's important to get those details right. And he chaired the, the Planning Committee very faithfully in doing so.

I'd like to suggest some amendments to the resolution honoring Don with a couple more "Whereas's". Whereas, Don led the Planning Committee in the passage of the home business ordinance that helped provide opportunities for thousands of residents to legally work from their homes. And whereas, Don led the Planning Committee in amending the code to clarify the status of thousands of condominium units and their use for short-term rentals. Those were important things to put in our code.

Before Don came along and led the Planning Committee, we had a lot of non-compliance, and Don helped bring the code in, you know, to, to match what was really happening out there. And that's, that's really a very important thing.

On behalf of the Maui Vacation Rental Association, and particularly Kathy Clark who apologizes for not being able to be here today, and myself, we want to thank Don Couch for his faithfully serving the people of Maui for six years.

And to Mr. Victorino, it really has been my honor to work with you for the last ten years. And while we have often found ourselves on opposite sides of many issues, it has always been a pleasure to, to talk to you and, about the issues, and, and just, I, I know that you're always working for the people of Maui and to make Maui a better place. And for that, it truly is an, my honor to help you.

The amendment that I might suggest for Mr. Victorino would be a whereas, Mike Victorino had the intelligence and good fortune to marry Joycelyn, proving the adage that behind every good man there's a great woman.

I know the general public really has no idea how difficult it is to be a Councilmember, and just what it is you guys do both in your offices here, and out in, in the field. And I know that this is a 24-hour a day job, and you don't collect perks and donations, and have this, this pot of gold behind you for all of your efforts. That is not what happens.

These Councilmembers, I'm proud to say, are the finest men, with the best morals and the best intentions for the people of Maui, and I thank you for the service you provided.

CHAIR WHITE: Thank you, Mr. Croly.

Mr. Clerk.

COUNTY CLERK: The next individual to testify is Mahina Martin, testifying on ceremonial resolutions expressing appreciation to both Councilmembers Couch and Victorino.

MS. MAHINA MARTIN:

Good morning. Thank you, Chair.

CHAIR WHITE: Good morning.

MS. MARTIN: Good morning, Councilmembers. One of the things I cherish about Maui is that even as we grow as a community and the realities of a growing community hit us, that we really value, and commit, and cherish small town values. And part of that is the commitment and dedication to community.

So I, what I really, I've known both Councilmember Couch and Councilmember Victorino far beyond the Council chambers on their early days. So, I want to mahalo you, because I know for you, Councilmember Couch from canoe paddling days at Hui O Po'okela, and your work at the Kihei Friday events. And for you, Councilmember Victorino, and the long legacy commitment that you and your entire family has to the Maui community is something that we will all remember.

And as you move on to other endeavors, we wish you well. And from myself to you, for all your community work, you know, we're very grateful for all you do. And to see your, I was going to say better half, but other halves, both Leslie and Joycelyn at your side, it tells me that we not only have two individuals with long history's in Maui's community, but we actually have two families committed which gives us even a deeper, deeper appreciation for what we can do.

So, I mahalo you for hanging on to our small town values, especially you, Mr. Victorino. I know that you are a champion of the working class, that you have fought very long and hard for many of our blue collar families, and all the way back from plantation days, and the things that we cherish and remember. And my family to yours, we appreciate that, from the planation, from a plantation family.

So for both of you, good luck and thank you again. We'll see you around our small town, right. Mahalo.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals who have signed up to provide testimony in the Council chamber, nor the District Offices who wish to provide testimony on the ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Members, without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk, let's proceed.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-165

CONGRATULATING HALAU NA LEI KAUMAKA O UKA AND
HALAU KEKUAOKALA'AU'ALA'ILIAHI FOR THEIR
OUTSTANDING ACHIEVEMENTS AT THE 41ST ANNUAL QUEEN
LILI'UOKALANI KEIKI HULA COMPETITION

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I MOVE TO ACCEPT THE RESOLUTION
HONORING THE, THE WINNERS OF THE HULA
COMPETITION.

COUNCILMEMBER COUCH.

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, would you allow the Clerk to please read the resolution in its, excuse me, in its entirety.

CHAIR WHITE: Thank you, Mr. Victorino.

Mr. Clerk, please proceed.

(The resolution was read in its entirety.)

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Again, another example of great things that Maui County produces. Our 41st Annual Queen Liliuokalani Keiki Hula Competition was held, and again, Maui stood tall.

I want to thank Kumu Hula Napua Grieg Nakasone for her outstanding years of service to her students, to this community. She even put herself out and ran for office. A long legacy of the Nakasone family.

And Ms. Keiki Hula Maile Kalama, she has again exemplified the greatness of our youth, spending many, many hours of not only practice, preparation, but more importantly, bringing together, again, her family for their assistance and their support. And again, all of this falls back on the fact that it takes a village to raise a child. And Maui County exemplifies that in every way and means that you can think of.

Again, for the Paredes's, Kumu Hula Haunani Paredes, thank you. And Brandon's here too. We didn't know if Brandon was coming, but he was able to come today. I want to thank them also for the years of service they put forth with their halau. I've seen Brandon out there on the lawns at Lao School practicing with his male dancers on the grass, cause there's no other facility for them to use.

It is my hope that one day, we in Maui will build something to recognize all the halaus so that they can continue to practice and prepare for these competitions. And maybe in the future, even doing bigger and better things. They brought us pride locally, state, nationally, and internationally. I'd like to give them the opportunity to continue to grow.

So to all the Kumu Hulas out there, mahalo. To all the parents and participants, all the students, mahalo. But more importantly, Maui County, I ask you again to remember your support is so necessary. It is so necessary so that we can continue to grow our culture. And this is a means to do it. So again, congratulations to both. I wish them nothing but continued success.

I know the Paredes' are County employees and they have to get back to work. So, I'm going to try to conclude right here so that they can get back to work. But I want to thank them, and of course, Napua Grieg Nakasone and all her great work. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item?

Well, I have known all three Kumu for many years. Both have participated in our Hula O Na Keiki here on Maui. And in fact, Haunani Paredes was the overall wahine winner 25 years ago. Then she and, oh she's making a naughty face at me right now, but, and then she and Iliahi came back with their haumana and won the overall trophies numerous times as, as has Napua. And this year, for the first time, Haunani completed the circle, and she came back as a judge.

So both of these ladies and Iliahi have had such a wonderful impact on so many kids in Maui County, that we all need to thank them for their hard work and their time and energy. And you know, we know how much, how much it takes to keep track of and control of the number of kids that both of you deal with; some who come to you somewhat naughty and need to be collared a little bit, and others who come ready and set to go. But the, the amazing thing to me is how you, through your treasuring

of our keiki, you turn them into people that all of Maui County can be very, very proud of.

And once again, as Mr. Victorino said, for you to go to Oahu and show them what Maui has, and the capacity to do is very special. So, we take our hat off to all three of you; the Kumu and all the keiki that went and competed so wonderfully. So, mahalo, mahalo, mahalo.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd just like to take this opportunity to mahalo also, to our Kumu Hula for perpetuating our culture, our host culture. And that of honoring our ali'i, and so often with the medley and the translation by expressing in hula.

(Councilmember Victorino was excused from the meeting at 9:47 a.m.)

COUNCILMEMBER CRIVELLO: So also, I think it's, I am personally very grateful that you take the time to teach all of our men and women and na keiki for, by sharing your gift of hula. So again, mahalo nui loa.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. We could stay over here all morning saying how wonderful this halau is, and about people that are in it and serve, and the dancers, and the children. And I'll just say that, to them, how very, very proud we are of them. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? We're going to take a brief recess until the maker of the motion returns. We'll be in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:48 A.M., AND WAS RECONVENED AT 9:49 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBERS BAISA AND HOKAMA EXCUSED.)

CHAIR WHITE: This meeting of the County, Council of the County of Maui will please come back to order.

Mr. Victorino.

Let's, let's first check, anyone else have any further discussion?

Back to Mr. Victorino.

COUNCILMEMBER VICTORINO: I, I'm ready for the vote. I thank, you know, all the Councilmembers and the comments that have been made. And I agree that we are blessed to have these great Kumu Hulas here in Maui County. All of them have contributed a great deal to this community, and the perpetuation of the host culture.

So, whenever you're ready, sir. We're ready for the vote.

CHAIR WHITE: Alrighty. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Members Hokama and Baisa.

COUNCILMEMBER VICTORINO: Mr. Chair, with your permission, may we present and ask the--

CHAIR WHITE: Yes, please. If we could have the Kumu Hula and the keiki please come down.

COUNCILMEMBER VICTORINO: Please come up. Thank you.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

Unfortunately, Iliahi had to go back to work, so he's not present. So, I apologize for that. Please pass my, my so, my sorryness to him that I took so long speaking on, on matters. I didn't realize he had to go back to work.

First of all, Napua, I'd like to present this to you, your resolution. And Haunani, please. And if you both would like to say a few words, I would like to call you up now.

MS. NAPUA GRIEG NAKASONE: Aloha kakahiaka ia kakou. We are very, very honored and humbled by this resolution, and want to thank you Councilmember Victorino. I've been very fortunate to, to have been born and raised on this island with great, great leaders as my mentors.

And come, mai. But this is Maile Kalama, and her ohana is here. And I want to mahalo them also, because as Councilmember Victorino said in his speech this morning, it truly takes a village.

And what I'd like to say, and not to be like a Debbie-Downer today on a celebration. But, you know, we heard about the great accomplishments of the different sports teams, of the halau, of the robotics, of all these different groups in, of our young people in Maui County. And what I want to bring to light, and this is what I try to bring to light anytime anybody dares to give me a microphone is that truly the halau hula and the hula practitioners have a unique challenge in that we do not get County support.

We have grown to where we are with the hard work of the Kumu Hula who lead these halau. We teach out of our garages. We teach in school cafeterias. We are at the whim of, you know, I teach, I've been fortunate to teach at Kamehameha Schools, but with the limit of 10 hours of week, which truly limits the growth and my ability to reach more youth in Upcountry.

In Upcountry Maui, we don't have business district, industrial area. We don't have the luxury of renting a warehouse like a lot of Central Maui halau do. So the halau, a few halau who have a home pay upwards of \$2,000 a month for their lease here in Central Maui. And so, I would ask the County to please, you know, we have seen the support we can give to our athletics organizations. Every district on this island has baseball fields, and football fields, and basketball courts, and volleyball nets. We even have skate parks and even dog parks. We laugh, but there is not one single place for hula.

In my halau alone we have 150 dancers. Iliahi and Haunani have 200. Kamaka Kukona 200. My sister 175. That's just 600 students in just Central Maui. We truly, truly need, you know, and as we are at this time of sadness and worry at the close of the Plantation, we truly need to look at what makes us unique and what defines us. And I believe hula and this culture defines us.

And I ask, I humbly ask that we make it a priority to invest in this culture, and invest in these children who are working so hard and being recognized all over the world for this culture that is so unique to us. Mahalo.

MS. HAUNANI PAREDES: Aloha mai kakou. I am Haunani Paredes. My husband, Iliahi, needed to return to work so he is actually sad that he's not here.

But I want to thank you all, especially Councilmember Mike, that you recognize halau hula and all their achievements, especially when they come from the island of Maui. We are very, very blessed. Our, our fellow Kumu Hula, we are a very close knit community, but we are also really good friends with each other.

And like Kumu Napua had said, we do look out for each other, and we know each other's struggles. And that is, is to find a home for us to practice and raise your children, whom we call affectionately our children. And we have a lot of them.

Hula is not a season. Hula does not happen for a particular point of time within a year. It happens 365 days. You know, we raise children. It does take a village, it does. The village needs a home for our children to practice in.

I want to accept this resolution, not just on behalf of my husband and I, but our families, our parents who bring and sacrifice their time, their work schedule, their finances to allow their children to hula, and enjoy the hula that fills their spirit. Not all children are gifted, you know, academically or in any other sport. But the ones that come through our door are so in love with the hula, so in love with expressing themselves that, not only do we teach them how to dance, we also teach them how to be better people within the community.

So, thank you for recognizing their achievements, because this is something that they will, they will remember for the rest of their lives, and will build character and make better people within our community.

So, mahalo nui for today. And happy holidays to everybody. Aloha.

CHAIR WHITE: Thank you very much, ladies, for your wonderful words.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

CHAIR WHITE: You're welcome.

Mr. Clerk, may we proceed.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-165.

RESOLUTION
NO. 16-166

EXPRESSING APPRECIATION TO
COUNCILMEMBER DON COUCH

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair.

I MOVE TO PASS THE RESOLUTION "EXPRESSING
APPRECIATION TO COUNCILMEMBER DONALD G.
COUCH".

COUNCILMEMBER COCHRAN.

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. With your permission, I would ask
the Clerk to read the resolution its entirety.

CHAIR WHITE: Mr. Clerk, please proceed.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. It is an honor that I have been asked to express this resolution on behalf of our, of Mr. Couch's colleagues.

Mr. Couch, my office neighbor, my Council chamber neighbor, our South Maui Council neighbor, and friend, is ending his tenure on January 2, 2017.

I can appreciate him because during Council's budget sessions when Molokai is reminded, I don't know about your revenues, he is quick to hana'i Molokai. Mahalo, Mr. Couch.

We've all agreed that Don Couch takes his role as a public servant very seriously. Like a laser, he focuses on the issues before us, and is fully engaged in all matters during deliberations. He will take the time to reassess Maui County's priorities, and adjust our needs accordingly. Thank you, Mr. Couch. I hope I will continue to learn from you.

Don is our techie. We know many other doors and opportunities will open wide for your entry to continue your contributions to serve. Like the unexpected have come before you, but you manage to keep going, and perhaps at time feeling overwhelmed, so I'd like to share.

Like the computer life you know, save your work and reboot your computer. So my friend, take this break and reboot yourself, clear the clutter, settle your spirit, you'll be stepping back from this work.

But before you go back to work, whatever it may be or wherever it may be, enjoy a cup of tea, take a short nap, then clear your path and do what you do best. Set all your tasks ahead of you in perspective, clear the overload, and allow the opportunities to flow back into your career path.

Thank you, Don Couch. Thank you, Mr. Couch. I look forward to your new task and endeavors. And I'd like to take this time to send and express my fondest aloha with a big mahalo nui loa. And I ask that our good Lord, bless you and Leslie. And I'd like, at this time, to express a special aloha to your siblings during this time as we join you to a hui hou your mom. Merry Christmas.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I was fortunate enough to be Mr. Couch's Vice-Chair for Planning. And it was really a unique experience to see somebody that would look further than lines and numbers on a map, plots, when doing his job, and has always looked at what these lines and numbers meant to people. And that is why he was so successful in what he did, because he always knew that the decisions that came out of the Planning Committee directly affected people. And that's why I think he was so successful in what he did, and we're really going to miss him. Thank you, Mr. Couch. Aloha.

CHAIR WHITE: Thank you, Mr. Carroll.

Further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I'd like to join Ms. Crivello and Mr. Carroll's sentiments with Mr. Couch.

Mr. Couch has, Don, I'm going to miss you. I guess I won't be turning my back when, or you know, when both of us are called, and we're both saying Don and we're both trying to figure out which Don it is. But, I'll be happy that, at least when, when you're gone, only one person can reply.

The other part was that I'm going to miss your jokes, cause I have nicknames for all of us Members. And I always called you the "Joker"; like I called Mike White the "Numbers Guy"; and Riki Hokama, "Shogun"; and Bob Carroll, "The Rock"; and Stacy Crivello, "The Heart"; Elle Cochran, "Fashionista"; and Gladys Baisa the, the "Mother Hen". And of course, Mike Victorino, our "Prize Rooster".

So I, I will miss you so much, Mr. Couch, because aside from doing very good work on the Council floor, you always do your homework. And it's very refreshing to hear your analysis. And it's almost like a counterpart of every issue that we, we come up with. You, you do deeper than the, what is face-value. So, I will appreciate all of your inquisitive and your analysis on the floor, as well as the fact that you're kind of a renaissance man in my eyes.

Because you know, you do everything else outside of the Council floor. You shoot guns, your computers, you're into geocaching, your, your, you do all this other extra stuff that I would have never known that, those things about you that, had you not taken the time to be a friend of mine as well as a very good colleague.

And understanding that what we do on the floor stays on the floor, and when we leave the floor, all issues and disagreements stay on the floor. So, I've always respected you for that.

And I know I'm going to miss the yin and yang here, Mr. Victorino and Mr. Couch, as they always go back and forth calling each other pontification or pontific. And I actually looked up that word, and it actually means express one's opinions in a way considering annoyingly pompous and dogmatic. So when Mr. Victorino calls you pontificate when you're arguing, and you counter him by saying is it your turn to pontificate. I actually looked that up, you guys are both basically insulting each other. It's not, so I'm going to miss the yin and yang on the floor on both of you.

I also looked up the, the basic definition of yin and yang. And it says, describes as how seemingly opposite and contrary forces may actually be complementary, interconnected, and interdependent in the natural world, including on the floor, and how they may give rise to each other as they inter-relate to one another. So, I'm going to miss both of them because you cannot have the yin without the yang.

God bless you. And I know that you'll be very successful in any endeavors that you move forward to. God bless.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yah, thank you Mr. Guzman for sharing those words, wise words, and a very observant of our colleagues here. And so, I just want to say the part in regards to what we do here on the floor. You know, we agree to disagree.

But, I got to say that normally Mr. Couch and I sort of attract to one another when we do our travels. And he turned me onto the geocaching, and how to drive, ride the metro in D.C. And so we always tend to go out and you know, sightsee and take in the, you know the towns that we visit as Councilmembers. So I, you know, we're good friends in that sense, and like to go and try out new restaurants. He always wants the meat stuff. It's like, come on man, you can get cheeseburger and fries back home. Let's, you know, venture and do other ethnic foods. So he, he'll try. But you know, so, we actually, you know, enjoy our, each other's company out there.

Not, I can't say all the time here, but it's okay. You know, that's the yin and the yang thing going on here. And, and that's what makes this body, and our decision-making process, you know, how it should be. And we all bring different points of view to the table, and we discuss it and figure things out amongst ourselves.

So, I want to just say thank you for your service. And I know that you're not one to sit still and knit, watch soap operas all day. So you'll be active, I'm sure, so we shall see you around, and best of luck and good health to you and the family. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. I wanted to wait till the end. I know you have the last say, but I wanted to wait till the end. And I agree with all the statements made by my colleagues; Mr. Couch is an exemplary young man that I've enjoyed working with. We've had our challenges. And we have pontificated against each other and with each other. But, it was always under mutual respect.

I've always enjoyed working with Don. Don and I agree, disagree, whatever it may have been. But I know, he like I, we always looked at the big picture. We wanted to see what it meant to all, not just a few, but that impact within our community. Whatever decisions we made, we made it with the best resolve, and the best knowledge we could come up with at that moment in time.

Doing our homework was important, and sometimes I would say, oh look at this, and he would say, no look at that. And so, we'd be going back and forth. And sometimes, some, I have heard people say, what you and Don don't get along? It was a friendly rivalry. It was friends that did that. It was caring about what we did and how we did it for our communities that brought our passions out.

So, I wish Don nothing but continued success. Leslie, good health, keep up the good work. Make sure you're next to this man, cause he needs you. He may think he's the man, but all of us know without that young lady next to us, we don't equal up to very much.

Good luck to you, Don. We're friends forever, at least in my heart. I hope you say the same back on me, but if you don't, I got it, I got it, I got it, okay. So, mahalos to Mr. Couch and for your years of service. God bless you. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino. And I think Mr. Couch probably appreciates the bar you set for his remarks.

You know, I, I will certainly agree with all of the accolades that our colleagues have, have proffered on you this morning. You are a policy wonk, and I think all of us appreciate the level of detail you go to as we're going through a wide variety of different issues. We appreciate your hard work. We appreciate your diligence in going out and, and as Leslie said, listening to both sides and only making decisions after following that and following your heart.

And I for one have enjoyed the banter between you and Mr. Victorino. And I think pontificating is a pretty, a pretty good word, but you know, I know that it's with, with the love and respect for each other that, that's made it, made it fun for us. And to watch the two of you back and forth from time to time; not very often, it's usually, it's all business on the floor. But from time to time, it's, it's nice to have a little bit of a enjoyable comic break and comic relief.

So, we will certainly miss you, but we know you're not going away, you're going to still be out working on behalf of the community. And so from all of us and all of the staff, we want to thank you for your service and wish you all the best. And Leslie, you as well, and God bless you both. Mahalo.

And with that, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Members Hokama and Baisa.

Mr. Clerk.

COUNCILMEMBER CRIVELLO: Mr. Chair.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER VICTORINO: Can we get permission for Mr. Couch.

COUNCILMEMBER CRIVELLO: May we have Mr. Couch come up and present him with his certificate?

CHAIR WHITE: Yes, thank you.

COUNCILMEMBER CRIVELLO: Don, on behalf of Chair White and us guys, your fellow Council people, we present you with this resolution, and thank you.

COUNCILMEMBER VICTORINO: --wrestle now--

CHAIR WHITE: That's why we didn't bring the mud in this morning.

Mr. Couch, the floor is yours.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I first want to say, mahalo to you guys. It's been a pleasure working with you guys; six years for some, four years for others. You know, we don't always agree as Ms. Cochran and pretty much everybody says, because we all have different perspectives. If we all agreed, it wouldn't be a good Council. The fact that we don't all agree and we get a chance to speak our mind and say our position gives everybody else a chance to kind of consider where they want to go on their vote.

Contrary to popular belief, most of the time when we come to the floor for a vote, we don't have our minds made up. We do listen to each other.

One of the things that I noticed the very first time I sat down in those chairs, and I'm sure each one of you had done that too, is there's a tremendous weight on your shoulder. The nine of us are carrying the weight of 160,000 people in four islands. And every day I sit in that chair, that weight is still there and I feel that weight. And I would say to anybody who wants this job or has this job, if that weight, if you don't feel that weight anymore, it's time for you to step down. Or it's time for you to reconsider where you are going, because that weight is very important.

And you know, we all tend to want to, you know, figure out what we're going to do right now for the next couple years. I think I went about this job to do what was right by the people of Maui County, and I think everybody does. I did it thinking ahead, not just two years to the next election, but what is going to be good for Maui County. A lot of times what is right in the long-term is not popular in the short-term.

You know, a lot of the things that I am proud of dealing with is getting a lot of open space while here, you know, Launiupoko, the Paukukalo Bay area, Hamakualoa just recently. I am very proud of the work that I helped with on the Maui Island Plan.

I also will do some, I did things that I figured weren't as popular to some people. Didn't matter, I think it was important, like the seawalls at Olowalu. You know, I felt, took it upon myself to write a letter to the Governor and forward, and asked him not to do the seawalls there, and they listened and they stopped that.

You know, and the other thing is you'd get calls. You know, everybody says, you know, I voted to you or I contributed to your campaign. I got a call, I voted against something I thought was very important. I voted against something that I thought if it had passed would be not as good for Maui County. Unfortunately, it did pass. But, I got a call from somebody who supported me. It was a developer. He said, you know, I supported you, I contributed to your campaign, and you voted against me. I said yea, you bet, because it wasn't right for Maui County. The guy never contributed to my campaign again, that's fine. You got to do what is right.

I want to thank Jacob for coming down here and reminding me that, yea, before, when we first came on the Council when Mr. Mateo was Chair, IT was looked at as like, oh it's those computers we got, you know, they don't need to be changed. Now, we have IT as part of the infrastructure of the County of Maui. It's in Ms. Cochran's Committee. It's important, and I'm glad we were able to bring that out.

What I'd like to ask everybody is, whoever's sitting in these chairs, is you got to come together and talk. You know, somebody mentioned it, ho'oponopono. You got to get together, talk, figure out what's right. And yea, sometimes you won't agree, but once you're done, accept the decisions and move forward. We're getting a little too negative on social media cause it's easy, it's easy to be negative. Get together, discuss the things, hash it out, move on. I hope people will do that.

And another word of advice for anybody who wants to be on Council, I've been told for three terms now, that Planning Committee is political suicide. For the first two terms, no problem, I was able to handle it. Third time's a charm, yea, don't stay on Planning Committee too long. I'm just saying.

And lastly, I want to mahalo to my staff. Susan, did a great job. I know she was here, and she had to leave. Oh, there she is. She was with me for five years, and kept me straight and narrow. Gary, who's been with me for the next, last years, kept that going. I appreciate both of what you did.

Adrienne has been with me from six years. She came to me when she knew I was running and Jo-Anne Johnson was leaving. So she came to me and said, hey, you know, I've seen you, I've seen your work, I'd be interested. And she's been with me since the beginning, and I want to say thank you. And this lady is one that can talk constituents off the, back off the ledge of the cliff. She will get somebody who is out there complaining about something, and high strung, and get them settled down. And so, she's a good asset to have.

All three of you were excellent. And my part-timers too who helped out when needed; Casey, Carey, and Tina. I really appreciate it.

I want to thank OCS staff, County Clerk staff; you guys have helped me out. Again, Planning Committee, it burns through staff. So just, OCS hang in there with your Planning Committee guys. And I'm sorry about the leis on the thing. Past Members, Mr. Mateo, Mr. Pontanilla, they helped us, bring us in. There's a group of five of us that came in at one time. So, I want to thank you.

And last but not least, I want to thank my wife for the kind words, and sticking with us. You know, right after this meeting I have to go back to L.A. and bury my mom. And she's been with me all the time, so thank you. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-166.

RESOLUTION
NO. 16-167

EXPRESSING APPRECIATION TO
COUNCILMEMBER MICHAEL P. VICTORINO

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair.

I MOVE TO PASS THE RESOLUTION "EXPRESSING
APPRECIATION TO COUNCILMEMBER MICHAEL P.
VICTORINO".

VICE-CHAIR GUZMAN:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER COUCH: Mr. Guzman.

CHAIR WHITE: Oh, I'm sorry. Thank you.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. With your permission, I would ask the Clerk to read the resolution in its entirety.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Mr. Clerk, because you just gave us a long-winded accolade for Mr. Mike Victorino. And my Council, as my Council colleague, I'd like to say thank you, maybe even as "cuz".

(Vice-Chair Guzman was excused from the meeting at 10:30 a.m.)

COUNCILMEMBER CRIVELLO: Mike's kama`aina footprints, what I've learned, I guess started from Hilo, oh about almost 43 years ago. And I believe that we will all agree that these footprints are cemented in Maui, Molokai, Lanai, and Kaho`olawe. His many accomplishments will be forever embedded. And on behalf of all of Maui, Molokai, Lanai, and Kaho`olawe, I'd like to say mahalo nui loa.

I first met Mr. Victorino when he served as Chair for the Board of Water Supply, and I came in as a member from the Molokai district. And I have to say my first impression and my lasting impression, I guess, will be his love for his family, his faith, and most of all his commitment to the people of Maui County.

(Vice-Chair Guzman returned to the meeting at 10:31 a.m.)

COUNCILMEMBER CRIVELLO: You know, we heard the banter go back and forth about the pontification and what have you. And we know that once the floor is given to him we're pretty sure we'll never have a chance to speak up also. But his, you know, and you know, I think for me and my classmate, he's "Junior Boy" Joe Guzman, Don Guzman, his mantra, Mike's mantra remains a chatter in my mind of Mike always saying we as a Council have to work to provide opportunities for our young Maui County residents and their families. Whether it's economics, education, housing, other activities like sports or supporting Maui County's nonprofits, this is guarantee Mike Victorino's mantra.

Today marks an opportunity for us to say mahalo. Mahalo, Mike. Your Council chamber door approaches to close. But for me, I know there will always be your visible light, peeking through your doors, reminding us to serve as you served for the betterment of na keiki, na opio, and na kupuna, making us and reminding us that we're Maui No Ka Oi.

I want to say thank you to Joyce, Mike Jr., Shane, and all of their mo`o puna, and all of the Victorino ohana for sharing. You not only share Mr. Victorino in Council, he's shared his vision, and his kuleana, and kokua throughout all of the islands and the State as well.

So you know, we'd like to a hui hou, which is just, you know, aloha for a short bit. And I am reminded, if I may, taking just a small verse from scripture that reads: "Let each of you look not only to his own interest, but also to the interests of others." And I believe the Victorino family, with Mike leading the way, is a testament to this verse. Thank you and mahalo nui loa.

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

Members, further discussion?

Mr. Couch, followed by Mr. Carroll.

COUNCILMEMBER COUCH: I'll let Mr. Carroll go first.

CHAIR WHITE: Okay, Mr. Carroll, would you like to go first?

COUNCILMEMBER CARROLL: Thank you, Chair. You know, sometimes we forget about Mike over there because he's so quiet, and we hardly ever hear from him. So soft-spoken. But, we really are going to miss you Mike. That, you've really been a great

asset to the Council. You know me, I don't really talk long. You don't even talk as much as I do, but we really are going to miss you. And I hope that we will be seeing you around over here, because I know you have a lot to give to the community. And I know the Council can benefit by you being active in the community. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I just want to say, first of all, I want to make sure the public is aware that Mr. Victorino has been one of the best persons that I could, to bounce my ideas off of. I, you know, we like to tease each other on the floor just, you know, to keep it a little bit light as you said.

I, occasionally I would throw in some words that he may not know cause I'd hear the afterwards what is, what does that mean. I'd hear the whisper, what does that mean? He'd have to look it up.

And everybody's aware of Mr. Victorino's loquaciousness, and we really, you know, I certainly am going to miss it one way or the other. But, I think this floor and this chamber is going to miss it quite a bit.

But, as everybody said, he has Maui County's working class people at heart. He always lets us know that he wants to make sure that the public is aware of why he's doing things, and I really appreciate that. I also want to say, and you know, I'll miss that as well.

I also want to say, Joycelyn, you do a bang up job. And you know, anytime that you decide you want to run, I'll be there to back you up, because I got to tell you she's the brains behind the operation, and Mike's got some very good commonsense to follow her advice. So really appreciate what you've done Mike, and I will miss the banter back and forth. Mahalo.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I just wanted to elaborate a little bit on Ms. Crivello's comment with "Junior Boy". And yea, of course, I, I'm very honored to take that role on considering the fact that when I got on to the Council, my neighbor to my left has always been Mr. Victorino for four years. And he has been a very good mentor when it comes to things that I don't understand historically and having the, the

necessary legislative experience. And so yes, on the sidebar he has taken me in and he's taught me a lot of things about the process and being a politician.

And nobody says it better than Mr. Victorino. He has shed light on a lot of issues and was able to express himself with passion and commitment, and really letting the people "undastand", just letting the public "undastand" that he's doing this and making it simple for them to understand the process, which I really appreciated.

And as far as the future goes, I know one thing is for sure, our meetings will be a lot shorter. But, but in reality, I really do appreciate Mr. Victorino and all the things that he's contributed to this Council, and to my family, and to me as an individual. And for him, it's always about connecting with the individual and then the community.

When I've had my boys here late at night during budget, they'd be in their uniforms, baseball uniforms. Mr. Victorino would come up to them and say, hey did you guys win? He'd have this full on conversation with my nine-year old and ten-year old, which they later on would say I really, you know, I appreciated it, that, that way they weren't bothering me. But, he did take the time to really get to know each and every one of the Councilmembers' families. So, I know he has much blessings from our Heavenly Father.

And just like Ms. Crivello, there's a verse, Romans 8:28 and it reads as this: "And we know that for those who love God, all things work together for good, for those who are called according to his purpose." So, God bless you, Mr. V, Uncle, and your family; much in store. Aloha.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yea, I agree with all the comments that have been made so far. And my observation of Mr. Victorino as riding off of Mr. Guzman's comments with the children. When we get those, you know, champions that come here to the gallery, they all know him, probably of course from being coaching throughout his, you know, lifetime here. And just can have that great wonderful warm hearted interaction with our keiki that come here, that receive the accolades through this County. And so, I appreciate the outreach that he does on, on that behalf.

But also, when we traveled to different States, and up to the State Leg. also, everyone knows Mr. Victorino. As you can see in the whereas's, he's so involved with a lot of the different Committees up there. And I've been on one of the, the

steering committees with him, and he was vice-chair. And it was, I mean, people from all over, we've got over 3600 counties involved here. And just about every county does know who Mr. Victorino is. So he brings, he represents our little islands in the middle of this Pacific Ocean, up there at the big, you know, the big mainland.

And so, I appreciate his outreach and that he does make an impact on people. They don't tend to forget him very easily so, but in a good way. You know, he's hardworking, and he is traveling a lot, so how he gets all the energy, I don't know. But, definitely he puts up a representation of this body, Maui County Council, and the State as a whole, up to the rest of the nation. And so I appreciate his hard work and that, those efforts.

Thank you, Mr. Victorino. And all the best to you and your family.

CHAIR WHITE: Thank you, Ms. Cochran.

I'll just, I'd just like to add that I will miss the banter between you and Mr. Couch in particular. But, there's banter between all of us from time to time, and you've always been very good natured about it.

And as to Mr. Guzman's comment about our meetings being shorter, I'm sure that you will be looking on with great interest to see who is going to take your place, as all, as all of us will.

But, I want to thank you for bringing a big heart to this chamber. I want to thank you for bringing your years of expertise, whether it's in business, or in sports, or community organizations; you bring a lot to the table here, and we appreciate the participation you have allowed us to enjoy.

I also want to thank you for the work that you've done, and the leadership that you have provided at the State level, because I've, in fact, I've stated my staff on a number of occasions, when I've gone to the Legislature with you, you know, I use to be in that chamber and, and know at least all the guys that were there when I was there pretty well.

But, you have an ease of walking into offices and making sure that Maui is represented. You have the ease of entering and being recognized and, and getting their attention, getting their cooperation and at least giving, getting us a chance to be heard from Maui County. So I appreciate the leadership that you've shown in that way.

I think, you know, when we have all the champions from various sporting teams, from halau, from all the various groups that we get to recognize here, I think you more than any of the rest of us exemplify that selflessness of coaching, of participating, and volunteering, and doing so much to give back to the community.

So, like others have said, we haven't seen the last of you, and we look forward to many years of your involvement. And I want to thank you for all the years that you've put in, and will continue to put in. So from the bottom of my heart, mahalo to you. Mahalo to Joycelyn for her being right at your side, and as we all know, just a wonderful, wonderful supporter of you. And so to both of you, God bless and mahalo.

Seeing no further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Members Baisa and Hokama.

With that, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair, may we have Mr. Victorino come up and present him with this certificate?

CHAIR WHITE: Certainly.

COUNCILMEMBER CRIVELLO: Thank you. Mr. Chair, on behalf of you and our Councilmembers, we'd like to at this time, give you this certificate to express our sincerest appreciation to Councilmember Michael P. Victorino.

CHAIR WHITE: Mr. Victorino, the floor is yours.

COUNCILMEMBER VICTORINO: First of all, to you, Don, my condolences. I know the feeling you have today, as I expressed earlier.

To all of my Members, the words were too kind, but thank you. To the public at large, all those who are watching, I say mahalo for the opportunity to have served this community, my district, and the entire County of Maui.

I have been truly blessed. I have a lovely wife, which if you don't have an objection Mr. Chair, I would like her to stand and be truly recognized because she, she's the real pillar in our, in our family. So let's, my wife, Joycelyn. And stop crying, cause you making me cry.

But you know, I've been, you know, like I said earlier, and I gave about my ten years and all the great things that have happened, and the sad things that have occurred also. I've been truly honored to serve this community for decades in all capacities. And had I given all the different school board, chairs of this, and school advisory councils and, and president of this, and my, you have to get three certificates to put together. But, I never did any of it for recognition. I did it because my mom and dad always taught me you do what is right for your community. Take care of home and take care of your community, and your family will be blessed. And we have been. We have been.

As I said earlier, this County now needs to come together. Mr. Couch mentioned that, and I think I've heard that from a few others. We've got to have an open mind, an open door policy. And I'm proud to say I always did. No one, no one was ever turned away from coming to meet with me. My staff always knew I met with everyone. Whether I agreed or disagreed, I met with them. I wanted to hear their side of the story. Like you, Don, you need to hear all sides. Not both sides, all sides.

I've been thankful that I've always looked at the big picture, and some of the small things. And I thank Mr. DeLeon for bringing up Hamakuapoko Wells, which took seven and a half years of hard work to get reopened, because I refused to let that company called Dow Chemical get away without paying back what they owe this community to help clean up the mess they left behind. When we shut it down, they had to pay nothing to clean up anymore; no filters, no operation, nothing. They had to pay any, nothing during that period of time. But reopen it, Dow had to contribute and continue to help us clean up Hamakuapoko. So, I'm thankful for that.

I'm thankful for you Members for helping me with that. Whether it's open space like you said Don, I remember Ka'ehu Bay which is this area in Paukukalo. The Council was wavering. I fought very hard. And really, really, really behind the scenes brought all the community together to make sure we purchased that property.

Launiupoko, I remember when I was in the mainland, the vote was against it. But they deferred it, so I had to come back and do a lot of extra work. Had the community come out, and we turned it around, and today we have that part of our inventory of open space.

Also, here in Central Maui, we have a lot of good things coming; the Central Baseyard, the Regional Park. I want to thank the State and Lieutenant Governor Tsutsui for helping us put together the small state regional park. But now we can look forward to a big one.

And I will make a commitment, with all my energy and my, my resolve to help the halaus. That in our regional park, they will have a facility for which they can practice, and they can perform, and they can store their things, instead of being all over the place. We owe them that much. It's our host culture. It is something that has brought a lot of pride.

So, to Napua, and to the Paredes', and Reichels', and all the other ones out there, we will work on it, and I will make sure I remind the Council and the Administration never to forget that.

I'd like to say mahalo to my staff. Stephanie Ohigashi for nine years, nine years. She was the longest. She's way back there saying thank you. But, there was Corinne who stayed the first four years, along with Deanna. Then Miki and Sherilyn for the last six, and Ayris, almost a year. She will not quite make a year as our, as my staff. I'm very thankful that Stephanie would go out to the community and represent me at many community association meetings and other functions.

But, I made it a point to try to go to my area's community meetings whenever possible, to get the pulse of the people. I'll be honest, sometimes I didn't feel like getting the pulse of the people here, but I like to get it out there, because somebody who would meet me in Safeway, or somebody who would meet me in Foodland, or somebody who would meet me on the street, they would tell me what they really feel. They would tell me what their heart felt. And I could understand it. Sometimes, here, three minutes doesn't really give you. And sometimes there's too many other agendas that sit here. Not knocking it, but it's a fact.

I was honored to serve on HSAC, serve at NACo, ten years from the time I started thanks to Mr. Hokama. He got me going. He said you got to get involved, and I did. And for ten years, I did as much as I could as in many committees, sometimes four, five. And then you know Mr. Chair, I'd be running from Committee to Committee. You guys would just see me, how you doing, uh I going to the next meeting, and

that's it. You didn't see me during the day, because I ran from Committee meeting from, and to another Committee meeting just because I wanted to make sure; first, I learned, second, I could bring back the information, and thirdly, Maui County, the little State of Hawaii and the little County of Maui, was well represented up there.

Riki made a name, and I wanted to keep that name going. And I hope those who follow us will continue that, will continue to keep that in their minds.

I've been honored to be on HSAC as a Treasurer and now as President. And I'm very thankful for the opportunity to make it more transparent. Yes, I go to the Legislature, and I make sure we're represented. But, I want to make sure that everyone knows on all the Councils, all the Councilmembers, they would get the minutes, they would get the agendas, so they would understand how important, what we do there to them in their little chambers, on their little counties. That was so important.

I will also say I was honored to serve with some of the great leaders of this community. I've had the opportunity to serve with Wayne Nishiki, Sol Kaho'ohalahala, along with Riki, Danny Mateo, Mike Molina.

And for the first time, January 2, there will not be two Mike's in this Council for ten years. There will not. Like no two Don's, there will be no two Mike's. Sorry, Michael, you'll be the only Mike now. But for ten years that I've been on this Council, I either had Mike Molina or had Mike White. I always had another Mike.

And I never forgot the meeting when we had Mike Ratte, Mike Kehano, Mike Miyamoto, there was six Mike's in here. And so we had to go by Mike V., Mike W., and we had to, you know, oh just Mr. White, Mr. V., never mind the first names. I don't want to say that's a common name, but it is. But, I'm proud to have had that name. I think my mom knew what she was doing. You know, today I, I hope so.

But you know, all these different leaders that I've been able to serve with, all these different Councilmembers that I've served with, Joe Pontanilla and all, always brought to the table that respect to work together. We had disagreed. Sometimes it would be vehemently. Sometimes it would even get a little testy, right Mr. Guzman? But it was okay, because we left it here. We did it because we had the passion for our people.

And yes, you're correct, all of you, the working people, the blue-collar, the everyday people that make this County, this State and this country great, have always been my mantra. My, I was an advocate for them, and I'll always be an advocate for them.

Yes, businesses big and small help, and I will always support that. But it is the people that make the businesses look good. It is your workers and your employees.

And I think, Mr. White, you will agree, and others who have businesses will say your people are your representatives. They don't see you cleaning the room. They don't see you at the pool cleaning the pool. But they see your people, and that's the respect they put forth to make your property no ka oi.

I will close with saying that I've heard that Maui's divided. And I've said it many times, and you're right Mr. Couch, we need a ho'oponopono. We need to get together. We got to check our prides at the door. We got to work together collaboratively. We need that, because it's not my island, it's not your island, it's our island. And I said earlier, we are the difference. We must work for the constituents, and we must work together. Cause when we do, Maui will continue to be no ka oi.

To our Council staff, to Kit, and Kim, and all the others that I've had the honor of working with, mahalos. Thank you for tolerating me. Sometimes my idiosyncrasies are not the greatest. And I won't go into that right now, because I don't want to lose any more friends. But to all of you, David, all of you, Jo-Ann, thank you. Some of us will be leaving, but like I said, some of us hope to return soon to continue our trek to make Maui County no ka oi. Again, Maui County no ka oi.

If I forgot to thank anyone, my apologies. Mom, if I forgot anybody, scold me when I go home. And she will, and she will. My biggest advocate, my biggest critic, my biggest supporter is my lovely wife. And no man can be blessed with a better, a better situation, and a better marriage, and a better partner. To my family, thank you for sharing all the time, and allowing me to do what I did.

Mr. Chair, I will close with one final passage: "Please do unto others as you would want others to do unto you." So, respect each other. Don't talk to somebody because you think they agree with you. Talk to somebody who disagrees with you. Learn to agree to disagree. And when all this is said and done, we come together, collaborate, and come up with the best resolve to make Maui County no ka oi now and forever. A hui hou, aloha.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, we will take our morning break. Thank you for sticking with it. And please be back in your seats at 11:10. And, before you leave the chambers, please let me know what your lunch plans are. We have about 45 testifiers lined up, so we'll need to deal with our scheduling. So with that, we are in recess until 11:10.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:58 A.M., AND WAS RECONVENED AT 11:15 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBERS BAISA AND HOKAMA EXCUSED.)

CHAIR WHITE: This meeting will please come back to order. And Members, as we proceed with public testimony, I appreciate your letting me know what your lunch schedules are. The Chair will take testimony up to twelve o'clock. We'll take a 45-minute break for lunch, and be back here at 12:45.

And we, as I mentioned, we have 45 testifiers. And we want to be sure that we give everyone who's unfortunately been having to wait a considerable amount of time this morning as we work through our ceremonial resolutions, we want to make sure we hear from everybody that wants to let us know their thoughts on these issues.

But, I will make one strong request, that there'll be no extensions for the extra one-minute. So, we will be making it three minutes, and three minutes only. And as the red light goes off, I prefer not to interrupt you. So, please respect the red light, and stop wherever you are in that sentence, or complete that sentence, but then I'll allow for the next testifier to come up.

So with that, I'm sure we'll have lots of testifiers that may have had to go back to whatever their other responsibilities were, but hopefully we've not lost too many.

So Mr. Clerk, let's start with public testimony.

COUNTY CLERK: Mr. Chair, prior to public testimony, for the record, the ceremonial resolution "EXPRESSING APPRECIATION TO COUNCILMEMBER MICHAEL P. VICTORINO", that would be RESOLUTION 16-167.

CHAIR WHITE: Thank you.

COUNTY CLERK: Proceeding with the presentation of testimony on agenda items. We have established limited telephone 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 the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes. And when testifying, please state your name and the name of any organization you represent.

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

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

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

MS. ELLA ALCON: There is no one here on Molokai waiting to testify.

COUNTY CLERK: Mahalo.

Mr. Chair, we have 45 individuals who have signed up to provide testimony in the chamber. The first individual to testify in the chamber is Jim Smith, testifying on Bill 115, to be followed by Janice Simeon.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JIM SMITH [testifying on Bill No. 115 (2016)]:

Aloha, Chair White--

CHAIR WHITE: Good morning.

MR. SMITH: --Members of the Maui County Council. I've submitted written testimony on this item, and now I'm going to put this into a context.

The word superiority appears in this ordinance, that 3.70.050. And I've never seen the word superiority used in any statute that came forward. This is the problem,

okay. It could be white supremacy. It could be supremacy of an individual. This is a problem as opposed to equality. And this is your kuleana. The law has to be equal. It has to protect. It has to promote opportunity. It all has to be equal.

And the first provision of this, which is 3.70.090.B, provides that anyone who possesses 25 percent, okay, of the real estate assessed value can file a petition with the Clerk.

But suppose I don't possess 25 percent, and I want to file. Well, that opportunity is denied by this provision. The old improvement district said, a petition of property owners of 40 percent can establish. That's quite different than setting the tier at 25 percent of the assessed value property tax, okay. Cause that makes it mean that two people who might have loads of money can do it, and one person who has none cannot. And that's denial of opportunity, okay.

And it's subjecting a person in protest, okay, which is up 50 percent of the assessed value. Assessed value of property tax, huh? What am I now? I don't figure in there anywhere where the old improvement district did. Don't you think this should go back to Committee on that alone? I hope you do.

The 50 percent protest is based upon assessed value, not property owned, not percentage of property owned, or affected by the result, but assessed tax, property tax. Assessment value, that's to me a different planet. That's in a different world. And these ordinance comes from a different world, as a, as an example. There's other examples.

But, I please hope you would take it back. What about an EIS, in an improvement district ordinance? Does that exempt it from EIS application because it's a government involvement, and the EIS ordinance says that government doesn't have to file certain, certain things? What about community plan boundary amendments? Does that apply? None of this has been done. This has been a feel-good moment that deserves to go to bed.

I would ask you to return this bill to the proper place, and that's the Committee. Thank you so much.

CHAIR WHITE: Thank you, Mr. Smith.

Members, I won't be asking if there's a need for clarification on each testifier, but please let me, please say something if you would like to ask the testifiers a question.

Thank you very much for your testimony this morning, Mr. Smith.

MR. SMITH: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier, Janice Simeon, owner Tin Roof, on behalf of Tin Roof, Chef Sheldon Simeon, testifying on Committee Report 16-204.

MS. JANICE SIMEON (testifying on Committee Report 16-204):

Aloha and good morning, Councilmembers. My name is Janice Simeon, wife of Chef Sheldon Simeon, and co-owner of local mom and pop lunch shop, Tin Roof in Kahului. Chef sends his regrets for not being here today, but he is currently filming a series that will showcase Hawaii restaurants and purveyors to a national audience. I am here today to ask that you vote to restrict the use and sale of polystyrene food service containers.

As leaders of the food industry and new small local business here on Maui, Chef Sheldon and I knew we had to pave the way and set an example. When we first opened Tin Roof back in April, we did not realize how difficult it would be to receive sustainable packaging on island. It took us six months to find a vendor that would supply them to us. Even with an attempt to partner up with another Maui company, we were still unable to meet the minimum order requirement to get a shipment on island.

We have no financial resources to pay for 200 cases at one time, which would have been about \$25,000, nor do we have the storage space to house them in our 500 square foot space. So for six months, we used packaging that was readily accessible. Accessible, because so many other companies were already using those same plastic and Styrofoam containers.

Finally, about two months ago, we were introduced to a company called Sustainable Island Products in Hilo who ships weekly to Maui, but will be opening a second location here in Kahului around Spring of 2017. We found a container that fit our brand, and was pleasantly surprised when we realized the cost was very comparable to what we were using at the time, but made even cheaper with a bulk discount. I imagine as more companies on island make the switch, together we can bring costs down even more.

I'm happy to report that our company now uses about 99 percent compostable packaging for our take-out lunch spot, and are currently phasing out the last one

percent. That's less waste in our landfills, as our products will start to decompose itself in months, not decades.

As a small business, it's much easier for Chef Sheldon and I to make that commitment to transition to compostable packaging. But we are just one local shop serving about 300 customers a day. What about larger corporate businesses that run several locations on island such as Panda Express, McDonald's, that serves thousands of people a day? The local management team cannot make that decision. That is why you, our elected lawmakers, need to make that decision for the corporate giants. We hope you vote to ban Styrofoam containers on our island.

Lastly, if you think your decision here will not, will only affect what happens on our island, think again. Because my husband, local boy, Hilo boy, and internationally chef, internationally recognized Chef Sheldon Simeon, is currently representing the entire State of Hawaii to millions of viewers from all over the world. And if you saw last night's episode of the award-winning show, Top Chef, you know that he's killing it right now.

So, the world is watching our every move. Let's show up and show them what Maui is doing to better the future for our island, and turn a ripple into a wave for the planet as a whole. Mahalo for your consideration.

CHAIR WHITE: Mahalo, Ms. Simeon.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Clerk.

COUNCILMEMBER COUCH: Mr. Chair. Mr. Chair.

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

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Ms. Simeon, thank you. While you're coming down, thank you for mentioning that, yea, Sheldon's on Top Chef. Saw him last night, was perfect. And for anybody who hasn't been to Tin Roof yet, this is a shameless plug, please go, it's really good food.

I have a question for you.

MS. SIMEON: Yes.

COUNCILMEMBER COUCH: I notice your change in bowls, which was very good. But you do have a couple of dishes that have hot broth. How is that working in, in those bowls? I don't order those, so I don't know.

MS. SIMEON: We, we recently changed that over to compostable as well. You're talking about the Styrofoam containers. We have, we no longer carry Styrofoam.

COUNCILMEMBER COUCH: But, how does the hot broth work in, I know the one in--

MS. SIMEON: It works great.

COUNCILMEMBER COUCH: It does?

MS. SIMEON: Yes.

COUNCILMEMBER COUCH: Okay, thank you.

MS. SIMEON: We're using compostable paper cups now.

COUNCILMEMBER COUCH: Yup. Noticed that. It was really good. Thank you.

MS. SIMEON: Thank you.

CHAIR WHITE: Thank you, Ms. Simeon.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lori Sablas, testifying on County Communication 16-320. To be followed by George Burnette.

MS. LORI SABLAS (testifying on County Communication No. 16-320):

Aloha kakahiaka kakou.

CHAIR WHITE: Aloha.

MS. SABLAS: I'm here at the request of commissioner Victorino, testifying on communications 16-30 *[sic]*, relating to the appointment of myself to the Maui County Cultural Resources Commission. And I would like to say to the Councilmembers that the reason why I wanted to apply is my career, in my background, I've been very

fortunate to travel to just about every major city in the United States throughout Canada, promoting Maui, my home island, the island that I love.

And for me, it's important that not only are we out there promoting and getting people to come here, it's more important that we, who live here, and who are in positions of making decisions to be able to be part of the process to keep the island, the special island we, we have. And that's the reason why I wanted to submit my application for your consideration.

I think if you had looked at my original application, I was fortunate to be a member of the original Maui County Cultural Resources Commission, and the last member of the Maui Historic Commission. So I do feel that I have experience in the deliberations that are involved in becoming a member of this important commission that is really responsible for something that's very important to all of us here, and that's our cultural resources. And I'm open to any questions.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Thank you, Ms. Sablas.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly. Thank you, Ms. Sablas for being here. I've known you for many, many, many years. I have the utmost confidence what you bring, and your expertise, knowledge, and the heart of the culture, the host culture will be nothing short of fabulous.

I noticed that you, from 1975 through the, to 2013, have been very actively involved in cultural operations for both Kaanapali Beach Hotel, and as well as SRI International. And so, real quickly, can you give us an overview on what Po'okela, Kaanapali Beach Hotel, as Director, what your responsibilities were. Just so that the rest of the Members have a good idea on your background.

MS. SABLAS: Certainly, I'd be glad too. When I was hired by Chair Mike White in 1989, and again, I say this, you know, for many years, my job was going and talking about Maui and the beautiful, all the, all the things that makes Maui special. And I remember praying to God to ask me to be in a position that I can be able to, to be able to be there to, to fulfill and keep this island special.

So when Mike offered me this job of Director of Po`okela, it was like a dream come true, and a blessing. Because he told me that position is not for the guests, like many hotels, this position, he said, it's for our employees. Your job will be to develop curriculum each quarter for the employees, and it's going to be mandatory that they attend the classes, so that they learn about this host culture and the beautiful place we live in. Recognizing that many of our employees are not of the island. So it's important that they know the specialness of this island, and be educated about it, so they in turn can share it with the guests.

So in the 23 years that I worked there, we had developed close to, under my, close to 75 different classes. Now for each class, mind you, we do it ten times to accommodate the employees. And so, 75 times 10 can tell you how many hours that we have committed to our employees to learn simple things that we take for granted. Just because we were born and raised here doesn't mean we know about our island.

And so through my job at the Kaanapali Beach Hotel, I learned and appreciated the culture that I can call my host culture, and shared it with so many of the employees. And that program still continues today, despite all of the economic challenges.

COUNCILMEMBER VICTORINO: Well, thank you very, very much. I mean your resume is exemplary. I mean, there's just nothing you haven't done through the years.

MS. SABLAS: I try.

COUNCILMEMBER VICTORINO: And I know that you're retired. So I imagine this question will be easy, you will have the time to dedicate to the Cultural Resource Committee?

MS. SABLAS: Definitely. One of my thing is show up.

COUNCILMEMBER VICTORINO: Okay. Thank you. That's all I needed to hear.

Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Seeing none, I want to thank you very much for being here today, Ms. Sablas.

Mr. Clerk.

COUNTY CLERK: Next testifier is George Burnette, testifying on Committee Report 16-204. To be followed by Les Potts.

MR. GEORGE BURNETTE (testifying on Committee Report 16-204):

Good morning. It's still morning. My name is George Burnette. I'm here to testify in favor of the ban on polystyrene. I am testifying as an individual. I do volunteer work for the Maui Nui Marine Resource Council. Out of respect for the Council's time and 45 testifiers, I'm going to disregard the number of hours of research condensed into three minutes, and just speak for one-minute from my heart.

I think we all agree 100 years from now none of us would be here. I think it would be nice if a 100 years from now somebody could come to Maui and catch a fish. I think it would be nice if a 100 years from now somebody could come to Maui and maybe have a chance of seeing a monk seal on a beach, instead of seeing a monk seal in a museum that's stuffed with plastic in its stomach. I think it would be nice if a 100 years from now somebody could come to Maui and put on a mask and snorkel or scuba gear and go see a healthy coral reef. These are things that we're losing right now as we all sit here and talk about it.

The ban on polystyrene, certainly not a solution that there's so many solutions. But, the ban on polystyrene would certainly help all the things that the Council does. All the issues that are so difficult, I think that this is a simple one. There are no facts that actually support the continued use of polystyrene. That's where I stand. Thank you.

CHAIR WHITE: Thank you, Mr. Burnette.

Mr. Clerk.

COUNTY CLERK: Next testifier is Les Potts, testifying on Committee Report 16-204. To be followed by Tapani Vuori.

MR. LES POTTS (testifying on Committee Report 16-204):

Good morning, Mr. Chair--

CHAIR WHITE: Good morning.

MR. POTTS: --Councilmembers. My name is Les Potts. I'm the caretaker at Honolua Bay. I'm here to support the ban on foam, Styrofoam.

I, I patrol the, about seven miles of coastline every morning and pick up all the trash. And the one thing that stands out is the plastic, the white plastic trash. I go over the cliffs at Honolua Bay, and pick um up, and get um out of there.

But there's ones at Honokohau I can't get, cause they're too steep a cliffs. But anyway, I just wanted to say I'm here to support the ban on Styrofoam. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier, Tapani Vuori, General Manager, Maui Ocean Center. To be followed by Robert Kline.

MR. TAPANI VUORI, MAUI OCEAN CENTER (testifying on Committee Report 16-204):

Chair, Councilmembers, thank you for the opportunity to testify in support of the proposed ordinance banning EPS, polystyrene and disposable food service containers.

Maui Ocean Center supports this ordinance.

COUNCILMEMBER VICTORINO: Chair, may we have his name please.

MR. VUORI: Oh, I'm sorry. My name is Tapani Vuori. I'm the General Manager at Maui Ocean Center.

CHAIR WHITE: Thank you.

MR. VUORI: EPS polystyrene does not biodegrade and in, it ends up in the food chain, impacting human health as shown in the study done by NCBI, National Center for Biotechnology Information, in 2014, in Hawaii.

The argument of increased cost is taken out of context, because we need to consider the aggregate cost for the community and society at large. If we choose to continue with today's practice, would have a negative outcomes of the plastic bag ban that we recently enacted. I think it's time for us to make the right choice for us and for the future generation. Thank you for your time.

CHAIR WHITE: Thank you, Mr. Vuori.

MR. VUORI: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier, Robert Kline, testifying on Committee Report 16-204. To be followed by Jason Higa.

MR. ROBERT KLINE, KYD DISTRIBUTORS (testifying on Committee Report 16-204):

Good evening, or good afternoon, everybody. I'm Robert Kline. I am a Senior Account Executive with KYD Distributors on Oahu, and we distribute to all the islands. We manufacture foam, but we have also sold compostable, a full line of compostable items for at least 10 years now.

And it's my job to work with customers to make decisions on how to present their product to the best way, to get the shelf life they need out of it, and to, and to get them the best value. And sometimes it's, sometimes it's compostable, sometimes it's foam, sometimes it's different types of plastic; and we have all those available.

And you know, the impact, you know, making them buy something that is more than or less than what they need, which in a lot of cases it's less than, because compostables don't tend to give you the shelf life.

I'd like to, we submitted a written itinerary, along with a lot of cost comparisons in that, and I can only speak for the costs on Oahu and people that bought stuff from us. But I have a few items that I'd like to submit to pass around with costs, and comparable costs for non-compostables, if that would be possible.

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

MR. KLINE: Okay, the prices are just suggested, because like I said, it's based on Oahu pricing. While the unit prices differentiates are small, people buy by the case and it ends up big numbers, you know, six cents for a 500, difference for a 500 piece, that's \$30. And you know, it's an hour or two of employee time that they may not have the money for.

If you can structure your cost to be able to take, to cover that, that's okay, that's great, you have a high end restaurant. But a lot of people don't have that, and they're struggling, and they need to keep, use the most economical item.

Also, a lot of local style foods do not do well in pulp containers. You know, it's okay if you're going to go in and eat it and go. But, people take it back to their office, and it gets, and it falls apart.

KYD customers like the feel of these, I passed around some potato starch plates, but they're more like plastic. But, they're very, very expensive.

While some people may do home composting, the vast majority of residents and businesses using compostable products probably do not. Without a commercial composting facility on Maui, compostability and EPS foam containers go to the landfill, where nothing degrades due to the lack of air and moisture to allow the bacteria to break the material down. The Maui Waste Characterization Study found that the amount of EPS foam containers entering the landfill was less than one percent. Thank you for your time.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, next testifier is Jason Higa, Zippy's Restaurant CEO, on behalf of Zippy's Restaurants and the Hawaii Restaurant Association, testifying on Committee Report 16-204.

MR. JASON HIGA, ZIPPY'S RESTAURANT (testifying on Committee Report 16-204):

Good morning, Chair, Councilmembers.

CHAIR WHITE: Good morning.

MR. HIGA: Zippy's has 24 locations, all within the State of Hawaii, including one in Kahului. We employ over 2,000 statewide, with 95 employees in Maui County. Our founders were born and raised in Hawaii. Hawaii is our home. We care about our community and our environment.

In 2010, Zippy's converted as much of our food service containers away from EPS. What we found is that we couldn't do all containers for safety reasons, primarily. And there are a few containers today that remain EPS. But it was our goal, remains our goal to convert away from EPS.

I served on the Maui Task Force, which was headed by Councilmember Victorino. And I want to commend him and his staff for a very fair and open process that occurred. I learned many things. One of the things, or couple things I wanted to share is, at the end of the day this law will not impact Zippy's. It will not impact the McDonald's of the world. It's going to impact the mom and pop operators here in Maui.

And what I want you to understand or hope you will keep in mind is that in the restaurant community there's a wide spectrum. There's the high end restaurant, and there are operators that provide great value, reasonable prices to their customers. And these are the operators that rely upon EPS containers because of the affordable costs. If this law passes, it is these operators that will be impacted the most. And this is not an issue as characterized as pennies. I will tell you from our own experience, pennies add up to big dollars. And it has a major effect on sales.

Since 2008, our experience has definitely shown that there are ceilings on what customers are willing to pay. Every time that we have had to institute a price increase, we found that we have lost transactions. And there's no doubt in my mind that this will have an impact on the mom and pops. The irony is Zippy's will probably benefit if this law passes. It will cause our competitors, the mom and pop's to pay more, to have to raise their prices in comparison.

My, my other point, which is I think is a very important one, one that I learned from the task force is there are limits to this law. It addresses a very small component of what is affecting marine life. It does not impact EPS that comes in from out of State. And that's a fairness issue for the Maui operators.

There's still going to be the Styrofoam containers, the cup-o-noodles, a whole bunch of other EPS materials coming into State. And that's not anything that can be done because of the Interstate Commerce Law. There's many other plastics that impact marine life besides EPS, and this law does not address it.

I really hope that the Councilmembers will consider both sides before making a decision. Litter is the issue. There's materials on malama808.org that will show some of the effort by the restaurant community to try to make an effort in that regard. Thank you, Councilmembers.

CHAIR WHITE: Thank you, Mr. Higa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Higa for your comments. You say this is going to affect mom and pop stores, yet we had somebody who does, I mean mom and pop came up here and said they're doing the responsible thing. I, I'm trying to weigh the two different testimonies. Can you kind of address that please.

MR. HIGA: Sure, sure. When I talk about the mom and pops that will be impacted, these are the operators that are offering at the lowest price possible. And that's where the EPS container comes in to support it.

With Chef Simeon's operations, and I visited them on several occasions, the price points are higher than many of the operators that rely upon the EPS. They have a customer base that is willing to pay the prices according to the containers that are used.

My concern is with the operators on the very low end of the spectrum that are trying to maintain pricing for their customer base. Does that answer your question, Councilmember?

COUNCILMEMBER COUCH: Yes. Thank you, Mr. Higa. Thank you, Chair.

MR. HIGA: Thank you.

CHAIR WHITE: Okay. Thank you very much, Mr. Higa.

Mr. Clerk.

COUNTY CLERK: Next testifier is Dexter Yamada, testifying on Committee Report 16-204, on behalf of KYD Inc. To be followed by Marilyn Jorgensen.

MR. DEXTER YAMADA, KYD INC. (testifying on Committee Report 16-204):

Chair White and Members of the Maui County Council, I am Dexter Yamada, President of KYD Inc.

The purpose of the proposed IEM-5 is to "promote public health, reduce litter and limit harmful materials from entering the environment". It targets the use of FDA approved, food-grade expanded polystyrene food service containers based on misinformation.

For the record, I would like to correct misinformation presented about food-grade polystyrene containers. Critics of the EPS food containers like to confuse it with Styrofoam, a Dow brand name for industrial use like insulation; packaging material. Styrofoam is not a FDA approved food-grade product and is not used for food service containers. Food-grade EPS foam containers approved by the FDA for more 50 years and are not cancer causing.

It finished, in finished food-grade polystyrene foam containers, styrene becomes an inert substance, meaning it does not change in solid form. Styrene is naturally occurring element that is found in foods and beverages. Cinnamon has the most styrene, 170 to 39,000 parts of per billion compared to a foam cup, 5 to 10 parts per billion.

A ban that singles out foam food-grade EPS containers does little to reduce litter or ocean debris harmful to marine life and the environment. The five most common items found during international coastal cleanup are plastic cigarette butts, food wrappers, plastic beverage bottles, plastic bottle caps, and plastic straws and drink stirrers. Plastics can enter the ocean through ineffective or improper waste management.

Better litter management was a unifying recommendation from the Maui Task Force of 2014. Rather than impose a discriminating ban on only polystyrene food service containers and mandate the use of alternative product, the County of Maui is urged to focus on the cause of the ocean debris, much of it from land-based origins.

Maui County is encouraged to join two free private sector litter management programs. One, Malama 808, as Jason Higa alluded to, and the other is Litterati. This is a free web program founded by Jeff Kirschner that encourages people to send digital photographs identifying the type of location of litter to the Litterati internet database. By joining Litterati, the County, through its participating employees, can collect data.

Please reconsider the ban of EPS. Thank you for your opportunity.

CHAIR WHITE: Thank you, Mr. Yamada.

Mr. Clerk.

COUNTY CLERK: Next testifier is Marilyn Jorgensen, owner, CJ's Deli & Diner, testifying on Committee Report 16-204. To be followed by Tom Knox.

MS. MARILYN JORGENSEN, CJ'S DELI & DINER (testifying on Committee Report 16-204):

Good morning. My name is Marilyn Jorgensen. I'm the owner of CJ's Deli & Diner, a comfort food family style restaurant in Kaanapali. A large chunk of my business is take-out.

I'm against the Styrofoam ban today. I want to protect the environment, but let's do this correctly. There's some issues that need to be addressed with this ban. First, the cost difference between Styrofoam and earth-friendly products is substantial. I have price quotes from HFM Morrad, my food supplier. Your typical plate lunch three-compartment Styrofoam is 11 cents per piece. Bridgegate Compostable, 28 cents per piece, Earth Choice Reusable, 31 cents per piece.

So, I asked him to run some usage statistics for me, and through the beginning of December in 2016, I would have spent \$3,800 more on the Bridgegate Compostable, and almost \$5,000 more for the Earth Choice Reusable. These expenses cannot be easily passed to the consumer. I haven't even been able to raise prices for two years. Go on Yelp and TripAdvisor, all my reviews say we're expensive. And that's prices from 9 to \$15.

And sadly, the eco-friendly take-out containers, I just haven't had as good luck with them. I've had a lot of leakage, the lock-in click mechanism isn't as good. Food needs to arrive in my customers' condo room or their house in excellent condition. If it spills in the to-go box now, it also spills in the paper bags we're being forced to use. If it leaks in their car, and they get home and it's not a good product, they will not eat in my restaurant.

We're already losing business, all the mom and pops, especially in Kaanapali, to timeshares. The Westin Ocean Villas is opening two huge new towers, and mom and pops aren't even allowed to advertise. We're not even allowed in the door to talk to the concierges.

So, but the main reason that I'm really upset about this is that we have no commercial compost facility on Maui. So right now every, all these earth-friendly products are going into the dump. And the irony is, they're actually producing methane gas, which is the number one cause of climate warming. All these cities that have banned it, San Francisco, Oregon, they have compost facilities. They have curbside recycling. They have compost boxes.

Where's our recycling center on the West Side? We have nowhere. We have 18,000 people that live there, 50,000 tourists a day. There is nowhere to take your

wine bottles, your newspapers, your milk cartons. We need a recycling center. We should be talking today about recycling and reducing our trash. These compostable containers are only adding to the trash in the landfill. I want to do the right thing for the environment, but these added expenses just aren't fair.

I'm a small mom and pop. I have six years left on my lease. My house is mortgaged on my business. I can't just close the doors. I can't just say to the landlord, I signed a personal guarantee. We need to come up with a solution that works for everyone. Thank you for your time.

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

MS. JORGENSEN: I have copies of the price quotes if anyone wants to see.

CHAIR WHITE: If you could please give them to the Clerk. Thank you for coming today.

Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Knox, testifying on Committee Report 16-204, on behalf of the Hawaii Restaurant Association. To be followed by Stephanie Ohigashi.

Tom Knox.

Mr. Chair, the next testifier, Stephanie Ohigashi, testifying on Committee Report 16-201.

MS. STEPHANIE OHIGASHI (testifying on Committee Report 16-201):

Oh wow. I'm Stephanie Ohigashi. Aloha and good morning, Chair White--

CHAIR WHITE: Good morning.

MS. OHIGASHI: --Honorable Councilmembers. I'm here to support CR 16-201, the adoption of the resolution to disapprove the Friends of Moku'ula's continued operation of the parking lot concessions. At the same time, I support the important work that the Friends of Moku'ula do, under the leadership of Blossom Feiteira.

They've done a yeoman's job of preserving this important cultural treasure. I think this resolution provides fiscal accountability for both the County of Maui and the Friends to continue their very valuable work.

Just fyi, Moku`ula has ties to Rapanui, and Rapanui has ties to us as its sister city, established in May 1998 by former Councilmember Sol Kaho`ohalahala. It is therefore even more important for us to preserve all the work that's gone down and not to let it go by the wayside and be neglected. That would be a tragedy. So, I'm hoping the, a financial mechanism will continue the work down the road.

I also want to say mahalo on this very good step of, you know, increasing accountability through the next committee report, which I'm not testifying on. But just a personal mahalo to all of you. Thank you. Merry Christmas, especially to my former boss of nine years here on the Council; Mike Victorino. Aloha.

CHAIR WHITE: Thank you, Ms. Ohigashi.

Mr. Clerk.

COUNTY CLERK: Next testifier Blossom Feiteira, Executive Director, Friends of Moku`ula, testifying on Committee Report 16-201. To be followed by Emily Kunz.

MS. BLOSSOM FEITEIRA, FRIENDS OF MOKU`ULA (testifying on Committee Report 16-201):

Good morning, Mr. Chair and Members of the Maui County Council. Aloha and good morning.

CHAIR WHITE: Good morning.

MS. FEITEIRA: Thank you for this opportunity to testify in support of Committee Report 16-201, and also Committee Report 16-202. For the record, my name is Blossom Feiteira, and I serve as the Executive Director for the Friends of Moku`ula.

As I stated at the November 29, EAR Committee hearing, the Friends of Moku`ula is absolutely in support of these, both of these resolutions. I think the time has come for fiscal accountability to be put in place in a way that makes my job as a ED very easy, by the way.

And I also believe that, you know, I wanted to just bounce off a little bit from the halau, the hula halau that was here. Statewide and nationwide, money available for cultural preservation of any kind, but especially in Hawaii, is almost non-existent. The County of Maui establishing this restoration fund for the promotion of Hawaiian culture is a very, very important step in recognizing the role that the host culture plays in our State. Not only for the activities, but for our sights as well.

So, mahalo to Mr. Guzman for coming up with this wonderful idea of establishing this fund. I look forward to working with the County to make sure that the parameters are set so that we can actually do the work that we're supposed to be doing.

In addition, Mr. Chair, I'd also like to submit testimony in support of 16-204. As a Native Hawaiian person, I see on a regular basis the devastation that these imported items can bring to our island. I take my grandchildren down to the beaches now. And what we find when we're looking for shells is bits and pieces of Styrofoam from coffee cups, from plate lunches.

And yes, is it going to affect the mom and pop stores? I believe they do. But the kuleana also falls on the rest of us, the consumers, to pay the price so that our mom and pop stores can continue to succeed. So with that, mahalo for the time.

CHAIR WHITE: Thank you, Ms. Feiteira.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Emily Kunz, to be followed by Faith Chase.

MS. EMILY KUNZ (testifying on Committee Report 16-204):

Good morning, everyone. My name is Emily Kunz. I'm co-owner of Choice Health Bar, a small restaurant located in Lahaina.

I have spoken before about this. We've had a really positive experience using the alternatives of polystyrene. My restaurant also has an environmental mission, so it's very close to my heart to leave the smallest amount of impact to the environment of this island.

I found, I also work with Sustainable Island Products out of the Big Island. I found, over the years working with them as my business has grown, my costs have gone down. They've offered me a five percent discount last year for buying more quantity.

We, if you look at some of the small mom and pop shops, they're buying the polystyrene, not necessarily the big distributor, maybe at Costco where it still costs 15, 16 cents apiece for a plate lunch container versus, for me, it's 27 cents apiece for a three-compartment plate lunch container. So, I think it's worth it. I know our customers want to see us doing this.

I also think it's important that the government imposes regulations on, on the restaurants this way. When I do go to the recycling center in Olowalu to take care of all the recycling that my business does produce, large cans, some you know, eco-lab bottles, the guys that work there tell me I'm one of the only restaurant owners that actually shows up and takes care of this stuff, and takes it to the proper place to recycle these materials. So, I don't necessarily see restaurants doing this on their own.

I mean, plenty have, but I think it's important that since we have the number one island in the world, islands are the most sensitive eco-systems in the world, we should also have the number one protection laws. And I think that will also bring visitors to our island.

I'd also like to address the fact that a lot of people say that the compostable containers are not, they leak and stuff. We're not, we don't receive feedback like that from our customers at all. Honestly, I've only once in five years received that feedback about our paper containers.

And a lot of the containers that we're talking about replacing, the Styrofoam containers, they're not the, I agree that we need a processing facility for the biodegradable containers, especially the corn cups, because they require aeration to break down. But, a lot of the containers that will be replacing the Styrofoam are actually made of bagasse, and that's a paper material that does breakdown easily in the compost or in the landfill. I mean, these containers breakdown within a month.

So and finally, you know, the cost of our space that we're in, you know, we're paying per square foot for our restaurant space. And lastly our, these containers take up a lot less space than Styrofoam. I mean, I have way less storage for my containers, because we're using containers that fit together and take up less space. So, I appreciate you guys considering this issue. I do believe in it strongly.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, next testifier is Faith Chase, testifying on County Communication 16-327, Committee Report 16-204, and Committee Report 16-201.

CHAIR WHITE: And she will be the last one before the lunch break.

COUNTY CLERK: Faith Chase.

Mr. Chair.

CHAIR WHITE: It appears she might be in the lobby. Is she here? Okay, call the next testifier, and that testifier will be the last for--

COUNTY CLERK: Next testifier is Amy Erickson, testifying on Committee Report 16-204. Amy Erickson.

CHAIR WHITE: I don't see Ms. Erickson.

COUNTY CLERK: Next testifier would be Eve Hogan, testifying on Committee Report 16-209. Eve Hogan.

CHAIR WHITE: Okay.

COUNTY CLERK: Next testifier would be Lauren Blickley, testifying on Committee Report 16-204.

CHAIR WHITE: You just won the lottery.

MS. LAUREN BLICKLEY, SURFRIDER MAUI CHAPTER (testifying on Committee Report 16-204):

This is probably the biggest thing I've ever won. Alright. Aloha, County Council. My name is Lauren Blickley, representing Surfrider Foundation Maui Chapter, strongly asking your support to ban polystyrene here on Maui.

Just want to make a few really clear points. Number one, there's absolutely no doubt that polystyrene has a very negative and significant environmental impact. This has been documented repeatedly by the scientific research.

And I found a paper last night that shows that here in Hawaii, we've actually taken sand and seawater samples that showed the chemical styrene in it that has leached out of polystyrene containers right here, again, in our sand and in our seawater.

I want to dispel some myths about pricing. Because, a lot of the people who have come up have not had price lists, and have continued to just sort of outright lie about some of the pricing. I have a menu from Tin Roof, which was earlier testifying that

they do not use Styrofoam containers or polystyrene containers. They have a chicken plate lunch at \$7, compared with Stillwell's Bakery that does use Styrofoam whose similar chicken salad is \$11.25. So when we say that Tin Roof is this higher price, and that we're pricing out mom and pop's, it's absolutely not true.

We have a Maui, this is a local price list, someone gave an Oahu price list earlier, this is a local pricelist provided by VIP Foodservice. You guys have this. This was part of the taskforce report. It shows that unlike what the industry will tell you and try to convince you, polystyrene alternatives are not three to five times more expensive. In fact, on this price sheet, the eco-friendly alternative is cheaper in some cases. So there's a lot of alternatives.

And I want to reiterate, you know, that if we thought that this bill was going to run and hurt our community, and run our mom and pop businesses out of business, we would not be supporting it. We would not be pushing it. It is absolutely feasible to have this. And if we didn't think it was feasible, we also wouldn't be pulling and supporting this.

Over 100 different municipalities have supported a very similar bill as we have. So it's not like we just pulled this out of thin air. It's, it has been shown to significantly decrease polystyrene in the environment. And it has been shown to be feasible and not drive restaurants out of business. Please just consider the facts. Just separate the politics from this, and think about what's best for our island and for the sustainability of our future. Mahalo.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Thank you, Ms. Blickley.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yea, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Ms. Blickley for those comments. And I have a question for you. And I agree with what you're saying is that we need to deal with polystyrene. My concern in this bill is that there's a lot that can be imported, especially with the saimin cups and what not, like, that we really can't stop. So, are we putting a small band-aid on a huge gash? Or, I just need to wrap my head around that one.

MS. BLICKLEY: Yea, I think that's an excellent question. I think this was an issue that had come up in Committee. We sat down and talked about it. We really tried to go

through and try to understand what is, what as a prepared food, this is specifically looking at prepared food, is packaged as Styrofoam outside of the County and then brought in? We, we were having a hard time finding a significant number of items that that pertains to. Things that aren't already prepared such as raw chicken and raw meat, this does not apply to that.

I also think, and this is something that we've talked to Councilmember Guzman about, is the ability to, right now, this is, this is a bill that Corp. Counsel feels comfortable with and says this is, you know, again I don't think hundreds of pounds of poke are coming in in Styrofoam containers from Oahu. I just, that's not happening. So, I don't think it's just this band-aid on, on this big gash. I think that this is really addressing our local issue.

And again, this is a bill that Corp. Counsel feels comfortable with right now, and that can be addressed and improved to address some of those items in the future, and as you guys also talk and be able to add amendments to the bill. So, we want to pass something that, again, is meeting everybody's needs and is also satisfying the legal requirements, which right now Corp. Counsel feels that this one does.

CHAIR WHITE: Thank you.

Okay, thank you, Members. And I promised you a 45-minute break. So please be back in your seats at 12:50. And with that, we are in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:06 P.M., AND WAS RECONVENED AT 12:53 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBERS BAISA, CARROLL, HOKAMA, AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order. Mr. Clerk, let's proceed with the public testimony.

COUNTY CLERK: Mr. Chair, the next testifier is Tama Kaleleiki. And Tama will be followed by Robi Campbell.

MR. TAMA KALELEIKI (testifying on Committee Report 16-201 and 16-202):

. . . my name is Tamalani Kaleleiki . . . from Lahaina. Aloha to Honorable Chair, to our Honorable Council. Also, my deepest aloha to Mr. Couch and the loss of your mom. And my aloha to Mr. Mike Victorino, mahalo.

I'm here testifying on CR 16-201 and CR 16-202. I strongly oppose any County funds to be released to FOM or Friends of Moku`ula. Because, number one, they are irresponsible and negligent in their inability to provide the requested information from 2003. And I've been with this, oh since 2009. I'm, I have one where I have written they are irresponsible. And it's just the fact it's our taxpayers' money. And we've been asking for help in this situation.

(Councilmember Carroll returned to the meeting at 12:55 p.m.)

MR. KALELEIKI: Number two, the director came on board with FOM in May 2013. She admits that she saw the requirements and began to focus efforts on cleaning the place up, our Moku`ula, Mokuhinia. Where are the reports from 2013 to 2016, three and a half years? This is non-compliance.

Number three, she talked about comprehensive report, and had an internal audit, but repeatedly failed, providing or provide one report. It is too late to ask for any patience, any understanding from the County.

In addition to opposing this release of monies, I request the County to, one, recoup any monies that FOM has as of today. Number two, seize any and all items and properties that FOM acquired, which belongs to the County. Pursue legal actions against FOM for non-profit and for-profit. But I do thank you again.

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

MR. KALELEIKI: Mahalo.

CHAIR WHITE: Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Robi Campbell, testifying on Committee Report 16-204. Robi Campbell.

Next testifier is Hannah Bernard, testifying on Committee Report 16-204. To be followed by, Mr. Chair, we'll just start at Hannah Bernard.

MS. HANNAH BERNARD, HAWAII WILDLIFE FUND (testifying on Committee Report 16-204):

Good afternoon, Council Chair--

CHAIR WHITE: Good afternoon.

MS. BERNARD: --Members. A special mahalo to Mike Victorino and Don Couch. And condolences, Mr. Couch. Thank you for your service.

As I said, my name is Hannah Bernard, I'm the Executive Director of Hawaii Wildlife Fund. And you've already received extensive testimony from myself and our Vice-President, Megan Lamson, who's based on Hawaii island, and is working on a similar bill over there. We have reams of information, reams of documents that support the decision to phase out polystyrene.

But we've seen firsthand. Hawaii Wildlife Fund has been working for the last couple of decades removing marine debris from our beaches. We are picking up the stuff that's floating out there, the trillions of pieces of plastic and polystyrene. It washes up on our beaches. That's where its destination ends up. And so, we pick it up on sensitive habitats, sensitive beaches that are nesting habitat for sea turtles and monk seal . . . especially places that people and wildlife bind together.

So, because so many wildlife species have been impacted by plastics including polystyrene, 60 to 95 percent of marine debris is composed of plastic including polystyrene. Of course, our non-profit which is dedicated to the recovery of our native wildlife, especially in the ocean, is very concerned about the . . .

We would like to draw the analogy. Mr. Couch made the question to Lauren before lunch, Lauren Blickley of Surfrider. Is this like putting a band-aid, because we have other polystyrene coming in, I think was the question. And what I would like to do is draw your analogy more toward that of, of an accident victim, and what we're needing to do is apply a tourniquet. And this bill is the tourniquet. We're needing to save the life of the patient, of the victim. The accident victim is our environment, is our planet, and if we don't apply significant actions, we won't save its life. So it's not just a band-aid, it's a lifesaving technique.

And it does, it will require more from all of us. Our oceans are now so imperiled that we've lost 50 percent of some of our coral species in Hawaii alone; 50 percent since 2015. So, this is cause for concern and alarm. And we need to take steps now to ensure that our oceans can have a chance to recover.

So this is one of those very important steps that's not just a band-aid, but it's a lifesaving technique. Now, if you look at the plastics that are in wildlife, many of them are the polystyrene pieces because they float. They are also toxic. Pollutants adhere to them. And so not only is styrene a human carcinogen, it also collects

pollutants which bio-magnify. So those of us who eat marine life end up consuming bio-magnified pollutants including polystyrene or styrene. So, this is nothing short of, like I said, a lifesaving step for our oceans.

So, I ask of you to please consider that 81 percent of individuals surveyed on the island of Oahu in a willingness to pay survey to find out if they were willing to pay more to use a compostable or a recyclable food container or plate lunch container, 81 percent said they would be willing to pay more. They want, they want the product and they would be willing to pay more. So whether or not cost is the issue, that's not the question. The question is do we want to save our home, our ocean home or not? And cost is not the obstacle. Thank you so much for your time. I really appreciate it. Mahalo.

CHAIR WHITE: Thank you, Ms. Bernard.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Ms. Bernard for your comments. I guess the question I have is, has anybody done any studies as to how much, if we do this bill as is, how much will be taken out of the stream versus how much is still allowed in? It seems to me, when I go to Costco or wherever, I see tons of those saimin bowls that are made of polystyrene.

MS. BERNARD: Yea, I get your point. And like I said, this is the tourniquet. So, 50,000 pounds of polystyrene containers are thrown away every single day in Hawaii, 50,000 pounds. So, regardless how much is coming in outside of our own food containers, we can stop that. That's, that's a step, that's a very important step.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Adriane Raft Corwin, representing the Sierra Club Maui Group. To be followed by Luke Sundquist.

MS. ADRIANA RAFT CORWIN, SIERRA CLUB (testifying on Committee Report 16-204 and County Communication No. 16-327):

I'm testifying on two different issues; both the polystyrene ordinance, as well as number 16-327.

I will start with polystyrene. The Sierra Club Maui Group, obviously we're an environmental organization, that's what we're known for. And again, I want to thank you for allowing me to testify. What we don't talk about as much is income and the economy.

COUNCILMEMBER VICTORINO: Chair.

MS. CORWIN: I'm sorry.

COUNCILMEMBER VICTORINO: Chair, her name. Again, she didn't give her name.

MS. CORWIN: Adriane Raft Corwin, sorry.

COUNCILMEMBER VICTORINO: Thank you.

MS. CORWIN: Sierra Club Maui Group.

COUNCILMEMBER VICTORINO: Thank you.

MS. CORWIN: When I heard the representative from Zippy's and one of the women that testified before me who was from a mom and pop store, I really heard them. This is an economic issue. People are worried that this is going to cost more. As you have heard, there are price points that are equal, basically between polystyrene and reusable. But, I can fully understand this worry that this is going to cause economic havoc.

And that's where I would really like to bring in the point of that 18-month phase in. This is not something that's going to, you know, tomorrow if you pass this, you know, January 2017, everyone's got to be on reusable. We have time. This gives us time so that the stores that have already switched over to reusable materials can educate those about where they're getting their best prices for these products, right?

We can have community forums about this. We can have the businesses work together, to see where they can get this, the best price points. And also, this gives times for distributors to maybe look at, you know, local distributors to see how they

can bring in cheaper items. Eighteen months is a long time, and I think that our community as a whole, that's enough time to really work on this issue and make sure that this is fair to those mom and pop stores that are worried about this issue.

So, Sierra Club is very, very in support of this ordinance. And we're very happy that it has this phase in period so that our businesses will have time to adapt, and have time to work with one another to figure out how to make sure this is effective and does not hurt their bottom lines.

I'd like to switch over now to my other issue, which is number 16-327. This is regarding the proposed resolution entitled "AUTHORIZING SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY".

I was very concerned to see this on the Council agenda. This was in the Infrastructure and Environmental Management Committee. I went to the most recent meeting. Sierra Club has voiced concern about this proposal, and this is obviously the lease for the proposal. I have put out my concerns to that Committee, and unfortunately at the last Committee meeting, we didn't really even hear a discussion of it.

Our Energy Commissioner Fred Redell was there. He had a presentation, but because the meeting was cut short, we didn't get to see the presentation. So, I didn't get any of my questions answered on this. So, this is very highly unusual that it's been pushed straight into Council.

I would highly, highly ask that this Council does not vote on this resolution today, and instead brings it back to the IEM Committee, where we can discuss questions related to this proposal, including specifically the fact that we have questions about its efficiency, it's economic viability, and the fact that it's in a tsunami and floodplain zone, and this is a 20-year long contract.

In addition, I would just like to say that I think that we need a much bigger presentation on this. Again, that can be, all these questions can be addressed in the IEM Committee. It should not be voted on today. And the fact that, most concerning, there has been no press release or any outreach to the community about this issue. Very few people even know about it, and so there's been no community input.

So again, to vote to go ahead with this lease proposal today, when there's been no community input, and the Committee that this was in has not actually finished discussing this, I again, ask you please table this resolution, send it back to the IEM

Committee where it should be continued to discuss it. And maybe we can figure out a way to make sure this is a good plan for the community. Thank you.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

COUNTY CLERK: Next testifier is Luke Sundquist, testifying on Committee Report 16-204, on behalf of the Hawaii Wildlife Fund. To be followed by Amy Fonarow.

MR. LUKE SUNDQUIST, HAWAII WILDLIFE FUND (testifying on Committee Report 16-204):

Aloha, Council Chair and Councilmember. My name is Luke Sundquist, and I am the Sea Turtle Research Program Coordinator for Hawaii Wildlife Fund, and I'm testifying in favor of agenda item 16-204, prohibiting polystyrene food service containers.

As a marine biologist, I know that pollution accumulation is one of the fastest growing problems, and one of the most serious problems facing our oceans and our marine wildlife today. Our non-profit organization, Hawaii Wildlife Fund, as Hannah Bernard mentioned, organizes hundreds of beach cleanups all around Hawaii, removing literally thousands of tons of marine debris from our beaches. And 85 to 90 percent of that has been plastics including Styrofoam plates, cups, and various fragments of Styrofoam that break off.

In relation to that point, Styrofoam doesn't breakdown like compostable or other trash products can. Instead, it photodegrades, which means it breaks into smaller and smaller pieces that still retain their Styrofoam properties, but make them more widespread and disperse in the water column. And as they do that, they are more easily eaten by smaller marine organisms.

And as Hannah mentioned as well, they are absorbing toxins as they grow smaller. So this presents a danger to animals, both by causing an occlusion and intestinal blockage that can lead to starvation in marine organisms that consume it, and by causing secondary poisoning if they consume Styrofoam that has absorbed mercury, or other harmful compounds.

Not only does this affect those marine organisms, it also can work its way up the food chain to fish that are eaten by humans, including prize fish like mahi-mahi. Meaning that these toxins are not just affecting marine organisms, but they could end up in our diet and our plates as well.

Over 660 marine species were found to be directly encountering plastic debris in our oceans, according to the U.N. Environmental Program Report. This includes charismatic species around Maui, like manta rays, our seabirds, our sea turtles, hawksbill and greens, as well as all those fish species that I mentioned work their way up through the food column to our plates.

Without these, without this ban, all those species are at higher risk for extinction, and we are at higher risk for being exposed to more toxins in our ocean and in our environment.

There are great alternatives in compostable packaging and reusable packaging, and with the public's support, and already business use seen in Maui, this is a great step forward. It is the first step, but this is a great way to start removing some of the Styrofoam and plastic debris from our oceans. Thank you all.

CHAIR WHITE: Thank you, Mr. Sundquist.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Amy Fonarow, testifying on Committee Report 16-204. Following Ms. Fonarow, we will be going to Molokai to accept testimony.

MS. AMY FONAROW (testifying on Committee Report 16-204):

That's a long trip. Hi, my name is Amy Fonarow. Thank you so much for being here today, and listening to us. I am testifying in support of the ban on polystyrene. I am a concerned citizen, and ocean advocate. And I know you've heard all the details about how it affects the environment.

I just thought I'd talk about it on a personal level. I like to pick up trash when I can, especially at the Cliff House and down at Papawai Point. And also I work in the tourist industry, and because I like to pick up trash whenever I see it, I'm like, that looks horrible, that looks horrible. So, if you think about just a polystyrene container versus a compostable container, most of the compostable ones are tan and they blend in a lot better with the landscape. So just something else to think about. If someone is going to throw out their container on the ground, it might as well look good, right, before someone else picks it up?

Also, I'm happy as a consumer to, to pay more for compostable containers. And in fact, when I go to restaurants where I realize the containers are polystyrene, I eat extra so that I don't have to take the polystyrene container home. So, these five pounds I can never lose. If we got rid of that polystyrene maybe, I could finally lose them.

Anyhow, coming back to very serious, thank you so much for passing Bill 69 in 2008, to ban the plastic bans. And I know that only three people on Council now voted for that ban then, because they were in Council at that time; and two of those people aren't here. But, thank you so much for doing that. It was a big help, and I really encourage that you would do the same thing for today's bill. Thank you for your time. And e malama pono.

CHAIR WHITE: Thank you very much, Ms. Fonarow

Mr. Clerk.

COUNTY CLERK: Mr. Chair, we'll be calling on the Molokai Office. If you could please introduce yourself and introduce your first testifier.

MS. ALCON: Good afternoon, this is Ella Alcon on Molokai. And our testifier is Keani Rawlins-Fernandez, testifying on CR 16-204.

MS. KEANI RAWLINS-FERNANDEZ (testifying on Committee Report 16-204):

Aloha mai kakou, Chair and Councilmembers. Mahalo for this opportunity to testify in strong support of Committee Report 16-204, restricting the use and sale of polystyrene food service containers. My name is Keani Rawlins-Fernandez, and I'm not here to offer new evidence on the adverse impact that polystyrene has on our environment. But I believe the science behind supporting this initiative speaks volumes for itself.

Who cannot be here to speak for themselves are my children. They cannot be here to beg that you pass a bill designed to help protect our ocean from becoming the plastic particle soup it's becoming at such an alarming rate. As their mother, it is my duty to speak up for them, to protect them, and to do all I can to ensure that they have a prosperous future. So on behalf of my children and their generations right to a clean environment, I strongly urge you to vote yes and make this bill law. Mahalo a nui.

CHAIR WHITE: Thank you, Ms. Fernandez.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier, Tiare Lawrence, testifying on Committee Report 16-204, to be followed by Malia Cahill.

MS. TIARE LAWRENCE (testifying on Committee Reports 16-201, 16-202 and 16-204 and County Communication 16-327):

I had requested to testify on multiple. I signed up for a couple items is that okay? Okay.

CHAIR WHITE: Please proceed.

MS. LAWRENCE: Aloha, Councilmembers. My name is Tiare Lawrence. And I wanted to start off with 16-201 and 16-202, and just say that if you decide to disapprove, that I understand. And the ED already came up, and, and you know, she was in favor of it. So, just wanted to support that, that res, was it resolution or whatever was on the agenda.

And in 16-202, as far as a Native Hawaiian Fund, I just kind of wanted to reiterate this and say that I hope whatever monies are made in Moku`ula stay within Moku`ula. Obviously, the money is needed there. And I think having a Native Hawaiian Fund would be, is an excellent idea.

I do want to say this, and you know, we did have halau here earlier today. There are halau out there that are looking for home. And that I hope, I hope with this Native Hawaiian Fund that maybe in the future halau across the county, on our county lands could be built for these groups to utilize. I know my daughter's halau, her kumu is actually currently looking for space. So, if you know of anything, Halau Ka Hanu Lehua is looking for a space, and they have until December 31 to find one. So, just wanted to put it out there.

And then I wanted to testify, also, on 16-327. And, you know, no offense to Mr. Couch, and I just kind of wanted to aloha you and mahalo you for all the work that you've done. But I just kind of wanted to say that if we are, if it is about hearing all sides like mentioned earlier, I think the best thing to do is to put it to Committee so that it allows the community to be educated on this issue. And to be allowed the

opportunity to testify and share their information as well if we are about listening on all sides. And so, and then that's done.

And then we're going to go to 16-204. So, I am here in strong support of 16-204. I was very fortunate enough to be the project coordinator for the People's Congress. And we hosted island forums statewide on Kauai, Oahu, Maui, Hilo, and Kona. And we focused on seven issue areas. And environment was one of the issue areas we focused on.

We asked over our 500 participants that participated statewide to identify what the root and trunk causes of, were of these systemics problems here in Hawaii. And then we also tasked them with finding solutions. And I can tell you that every island stated that single-use plastic and Styrofoam was a problem here in Hawaii. And every island supported a ban on single-use plastics, Styrofoam use. And so I just kind of wanted to share that.

I also wanted to say that in 1986, the EPA declared that styrene production is the fifth largest producer of hazardous waste in the world. One of the countless luxuries westerners enjoy is the illusion that plastic and Styrofoam will just vanish or disappear.

I also want to say that there are lobbyists in this room who are paid to spread misinformation, fear tactics, lies, and fearmongering. And I kind of wanted just to put it out there, because the people who have come up before who were in support or opposed to this, they're paid to spread their lies and misinformation. And the community is here today to tell you that they support this measure. So, I wanted to put it out there too.

And I just wanted to say in closing, to not let perfect get in the way of good. You know, this is a good bill. It might not be perfect, but we can fix it as we go. The people who elected you have spoken, and this is what all of Maui wants. This vote will set a precedence statewide, and send a message to other counties and councilmembers that Maui continues to lead progressive values, and that Maui truly is no ka oi, and when it comes to taking care of our resources and our people.

So, I urge you to strongly support this measure. I know there's concerns out there. But, like we did with the plastic ban, we worked through it, we holomua, and we make positive change for future generations. Mahalo.

CHAIR WHITE: Thank you, Ms. Lawrence.

Mr. Clerk.

COUNTY CLERK: Next testifier is Malia Cahill, testifying on Committee Report 16-204, to be followed by Rob Parsons.

MS. MALIA CAHILL (testifying on Committee Report 16-204):

Aloha. Mahalo for having me here. Councilmembers, this is my third time testifying on this bill.

My, in the past I've had students testify. It's a really hard week for them to get out of school. But, part of the reason that I'm here is because of them, because I've had students--

COUNCILMEMBER VICTORINO: Chair, again, I have to ask for the name.

MS. CAHILL: Oh, Malia Cahill. I'm sorry, yea.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Malia.

MS. CAHILL: Malia Cahill. I'm testifying on my own behalf. But, I run Maui Huliau Foundation, which does environmental education programs for 12 through 18-year olds on Maui. And over, a lot of our programs are just projects that our students choose to do beyond our filmmaking program. And I would say 90 percent of those projects have evolved about plastic in our oceans. And that has been our students choosing. And really, that's because it's a really obvious tangible problem, even to young people today.

And if, if you guys go to north facing beaches here, even right down at the canoe club where we teach our programs, you will see the difference. I seen the difference in my lifetime and I'm 33-years old, from when I was a kid. So that's why you see that worldwide movement happening right now.

My friend, Kristal who's sitting over there is from the Bahamas. She runs the Bahamas Plastic Movement, which is a youth-led movement in the Bahamas. I was able to go there and do a film, we're doing a, our students are doing a film project together. And they see, they even have worse marine debris issues on their beaches over there. So there's a reason you're seeing this growing on social media. There's a reason that you're seeing our youth get more concerned about this.

And it's cause this is one of the biggest environmental issues that is probably one of the easier ones to solve. You look at things like climate change, and all these things,

like, we all have a really easy role in solving this. So, I just, I want to come kind of speak on my students' behalf in a way that, that they have various projects, like Ocean Friendly Restaurants that we've been doing: Sporkitup, Huliau Zero Waste Events.

They're about to attend an international youth summit, which is actually how I met Kristal, with students that are working on plastic ocean, Plastic Ocean Pollution Solutions Youth Summit, is actually the name of it. So, there's youth around the world that are working on this issue, and we're really counting on leaders like you to, to support bills like this.

(Vice-Chair Guzman returned to the meeting at 1:21 p.m.)

MS. CAHILL: I also have worked really closely with restaurants, through the Ocean Friendly Restaurants Program, which use to be my students film-free future program. And, what I will tell you is there's a reason you see less and less restaurants showing up and testifying against this. And it's because when they start to see the reality of this issue, and how small the cost difference really is, they're starting to support this.

I am getting approached by businesses who want to, like Tin Roof is selling our sporks, and they just asked me for a 100 more of our reusable bamboo sporks, because people are buying them for stocking stuffers. Like, there's a really good positive movement going on this island right now, and I think this would be a huge move in the right direction.

Cost differences can be really easily, we are talking about 13 cent maximum cost difference here, with an average of six cents cost difference. And that can be passed on, tacked on to a plate lunch price, and nobody is going to walk away. I saw all the people eating at Ichiban during break, like, they're not going to go out of business. People love Ichiban. This is like not, this is not, I would not be standing here testifying for this if I thought there would be a single business--

CHAIR WHITE: Ms. Cahill, I'm not sure you were here earlier.

MS. CAHILL: Yea.

CHAIR WHITE: But, the rule is when the red light goes on, finish--

MS. CAHILL: Oh yea, I know.

CHAIR WHITE: --finish your sentence.

MS. CAHILL: I'm, I'm summarizing, yea, no. I have 17 seconds right? Oh sorry.

CHAIR WHITE: Nope.

MS. CAHILL: No, sorry, okay. I'm sorry, that's all.

CHAIR WHITE: Thank you very much.

MS. CAHILL: I was just, I'm concluding. I was on my last sentence.

CHAIR WHITE: And thank you for your passion.

MS. CAHILL: Okay. Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Rob Parsons, to be followed by Stewart Stant.
Mr. Parsons will be testifying on Committee Report 16-204.

MR. ROB PARSONS (testifying on Committee Report 16-204):

Aloha, Chair, Members.

CHAIR WHITE: Aloha.

MR. PARSONS: Rob Parsons, Haiku, Maui. First I'd like to take a moment to thank each of you for your countless hours you've put in serving Maui County to make wise, sometimes difficult decisions. A special mahalo to outgoing Members Couch and Victorino, who first brought the polystyrene foam issue forward for consideration years ago.

Years have passed, much has been discussed, and finally you have before you, a bill that hopefully we can all live with. It will require a period of adjustment and education. The 18-month phase in period will allow for that, and allow time for Department of Environmental Management to create administrative rules. Should any minor adjustments to language be needed, there is time.

I want to report what has taken place since this item passed out of IEM Committee. There were concerns raised at that time by Member Guzman about the inequity of exempting polystyrene food service wares prepared outside the County. Corp. Counsel provided a legal opinion on that, and I've also, and I also researched how

other communities handled the issue and transmitted recommendations to Member Guzman, that I think he will share with you today.

I met with Council, Councilmember Cochran, Corp. Counsel, Council Services, and staff, to discuss this specific issue. Corp. Counsel deemed the ordinance ready to move forward as is, and also deemed it wise to submit scientific studies indicating human health and environmental health issues, which are the basis for the purpose of moving away from using single-use polystyrene plastic in favor of materials made from non-fossil fuel resources, and those that are reusable and compostable.

To meet this recommendation, I have submitted 29 peer review studies, which unfortunately required a lot of paper to print, as they were pdf files, not web links. I am submitting six more studies via web links in this testimony.

I've heard lingering concerns over cost of replacement items, or whether they will perform adequately. Other testifiers have covered this directly. And I'd like to highlight that San Jose County, for instance, has a wonderfully informative website for their ordinance that includes a link to a 50-page reference and price guide to alternative products.

You also heard that sustainable Hawaii, Sustainable Products Hawaii is going to be opening a satellite location here. They're currently in Hilo.

Maui County General Plan 6.1.2-Action 2, states, "Develop regulations, programs, funding opportunities, and/or incentives to: Discourage the use of slow degradable materials, for instance, Styrofoam."

And lastly, there's been talk of supporting a litter program, which I don't think we've covered since the "Listen to Tita, Don't Litta" campaign from about 10 years ago. I have an idea. When you're reviewing the upcoming budget, place a proviso with the Maui Visitor's Bureau funding to lead a collaborative effort for a robust litter campaign that its certainly in their best interest to promote a clean uncluttered Maui County.

And I'm certain the Chamber of Commerce, Maui Recycling Specialists, Kokua Hawaii Foundation, and others would be willing to join the effort. Mahalo nui loa, and happy holidays.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Thank you, Mr. Parsons.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Parsons for your comments. Question for you. Maybe you can answer the question. I'm still not getting it. There, does anybody know the ratio of the stuff that we are banning versus the stuff that we're exempting? It seems that, I don't know where the balance is. Has anybody done that study. Because the fact we're allowing the meat, the stuff on fresh meat, on all the noodles that are coming in, you know, from the mainland, or for where ever. Is there, have there been studies done? Are we going to be effective in this, or do we need to do more?

MR. PARSONS: It's a complex question. I've done dozens of hours of research, as have my colleagues that have, some of whom have already spoken here. I haven't found one that, that looks at exactly that side of the question.

What I would say is that I feel the bill has been balanced. There are hardship exemptions in the current bill before you. The question that was raised at the last IEM meeting touches on what you're asking, Member Couch. And I think you were absent from that, that meeting. But, I also believe that Member Guzman will, will address that specific issue of what's produced here, what's produced outside, but maybe exempted, it's an exemption that we've talked about that it might make, it might strengthen the ordinance to remove it completely.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you for being here, Mr. Parsons. On the alternative or what we call the compostables, are they manufactured here in Hawaii?

MR. PARSONS: I'm not aware of any, that they currently are. And you know, the same could be said for Styrofoam with the Styrofoam that's manufactured, like KYD is imported in containers and then molded into products here, so.

COUNCILMEMBER CRIVELLO: Are we talking Styrofoam or polystyrene.

MR. PARSONS: I'm sorry. You know, many of us mistakenly use the term synonymously but, but Styrofoam actually is not covered in this ordinance. It's exempted because it's used in like cooler products, that tend to be reusable rather than single-use.

COUNCILMEMBER CRIVELLO: Okay. And so, hearing that you've done quite a bit of research on this, and we've had testimonies from those that are to malama the ocean. Have any kind of approach been done in regards to the cruise ships, and

their waste disposal, as far as the true impact on our coastal waters in Hawaii. And how much they generate with their solid waste. And then the currents, no matter how far out they go, we know that the currents, actually a lot of our marine life is really from the deep sea.

MR. PARSONS: Right. That's a good question. And it's something that Member Hokama also talked about at the last IEM meeting about what's washing up on the shores. I can tell you that I served on the Mayor's Cruise Ship Task Force, which met from 2003 to 2005 or 06. Ms. Bernard who was here earlier, also was a representative. And we met over 40 times. We produced a report that's over 100 pages long. It still exists.

I also attended the NOAA Hawaii Marine Debris Action Plan Workshop in July of this year. It was a three-day workshop on Ford Island, people from four Hawaii Counties attended. And one of the action items that we adopted this year is to renew our relationship with the cruise ship industry, and determine what is being, you know, littered or disposed of, how it's been done before.

I haven't done that in 10 years, but because I had done it before and actually worked with Norwegian Cruise Lines and met with their environmental officer, I volunteered as part of the Marine Debris Action Plan Summit to renew that relationship. So, I can acquire that information from the cruise ships coming in.

COUNCILMEMBER CRIVELLO: May I ask also if you could get some determination, just for information purposes, where the manufacturing of these compostable items are manufactured. I understand it's manufactured in China. It involves more electricity and water, but I am not fully knowledgeable, so I would appreciate it.

Another question I have, and I ask you this because of your role. What's, is polystyrene, we're saying it's not biodegradable. Are the compostables biodegradable? Because they all go into our landfill. Right or wrong?

MR. PARSONS: Well, they are, they are compostable; many of them are the way the ordinance is written now. And we wrote that purposefully. Now, other testifiers have, have mentioned that we don't have the kind of robust regional composting facilities that would allow them to work to take food service items, and food for that matter, and compost them together.

But, I can tell you that there are efforts statewide to work with Department of Health and others so that that is a strong possibility. And then we, what we wind up with is nutrient rich compost to rejuvenate our soils here, so.

COUNCILMEMBER CRIVELLO: Thank you. That's if we have that facility. But, without the facility, my question is, so the biodegradable process remains just as well right?

MR. PARSONS: Sure.

COUNCILMEMBER CRIVELLO: Into the landfill.

MR. PARSONS: Yea, people could do only backyard composting unless there is a--

COUNCILMEMBER CRIVELLO: Right.

MR. PARSONS: --a permitted facility. You're correct.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

MR. PARSONS: Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Stewart Stant, Director of the Department of Environmental Management, testifying on Committee Report 16-205. To be followed by Mike Miyamoto.

MR. STEWART STANT, DIRECTOR OF ENVIRONMENTAL MANAGEMENT (testifying on Committee Report 16-205):

Good morning, Chair. Good afternoon, Chair and Councilmembers.

CHAIR WHITE: Good afternoon.

DIRECTOR OF ENVIRONMENTAL MANAGEMENT: I'm Stewart Stant. I'm soon to change my name is Mike. Thank you, Mr. Mike V.

So, I'm the Director of DEM, Department of Environmental Management. My responsibilities are the wastewater reclamation, Solid Waste Division, and the Environmental Protection Sustainability Division.

Oh by the way, 50 years ago today I was born. So, I just hit 50 years old today, this is a special day. My AARP card is probably in the mail when I get home.

But, so, Members, I worked for the Wastewater Division for 25 years. Today makes exactly one year that I've been serving as the Director, which entails I've been serving the people of Maui for half my lifetime.

I'm in here in reference to Committee Report CR 16-205, "AUTHORIZING THE SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY".

Prior to the first Committee meeting on October 11, 2016, Committee Chair Cochran submitted questions dated September 27. As a result of the questions, Corporation Counsel submitted a revised resolution on October 10, 2016.

At the October 11, which was actually moved to October 19 meeting, our Department gave a presentation that discussed the project, its goals and benefits. The presentation contained pictures of the types of equipment that will be utilized at the project. We then discussed the process of the project and how it would generate electricity to power the wastewater facility, and how the excess heat from the turbine system would be utilized to dry the sludge from all three of County wastewater treatment plants.

We also talked about the benefits of the project which included cost savings in sludge disposal, stability of the price of electricity, compliance with State goals of 100 percent self-sustaining energy, and the side benefit of keeping some 500 acres of former sugar cane land green with bio-crops. Although requested, this item never made it into executive session. The item was deferred to the November 28, 2016.

On October 20, 2016, additional questions were sent to our Department. All of the questions were answered, and requested information submitted.

At the November 28, meeting, the project was again discussed with additional information also provided by the County's Energy Commissioner, Frederick Redell. Once again, the item was, did not make it to executive session. The last action on the resolution was a referral to Council Chair White to the term beginning January 2, 2017.

This lease is an essential component to keeping the cost of the project feasible. And the time delay in consideration of the lease may jeopardize the underlying agreement and the project required for the proposals, which was published in March 2016. And the contract has been with Committee for six months now. Thank you.

CHAIR WHITE: Thank you very much. Yea, we have your written testimony. Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mike Miyamoto, Deputy Director Department of Environmental Management, testifying on Committee Report 16-205. To be followed by Frederick Redell.

MR. MIKE MIYAMOTO, DEPUTY DIRECTOR OF ENVIRONMENTAL MANAGEMENT
(testifying on Committee Report 16-205):

Thank you, Mr. Chair. My name is Mike Miyamoto. I'm the Deputy Director for Director Stant in the Department of Environmental Management. I'm here to share information relative to Committee Report CR 16-205, item 4, "AUTHORIZING THE SITE LEASE FOR AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI RECLAMATION FACILITY".

I just wanted to share, you know, what information the cost of fuel has gone. We're looking at the Brent Crude Oil Prices. So, when this project was initiated, the RFP was dated March 21, 2016. The price of the Brent Crude was around \$41.46.

This morning, I looked at it. I just wanted to get the most latest information for you. And this morning, the Brent Crude Price was around \$55.15, or basically, rough, close to like 33 percent increase since that day we issued the RFP. Obviously, the increase in cost does increase the cost to construct this facility. It does increase the costs for everything else the longer we wait. Can we predict the price of Brent Crude in the future?

From what I've been reading through the, from the oil sites, OPEC is going to cut their oil production by half a billion, half a billion barrels per day. They're looking at Russia, who's going to look to cut, I think it was 300,000 barrels, oh I take that back, yea, 300,000 barrels a day of crude. So, there was other indications that the price of crude oil is going to rise in the future.

I think you all have the chart that I put out, I distributed for you. It identifies the crude price that was on the day we issued the RFP. And it does have today's crude price just for your reference so you can see how it fluctuates. It shows you the fluctuation up and down every day. On a daily basis, it varies somewhere about a dollar a day. But it's pretty stable now. It's at 55 and going up. So that's why I'm here, just to share that information.

Because this lease, you know, the approval of the lease will trigger the start of the process to start constructing this project. And the sooner we can start it, the cheaper the, the more feasible it becomes for the contractor.

I ask that when this item comes up today, that the Council move to approve the lease so that the project can begin, and we can start having a more stable energy cost, and start drying, saving money when we dry our sludge, and possibly create a EPA approved Grade "A" fertilizer. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Miyamoto.

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Miyamoto. And maybe I should ask Director, but there's a testimony sent here, doesn't say where it came from, but on the very bottom it says "Confidential – Attorney Work Product". So, is this from you folks?

DEPUTY DIRECTOR OF ENVIRONMENTAL MANAGEMENT: That'll be the next present, testifier, I think Frederick Redell, the Energy Commissioner.

COUNCILMEMBER COCHRAN: Oh okay, okay. Sorry, got it. It didn't say from, okay, got it. Thanks.

CHAIR WHITE: Okay, thank you, Mr. Miyamoto.

Mr. Clerk.

COUNTY CLERK: Next testifier is Frederick Redell, Energy Commissioner, County of Maui, testifying on Committee Reports 16-205 and 16-200.

MR. FREDERICK REDELL, ENERGY COMMISSIONER (testifying on Committee Reports 16-200 and 16-205):

Thank you. Good afternoon, Chair and Council.

CHAIR WHITE: Good afternoon.

MR. REDELL: What I wanted to present to you is information on item 16-205, for your further consideration, since we weren't able to go over this in more detail before.

So, I did many studies over the last four months on this project, looking at it with Corporation Counsel, trying to understand all the risks associated with it, and whether or not those risks are removed and that the County has a good project to move forward with.

So, the information that I provided that says "Attorney Work Product", you can disregard that. I talked to Corp. Counsel, and they noted that that is not the case. They're okay sharing this information.

So, quickly going through it, the basic price of energy on this contract is 29 cents, and the sludge is \$80 per ton. They both escalate at 2.2 percent.

Further, there's guarantees that the project has to do, and that is that they're guaranteed to provide renewable energy for the electricity, and a certain amount of energy to the project.

We looked at different ways to make sure that the County wouldn't be buying or supporting a project that was failing. And what we did was create a structure where the provider had to perform, or they wouldn't get paid. This structure, I'm showing on the next two pages, it's very similar to both the sludge drying process and the electricity process. If we receive electricity or we process sludge somewhere else, what happens is that the provider does not get their amount of sales.

I went on to further look at how does the project work under different scenarios. So, I created 16 different cases, looking at high prices over the last 5 years, low prices over the last 5 years, the current price for the different services; electricity and sludge. Under those scenarios, I tried to take into account all the different aspects, the different costs that we would have to pay if the project had to make a true-up payment, or if we were producing more sludge or needing more electricity.

So on the next page, that's the result of those studies. You could see in some cases, there's a loss to the County, and in some cases there's a gain to the County. Predominantly, there's gains to the County. And, but the value of the project really is, is that it becomes a hedge. Essentially, you don't have to rely on the idea that you will have to worry that the MECO price or the sludge price will go up in the future. The project becomes stable from a cost standpoint. The notes below there give you some of those ideas on how we tried to capture all the different risks.

On the following pages, what you'll find are the different concepts related to this. Since the project is just starting, you don't know the interconnection costs yet. And

what we did was made sure that the provider had to actually do that before the contract became effective. Thank you.

CHAIR WHITE: Okay, thank you very much, Mr. Redell. Thank you for being here.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Is he going to be around if we need him for resource?

CHAIR WHITE: Mr. Redell?

MR. REDELL: Yes.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Christopher Lewis, testifying on Committee Report 16-204. To be followed by Barbara Barry.

MR. CHRISTOPHER LEWIS (testifying on Committee Report 16-204):

Good afternoon, Mr. Chairman and Council.

CHAIR WHITE: Good afternoon.

MR. LEWIS: I appreciate you guys hearing all the testimony today. My name is Christopher Lewis. I'm a owner, founder, and operator of Local Boy Shave Ice, which has been running in Kihei for 15 years, and Front Street for 8 years. And I also own the Farmacy Health Bar right down the street here, and up in Pukalani for one-year. It's doing very well.

I'm here because I used Styrofoam for the first 7 or 8 years of my business. And I did it because it was cheap, and because it worked well. But, it came a point when I finally switched over to all compostable products. And I'm pretty much here just to state that small companies like myself, my company was started with \$500 made by myself with no help from anyone still yet to this day. And I switched from the cheap Styrofoam product to compostable, all compostable, meaning no matter what

customer leaves my store, if they throw their cup on the ground or the gutter, melts away in 90 days. I don't have to worry about it. I can sleep at night.

And the way I did it was, a friend of mine who put me onto all this said I can raise my overall profit if I charge maybe, 10, 20 cents more. But if anybody ever says anything like, whoa your price went up, I can easily say, well we went green, we're compostable now. It was a small step we had to take and I've only had couple people in the 7 years or 6 years since that I've gone green, who have actually complained about my price going up.

And what it's done for me as a company is I've made more money per cone that I sell. Because even though I pay 10 cents more per cup, I charge 20 cents more per cup. So it was, in the end, it was actually a benefit for my, for my stores where we actually made more money.

Another big thing was, for me, I went to go throw away a couch at the dump a year back, and I saw a Styrofoam cup floating pass in the wind. And I went grab it, and it had my company name written on the side, and it was probably from 7 years ago. And it made me feel terrible to know that my product was still here polluting this place. Maybe when the dinosaur come back, it's still here, you know.

And so, and so I sleep well at night knowing that I'm doing a compostable product. I'm doing Maui right. I surf, I fish, I dive, I hunt. This is our land. We have to protect it. You guys are our leaders. We have, we empowered you. We need you to lead for us, not to listen, not to, you need to know what's right, and I know you know what's right for Maui; to be pono and clean, righteous. And I know you guys got this.

Styrofoams and oil product, we all know that it comes from Iraq, it comes from the ground, it's dirty. The plants, the products I use, they're not even used from trees. They come from plants. So, sugarcane is the main thing that is in the cups I use to serve, which is beautiful cause I have shave ice, served in a sugar cane cup, with Roselani ice cream, mochi, azuki beans, Kauai cream, you know, it's a perfect thing from Hawaii.

CHAIR WHITE: Okay, Mr. Lewis.

MR. LEWIS: I know my time is up. I get plenty to say, but I'll end it at that.

CHAIR WHITE: Yea, okay. Thank you very much.

MR. LEWIS: But, I really appreciate your guys time and consideration. And if you have any questions from a real business owner who was really struggling from the ground, now's your chance.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Lewis, for your impassioned testimony. Do you have, do you serve stuff that is hot broth or hot?

MR. LEWIS: Absolutely, yes. Soup all day, every day.

COUNCILMEMBER COUCH: And you have some sort of container that that can last for the day?

MR. LEWIS: Yea, it's sugarcane fiber product, a plant product. Completely compostable, gone in 90 days if you drop 'um.

COUNCILMEMBER COUCH: Okay, thank you. Thank you, Chair.

MR. LEWIS: Mahalo. Mahalo.

CHAIR WHITE: Thank you, Mr. Lewis.

Mr. Clerk.

COUNTY CLERK: Next testifier is Barbara Barry, testifying on Committee Report 16-204, to be followed by Chelsea Huddleston.

MS. BARBARA BARRY (testifying on Committee Report 16-204):

Aloha, Chair, Councilmembers.

CHAIR WHITE: Aloha.

MS. BARRY: I am here because I have, I'm known at the airport for being the Styrofoam lady. I have traveled back and forth to Washington State, where my family lives, many, many times over the last year. And every time I go back, I take boxes, or giant suitcases and duffel bags full of Styrofoam that I collect out of people's garbages, along the side of the road, from the beaches, and take it back, because in

Washington, IKEA recycles these products. So, I'm always thrilled when I find Styrofoam that I can take back and actually recycle and take out of the landfills here. So, this is a topic that I'm very passionate about.

Well, banning polystyrene is not rocket science. Many states and countries in the United States, and countries around the world, like France and Taiwan, have created bans on polystyrene because it's the right thing to do. This is not a naturally occurring substance in the case of the polystyrene that is in the food service containers. It's a petroleum-based product that leaches petrochemicals, and it is a neurotoxin when it is exposed to heat, alcohols, fat, and oils. Cheap oil equals cheap polystyrene.

The petroleum lobbyists try to tell us sob stories about how the transition to more sustainable and recyclable substances isn't working. The black snake of oil that is ruining our environment, and threatening indigenous people and their lands is, in this case, white polystyrene. I always ask for a different type of container, if they're trying to offer me polystyrene when I'm taking food home from a restaurant.

The environmental cost of polystyrene is never ever considered. It's not considered when they build the pipelines, when they drill the oil, when they refine the oil. And it's certainly not considered when the restaurants use these products to send food home in. This is not acceptable. Why shouldn't you support this bill. You have nothing to lose, and everything to gain.

Maui County rises to the top because of its kuleana towards the aina, and can be known for protecting the precious environment, and our precious oceans; sea life and birds. So, please take this small step and become leaders, and start the State of Hawaii towards sustainability in this regard. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Chelsea Huddleston, testifying on Committee Report 16-204, to be followed by Kailea Moikeha.

CHAIR WHITE: Mr. Parsons is shaking his head that she's not here.

COUNTY CLERK: Chelsea Huddleston.

Kailea Moikeha.

(Vice-Chair Guzman was excused from the meeting at 1:51 p.m.)

MS. KAILEA MOIKEHA, MAUI CHAMBER OF COMMERCE (testifying on Committee Report 16-204):

Aloha, Kailea Moikeha here from the Maui Chamber of Commerce, on behalf of our President Pamela Tumpap. While some have characterized the Chamber's past testimony as opposing instead of offering comments and suggestions, Pamela wanted to leave you with these key points.

The premise for this bill is about protecting the environment and there are many restaurants already moving towards the recyclable/compostable alternative. Even those who have moved to alternatives indicate that they understand that smaller restaurants and/or those that sell very hot items or items with gravy or sauce, may still be needed to use polystyrene materials in their operations and such a ban would be harmful to those businesses.

We appreciate the exemption provisions in the bill that allow businesses who are harmed by it to file for an exemption, however, the process for this is unclear and government processes for exemptions can often be unruly and time consuming.

(Vice-Chair Guzman returned to the meeting at 1:52 p.m.)

MS. MOIKEHA: We appreciate that the Council is further looking into the exemption that involves imported polystyrene as we do see both sides of the point. Many packaged items do come in from Oahu and other neighbor islands in polystyrene and many items found in our grocery stores are also brought in with polystyrene. We feel while saimin seems to be the one product addressed, there are far more products than this that needs to be considered and the public should be made aware of this before such a ban is enacted.

We understand the cost to initiate a program like this under the Environmental Management Department for a business and public education and awareness program is around \$50,000. Yet, the hope is to not fine any businesses, which we appreciate. However, that means this is a hard cost to the County as we hope not to collect fines to recoup these amounts. While some may say that a \$50,000 cost to eliminate polystyrene is justified, we believe there are higher environmental priorities than this, as this is already moving in the right direction.

We see litter control, overall, as a much bigger issue. We also see additional efforts needed on little fire ants, coqui frogs, deer control, and now feral cats. The deadly disease found only in feral cat feces has already killed 8 of our monk seals, can cause sickness in adults, and can cause birth defects if a mother comes in contact with it, along with feral cats killing our sea birds. We do not see enough attention on the feral cat issue yet.

Further, this is about priorities. Beyond a feeling that the money could be better spent on the environmental priorities named above, we also feel that \$50,000 could be better spent with the County instituting recycling receptacles at County facilities and adding water filling stations to reduce litter overall.

Lastly, while this issue seems to be a top priority for some groups, we are not hearing and do not feel it has been proven as a top community priority. Therefore, we feel this Council could find better uses for the time, money, and other resources that would be spent on such an initiative. This seems to be a low-hanging fruit, while the real issue the advocates are seeking is a zero-waste environment, and we feel a litter control initiative would be a bigger step towards that end. That's all.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Ke`eaumoku Kapu, testifying on Committee Report 16-201. To be followed by Tony Ren.

CHAIR WHITE: I don't see Mr. Kapu.

COUNTY CLERK: Tony Ren.

CHAIR WHITE: They don't appear to be here.

COUNTY CLERK: Ashley O'Colmain.

MS. GRETCHEN LOSANO: Mr. Ren couldn't be here right now--

CHAIR WHITE: I'm sorry, I can't hear you.

MS. LOSANO: Mr. Ren isn't able to make it right now. But his testimony is right here, he is the General Manager of Maui Brewing Company. I have his testimony here that he asked me to--

CHAIR WHITE: We would normally ask you to follow the last testifier, but let me.

Mr. Clerk, how many more testifiers do we have?

COUNTY CLERK: Ten.

CHAIR WHITE: Would you be able to stick around for the, we have ten more testifiers. Would you be able to stick around for that?

MS. LOSANO: Sure--

CHAIR WHITE: Okay, thank you.

Ms. O'Colmain.

MS. ASHLEY O'COLMAIN (testifying on Committee Report 16-204):

Hello. Thank you. My name is Ashley O'Colmain. I'm here to testify for the polystyrene ban. First off, I want to say thank you to Malik, Chris, that owns the Island Snow, what is he, shave ice, and Farmacy that's right here in Wailuku.

I work at Maui Architectural Group, just up the road, so I eat there all the time. And part of it is because they use compostables, and it's also delicious. But I always get their hot bowls. It's soup with kale and blah, blah, blah on top, but it's hot. And I sometimes don't get to eat it right away. I leave it on my desk cause I'm busy, it's fine. I've put it in the fridge for days, it's fine.

Like, the argument against bowl, them not holding up is just not true. You, obviously, there's different grades of product with anything you buy, so you just buy the one that is a little bit thicker that lasts a long time. But not in the environment, which is awesome.

I guess my simple point is that you should not, it doesn't make any sense, it's not logical to create something that's going to last hundreds of years that we only use for a few moments. And a 13 cents cost difference isn't very much at all. There's lots of consumers here already that are totally willing to pay that much to not see Styrofoam blowing all over our beaches. Nobody wants to see that. That's a, nobody wants to go the beach and see trash all over the place.

So to protect ourselves from that, our children, everyone, it just makes simple sense to do this switch. \$50,000 is not very much in order to protect our future here for future generations. So there's already lots of businesses doing this on their own.

There's other people too. So I also work with Maui Huliau Foundation. You heard from Malia earlier. We're environmental education organization and we also have been doing zero-waste events, so there's different organizations that put on events, and they want to reduce their impact and not have all this waste go into the landfill for putting on a fundraiser or educational event. And so they've asked us to come and help.

And so what this means is we try to divert as much of that waste from the landfill and it goes to local farmers. And the farmers have been able to compost all the food waste, the plates, any utensils, cups, and not even with a commercial facility. So it's easy to do. There's lots of people that want to do this. And it's not even enforced.

So I think we just need that little extra push from you, because a lot of other environmental issues, other nonprofits are, like, tackling and they can kind of do without your help. But this one, we really can't. We need you to step in and kind of make this the norm. And it looks good for Maui too. So, thank you.

CHAIR WHITE: Thank you, Ms. O'Colmain.

Mr. Clerk.

COUNTY CLERK: Next testifier is Marjorie Bonar, testifying on Committee Report 16-204.

MS. MARJORIE BONAR (testifying on Committee Report 16-204):

I left my reusable box there because that muddies things up. Ideally, we don't have any trash. Marjorie Bonar. I'm here once again. I'll be brief on 204. I really apologize for all this repetitious testimony.

Those of us who have been active with this bill that Mr. Victorino originally brought up are basically a group of loosely aligned environmentally responsible people. We like to think so. We are just voices for the health of Maui nui. We don't have access to paid professionals who can create ad campaigns like the "Save Our Plate Lunch", or deliver testimony on our behalf. Nor do we have an industry representative with a financial interest to help us. But, what we do have are people who recognize what's happening.

We see the difference in roadside litter since the bag reduction bill. And broken pieces of eps foam clamshells are now the most obvious litter, and the most deleterious to our environment. The occasional paper bag is soon degraded into soil building fibers.

In addition to the Ocean Friendly Restaurants, which I believe you've gotten a compendium, I've got a fistful of statements from a few other restaurants that I stopped at, which either have fully converted or are in the process of converting to environmentally friendly products. I, yes, this is something that people can do on their own, but doesn't it make sense then to help them out and level the playing field?

They're not all white tablecloth restaurants. But, most of your white tablecloth restaurants stopped using foam long ago. It just looks too tacky to the clientele that's spending \$50 a plate on dinner.

The leaching of styrenes has been something that's come up, and yes, NIH has call polystyrene food containers, even though the FDA hasn't gotten there, highly potential carcinogens and neurotoxins, because hot liquids, oily liquids, and acidic liquids, which mean wine-based or salads, tend to show some leaching.

There is no one that's got a vested interest in showing that this is true. Instead, what we're getting is RJ Reynolds kind of things, because the ones who want to fund studies are industry who are saying, oh, smoking isn't related to lung cancer. You can't prove that to us.

So, these are the things that we are kind of fighting. But you'd think that after McDonald's got sued for people being scalded with hot coffee, that everyone would recognize you don't need it that hot, and if you need it that hot, there's going to be a risk inherent.

With all of the places that have eliminated foam, no wide scale closures of businesses have happened. The worst scenario is that the pass through costs are noticed by patrons. And it would be a greater cost if the taxpayers funded the disposable of throw-away containers, and those were loaded upfront into the cost of these.

I wish we could follow France and eliminate all single-use plastics for food service, which is on the books and they are phasing in. But for now, I simply encourage you to do the pono thing and pass this bill.

CHAIR WHITE: Thank you, Ms. Bonar.

Mr. Clerk.

COUNTY CLERK: Next testifier is Gretchen Losano, testifying on Committee Report 16-204, to be followed by Noelani Sugata.

MS. GRETCHEN LOSANO (testifying on Committee Report 16-204):

Aloha. My name is Gretchen Losano. I'm going to be reading Tony's testimony, and in replacement of mine. I just wanted to say if I seem a little unenthusiastic, I actually have food poisoning today. But that should show you that I am actually very enthusiastic about this. I've been working on this since 2009, and I would really like to see this pass today. It is, it's a good bill. We have a year and a half to work on it, and it is the right thing to do and I think everybody knows it.

So let me read Tony's, he, okay, let me start. I come before this Council today as the General Manager of Maui Brewing Company as a concerned father and resident of this community, to testify and advocate for the ban of polystyrene/Styrofoam in our community. Why? Well, this stuff is no good. I'm sure you've all already heard the specifics. I mean, this is 2016, and it's not likely that any of us can't google what this stuff is about and learn very quickly how bad it is to human health and the environment.

But I'm here to talk about how we're very easily made, how we've very easily made the decision to never support Styrofoam at Maui Brewing. For us at Maui Brewing, environmental stewardship and creative positive partnerships within our community has been a huge part of our operational vision and focus. Whether it's enlisting renewable energy initiatives in our operational process, or extreme methods we take to recycle and process our waste, or fundraising for our community nonprofits, we try to support the sustainability and growth of our ohana and aina at every turn.

But as a business, we also can relate to the hardships and challenge of making some of the hard decisions, especially as they affect our profitability and bottom line. I can say though, that choosing a biodegradable or compostable packaging product over polystyrene was not hard at all from a business standpoint. I believe the current price difference between buying eco-to-go boxes versus Styrofoam in the same container size is 9 cents, 21 cents for Styrofoam and 30 cents for compostable. If you sold 100 meals a day, that is \$9, which at the average \$10 plate lunch price, you are taking, you are talking less than one percent of the gross margin.

Easily, I think worth the health benefit of our community. Even if the cost was pressed onto the customer, say you, pretty much covers the difference with the GE tax, say by raising each meal by 25 cents, which I doubt the typical Maui customer would hardly notice. It's all simple math.

The other part of this is that I think as a company with these values, we have gained tremendous support and respect from our customers and community due to the ecologically positive decisions we've made, which has helped us grow our overall business model in leaps and bounds over the years.

It just makes common sense to ensure that our beaches and landfills are not overflowing. We share a responsibility to uphold and preserve the pristine beauty of this paradise so that visitors not only return, but pass on the best words about this place, and ensure our economy stays strong.

Finally, can I just read his last sentence please? Sorry. Thank you. Finally, as the Manager of a local business, I believe business, health, and profitability is directly tied to community health and vitality. And making the decision to ban polystyrene will only positively affect our island community, and thus, positively impact our small business community. Thank you.

CHAIR WHITE: Thank you.

MS. LOSANO: Thank you.

CHAIR WHITE: Thank you for being here this morning, or this afternoon, I guess. I hope you feel better.

Mr. Clerk.

COUNTY CLERK: Next testifier is Noelani Sugata, Executive Director, Paia Town Association, testifying on Bill 115. To be followed by Kelly King.

MS. NOELANI SUGATA, PAIA TOWN ASSOCIATION [testifying on Bill 115 (2016)]:

Aloha, Maui County Council. Mahalo, Councilmember Couch and Councilmember Victorino for your service.

My name is Noelani Sugata, and I'm the Executive Director for the Paia Town Association. We are in support for Bill 115, amending the County Code to allow for Special Improvement Districts.

In 2014, the Paia Town Association completed a strategic plan that was funded by the County and community. The plan recommended Paia become a Special Improvement District, also known as a SID, in order to enhance County services to make improvements to better the community. We have been very involved in the process of the bill because we feel the bill is a tool for us to address the needs and concerns for Paia.

We were able to make minor, but significant improvements to Paia with funding from the Office of Economic Development. For example, I've mentioned the rubbish removal program, which creates a clean and beautiful community. We've created marketing opportunities for our merchants such as promoting "Small Business Saturday", which is a national campaign to encourage customers to shop small and shop local. However, we need long-term funding for bigger long-term projects. For example, the strategic plan suggests creating a parking management district for our visitors and employees.

Finally, I want to thank Maui, I want to thank Maui County Council for moving this bill forward. Hawaii already has SID's, and hopefully Paia will be the first on Maui. I humbly ask the Council to support Bill 115. Thank you.

CHAIR WHITE: Thank you, Ms. Sugata.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kelly King, testifying on Committee Report 16-204 and Committee Report 16-205.

Next testifier, Mike Moran, President, Kihei Community Association, testifying on Committee Report 16-204.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Committee Report 16-204):

Aloha, Chair White and Councilmembers. Mike Moran for the Kihei Community Association. Merry Christmas to all from our association, and we're testifying on item 16-204. But, we did want to wish best of luck to our departing Members; Mike Victorino and Don Couch. And of course, Don, our condolences on your loss.

Voltaire said that "perfect is the enemy of good", and possibly more familiar expression is "great is the enemy of good". As we look at this measure, maybe not perfect, but certainly great would be ridding our environment of all plastic waste. Maybe close to the perfect would be all litter, regardless of composition. Great would be even ridding our County of all polystyrene-like materials regardless of local or beyond origin, or their proposed use.

So, do we abandon a good action because it is not perfect or even great, but merely good? Do we say this will only help the health of the kai, whereas more could and should be done, so let's not do good while we dream of great or even perfect? No.

We say yes to this measure today as making progress. We say yes to placing the health of our natural environment ahead of a small monetary expense. We say yes to improving the outlook for future generations. We say yes to supporting the visitor industry, strongly dependent on a healthy kai. We say yes, to the coral, helping the coral reef system rather than concern for some inconvenience. We say yes to our health now. We say please pass 16-204 in this first reading to close out 2016, setting up an early second reading in 2017 to start off a good new year. Mahalo.

CHAIR WHITE: Thank you, Mr. Moran. Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Trinette Furtado, testifying on County Communication 16-327. Trinette Furtado.

Rosemary Robbins, testifying on Bill 115.

MS. ROSEMARY ROBBINS [testifying on Bill 115 (2016)]:

Good afternoon, everybody.

CHAIR WHITE: Good afternoon.

MS. ROBBINS: Rosemary Robbins on Bill 115. On our agenda for today on page 11, this reads "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO SPECIAL IMPROVEMENT DISTRICTS". Single sentence, it referred to the bill itself. I went ahead and got it. It's 24-pages.

There's been a comment from a number of people and from a judge who has recently said people would not be able to get a grip on what was actually coming up if all they read what was in the call to meeting. So I went ahead and I got it.

In those 24-pages, there are different categories in there. Two that I would like to just bring to our attention. This is number 3.70.060, it's on page 8 of the bill itself. It says that "Pursuant to section 46-80.5, Hawaii Revised Statutes, no action or proceeding to object to, or question the validity of the enjoined ordinance, action, or proceeding undertaken pursuant to this chapter", excuse me, not good lighting, "shall be maintained unless begun with thirty days of the effective date of the ordinance, determination, levy, assessment, or other act, as the case may be."

So within thirty days, if that were to be passed today, that would bring us to January 15, 2017. Merry Christmas, Happy Hanukah, Happy New Year, and happy traveling in the world's inclement weather right now, for people who would be trying to get back to Maui who have been visiting family elsewhere. The timing on this is somewhere close to insane. And this didn't have to be brought up at this point in time, but was. So that's on page 8.

And then on page 7 of the 24, down at the bottom, this is 3.70.050. "Superiority over all conflicting provision of other ordinances. When any provision of this chapter conflicts with any other provision or ordinance, the provision of this chapter shall prevail." I'm expecting a click of the heels after that; good God.

So, I'm asking you do not let that pass today on second reading with that single sentence invitation.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is John Seebart, testifying on Bill 115, to be followed by Feather Blangiardo.

MR. JOHN SEEBART [testifying on Bill 115 (2016) and Committee Report 16-204]:

Chair and Council, John Seebart. I have been working with the Kahana Bay Improvement District, because some of the condos are losing their beachfront, and their buildings are being justify, or threatened by the lack of sand and they're being undermined. And there are questions about seawalls and groins, and T-Groins, and so forth.

And so it is a big mess out there to try to get people involved and, and to solidify an opinion. And some people take the stance that, well we'll see what you guys decide and then we'll tell you whether we agree. There are many associations involved.

And so I support 115, because it's a method for gaining some cohesiveness in a group like this. Everybody knows there's a problem. It's just a question of getting people to cooperate and move ahead. And, West Maui Taxpayers, of which I sit on the board, we regard this as a issue that is not insular. It's the tip of the iceberg. We're going to be seeing these things again and again.

If sea level rises, truly what we're looking at here, we got to move ahead and have some methods of dealing with this. And you've got people that are screaming for seawalls, you know, despite the things we've just been through. And they don't seem to realize the problems with seawalls. So, there's just a lot going on and this bill here could help with that, and get a cohesive approach.

And if you don't mind, I'd like to speak on the plastics bill too. I mean, I got a big education today. And, and I'm sure many of you did to. I just wanted to point out one thing. I mean, I noticed that a good number of the people who are against it are arguing that it would hurt mom and pops and so forth. And yet, we've seen a number of people come up in small businesses. And they are already doing this.

And it seems to me that, notwithstanding that they're already doing it and competing with these people who are using a cheaper product, if all people, if all these restaurants were compelled to use the more expensive product, it seems more or less uniform and everyone would be in the same boat and there wouldn't be a real big differential, to me, I mean. But that's just my opinion.

And then I wanted to comment on Ms. Cravalho's *[sic]* question about the cruise ships. There's a Coast Guard regulation that prohibits discharge of plastics in the U.S. waters, and it's been in effect since 1988 or thereabouts. So, I don't know if it's being enforced, but it is a law already. So, there you go. That's it. Thank you.

CHAIR WHITE: Thank you, Mr. Seebart. Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is, is Feather Blangiardo, testifying on Committee Report 16-204, to be followed by Mahina Martin.

MS. FEATHER BLANGIARDO (testifying on Committee Report 16-204):

Hello.

CHAIR WHITE: You can, you can bring it down.

MS. BLANGIARDO: My name is Feather Blangiardo, and I'm not with any organization. I'm just a concerned citizen. And I have a degree in environmental studies that I got in 2009.

I just want to say that I'm really excited for this day. I've been waiting for this day for a long time. And I'm going to be really proud of my community, and I'm going to be really proud of my leaders here today if you do in fact pass this bill today.

And I just want to read an email from, what's his name, Alex Dmitriew from the San Francisco Department of the Environment, regarding 16-204, the EPS bill. I should have mentioned that. He said:

Hi, I am responsible for our food service ware reduction ordinance. Since 2007, we have visited every one of the 4500 restaurants in our database to confirm compliance. Took about four years.

Currently, we're at 99.9 percent compliance, and now, only occasionally respond to citizen complaints regarding Styrofoam usage. I personally went to over 2000 locations, and rarely heard complaints about the cost. What I did hear was that employees and customers welcomed the change.

The remarkable thing is that even though our ordinance provides for a waiver request due to financial hardship, we only received two such requests, and both were inventory issues, not cost. There are plenty of alternatives to Styrofoam, and over the years prices have gotten more competitive.

And that's it. Thank you very much.

CHAIR WHITE: Thank you, Ms. Blangiardo.

Mr. Clerk.

COUNTY CLERK: The next testifier is Mahina Martin, testifying on Committee Report 16-201.

MS. MAHINA MARTIN (testifying on Committee Report 16-201):

Aloha, Chair. Aloha, again. I wanted to talk a little bit about.

CHAIR WHITE: Your name please. If you could just state your name.

MS. MARTIN: Oh, sorry. Mahina Martin.

CHAIR WHITE: Thank you.

MS. MARTIN: Regarding the bill for an ordinance to establish the Hawaiian Cultural Restoration Revolving Fund.

I was the Program Director for Friends of Moku`ula when the office first opened under Akoni Akana, and I was there for about three years. And somewhere after I left and before Blossom Feiteira came on, came the agreement for the concession. So, I can't speak to the middle part.

I can only come to you today to say that I am happy that the bill is specific for the preservation and restoration of historic and cultural sites and artifacts relating to Moku`ula and Mokuhinia. And I want to emphasize its importance, because there is kuleana there beyond even a basic contract or the history of records. And to speak to that kuleana, I feel compelled to, not just because I can hear Akoni in my ear telling me that there is distinct kuleana to remind all and for the record for the County that in the time of Kauikeauoli, it was a difficult political time.

And Moku`ula is not a place simply that we go to, to just do cultural practice or in reverence of its spirituality, but because in that time and that era, it came in a time when Christianity and Native Hawaiian culture began to merge and clash, and force people to choose. And in that time, Moku`ula, as an island, became a place to escape, a place of refuge. And I want it to, again, be that.

So, the commitment to keep funding available for that restoration is important. The method you do it is fine by me, for accountability. And I heard Blossom Feiteira's testimony earlier.

And I just want to give you a little bit. In 1837, the record shows, in the funeral procession of Princess Nahienaena, who is the ali'i daughter of Kamehameha I, and Keopuolani, so with her sacred lines, the record has shown, and this is a loose translation. I'll finish up. A funeral was held for Harrieta Nahienaena on the fourth of February in the year 1837, in the uplands of Hale Uluhe to the church. Everyone in

the precession was arranged; soldiers in the front, followed by doctors, missionaries, carpenters, and the musicians, and those that pull the cart and the coffin which is placed in the cart.

The part of the story that's important to me, is that it says that those with large kahili and small kahili were on the side of the funeral. But, on the side behind them walked the soldiers, and the mouths of their guns were face down. I would like us to remember that when we commit funding to the restoration of Moku`ula. And I mahalo you for your time.

CHAIR WHITE: Thank you, Ms. Martin. Thank you for being here this afternoon.

MS. MARTIN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Peter Niess, testifying on Committee Report 16-204.

MR. PETER NIESS (testifying on Committee Report 16-204):

Good afternoon, Council. I'm Peter Niess, born and raised here, owner of Maui Architectural Group.

And I just came down and want to say that I support the ban of Styrofoam. It'd be shortsighted not to. I feel like there's alternative solutions. I understand there's economic consequences, but I do believe that it'd be like the plastic bag ban and people would grumble a little bit and get over it and get used to a better solution. And that's all I have to say, besides, Mike Victorino, Don Couch; miss you guys. You guys are awesome. Good job.

CHAIR WHITE: Thank you, Mr. Niess.

Mr. Clerk.

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

Hana Office, are there any additional testifiers?

Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there is no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: We have one more in the chamber.

MS. FAITH CHASE (testifying on Committee Reports 16-201, 16-202, and 16-204; and County Communication 16-320 and 16-327):

I'm sorry. My name was called and I wasn't here earlier.

CHAIR WHITE: Please proceed.

MS. CHASE: Good afternoon. Mike, I wish you plenty ballgames. And Don, I wish you, I always wanted to say this, I wish you movie marathons on your couch.

COUNCILMEMBER VICTORINO: Can we have your name so that we know who you were, cause we called you?

MS. CHASE: Faith, my name is Faith Chase.

COUNCILMEMBER VICTORINO: Faith Chase, okay, thank you.

MS. CHASE: And I filled out four different items I was going to speak to.

(Vice-Chair Guzman was excused from the meeting at 2:28 p.m.)

MS. CHASE: The first one is number 16-327. I've actually met with Stewart Stant. I heard his plans in his office. I watched his presentations. I'm just really confused why this is a resolution and it's not, how it got out of Committee and it's a resolution. So, while

I know that there is a lot of discussion around this plan, I really don't think that that time has been given. So, I would really like to see that.

And you know, this is, this is, there's things I like about the project. And it's not that I'm against, I just think there needs to be more conversation. And I just don't really understand that administrative step of how it got to be a resolution and got out of Committee. I'm confused about that, so.

(Vice-Chair Guzman returned to the meeting at 2:29 p.m.)

MS. CHASE: The next one is 16-201. I support the resolution to disapprove the collection of the parking fees for Friends of Moku`ula. I've been following that issue for many years, because my daughter was an archaeology student back in the day. I had to give some scathing testimony about Shirley Kaha'i, which didn't make me feel very good. You know, rest in peace Shirley and Akoni. But I have been following that.

And I am excited also about the companion bill 16-202, where it establishes that fund to manage those monies. So, those are those two.

16-320, I would like to speak highly in favor of Lori, I not sure how to say her name, Sablas, for the Cultural Resources Committee. I loved her personal testimony. I've never met her, but I've asked a lot of people and I'm excited to see her be added to that Commission. So, that is that.

16-204, I am so excited. I always have to come to this, this podium and I'm upset and habut, and any kine. And I, the first day I got, first week I got back from college, I went to a Maui Recycling Group meeting. And I've been told it was the second meeting. It was at the Kahului Library. And I was on the mainland watching, last, couple weeks ago, the Committee, and I was like in tears, I was just so excited, I was just biting my nails.

So, I really, I know you've got tons of evidence and tons of great testimony. And, we need to do this. I don't want to make discriminating opinions about race, color, age, but the recycling department has had its flaws. And it's not your fault, it's not, you know, I know, waiting the timeline for a double audit in the Environmental Management, you know, is, is, it's kind of a strong, it had a strong hold on you all. But let's put that aside and move forward.

And there are little things about distribution and the vendors that can be worked out. And instead of people raising their arms in alarm, like, just like Mike said about, you know, greeting somebody who's in opposition and agreeing to disagree, you know,

that's great. If they get loud and rowdy about what's not working, then we can address those issues as we move forward. So, don't fear.

Actually, Bob Carroll's district is actually, probably, a catchup of the districts, because Hana is going to blow you guys away. Hana's got really good support on its way for eco-containers. We, those are all family related businesses. They're working out their distribution.

The hardest one has been some of the compostable, the most, the only, the only hiccup, this is the only hiccup with all these compostable questions is that the straws are a little sensitive; they crack. And so they need perfect temperature controlled storage. So when you do shave ice, or you do refreshments, that's the only, otherwise, the other ones you don't want them to get squished cause they don't, you know, they don't handle that kind of fatigue as well. But that is the only hiccup is the straws and the extra storage. So I'm telling you, we can do this.

And I, I am going to, I am going to, I mean I know Don Couch said oh careful social media, you know, it's getting out of hand. But I am going to Twitter about this till kingdom come, because I am so proud that Maui County will be able to do this, and show everybody else. I mean, you're going to be on the front page of many, many newspapers and news sources. This is a very big deal, and this is a really great day.

And thank you to everybody. Thank you, Mike Victorino for introducing it. And thank you for giving all the conversation for Elle and your Committee. And thank you for passing it.

CHAIR WHITE: Thank you, Ms. Chase.

MS. CHASE: Amen. Are there any questions?

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, Ms. Chase was the last individual to provide testimony in the chamber this afternoon.

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

Members, we've received a significant amount of testimony. Without objections, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

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

1. James R. Smith;
2. Janice Simeon, Tin Roof Maui;
3. Robert Kline, KYD, Inc.;
4. Jason Higa, Zippy's Restaurants;
5. Dexter Yamada, KYD, Inc.;
6. Christian and Marilyn Jorgensen, CJ's Deli & Diner;
7. Tamalani Kaleleiki;
8. Hannah Bernard, Hawaii Wildlife Fund;
9. Rob Parsons;
10. Steward Stant, Director of Environmental Management;
11. Mike Miyamoto, Deputy Director of Environmental Management;
12. Frederick Redell, Energy Commissioner;
13. Pamela Tumpap, Maui Chamber of Commerce;
14. Marjorie Bonar;
15. Noelani Sugata, Paia Town Association;
16. Mike Moran, Kihei Community Association;
17. Katie Christofferson;
18. Rick Atwell;
19. Daniel Balogh;
20. Michael and Sharon Goodwin;
21. Esti Grinpas;
22. Jim Littlefield, Surfers' Environmental Alliance;
23. Kahi Pacarro;
24. Charlie Quesnel, Surfrider Foundation: Maui Chapter;
25. Nicole Busto;
26. Alexa Deike;
27. M. Scott Farese;
28. Jeanne Gallagher;
29. Chester Mazurowski;
30. Gerry Ross;
31. Tanek Rucynski;
32. Valerie Simmons;
33. Elizabeth S. Stahl;
34. Eric Stanley;
35. Natalie Wohner;
36. Surfrider Foundation: Maui Chapter Petition;
37. Madeline, Buresh;

38. William Greenleaf;
39. Chelsea Huddleston;
40. Natalie Bertha;
41. Nancy Emerson;
42. Tali McCall;
43. Cathy Roberts;
44. Susan Vickery;
45. Robyn Vierra;
46. Liz Yannell;
47. Kirsten V. Moy;
48. Amber Moorhead;
49. Laura Zirbel, Hawaii Food Industry Association;
50. Scott Crawford;
51. Alicia Wood;
52. Sandi Ioakimi;
53. David C. Goode; Director of Public Works;
54. Alexa Caskey;
55. John Elkjer;
56. Jordan Bartkus Esquire;
57. Mark Joiner;
58. Cheryl S. King, Sharkastics Project;
59. Douglas McCauley, University of California, Santa Barbara;
60. Jennifer Milholen;
61. Abner Nakihei, Jr.;
62. Matthew Nall;
63. Melody Kapilialoha MacKenzie, University of Hawaii Manoa;
64. Nami Nielipinski;
65. Kenyon Smith;
66. Marti Wukelic;
67. Morgan Andaluz;
68. Stuart Coleman, Surfrider Foundation;
69. Liz Foote;
70. Megan R. Lamson, Hawaii Wildlife Fund;
71. Ardie Zamani; Nikki's Pizza Restaurant;
72. Marjorie Ziegler, Conservation Council for Hawaii;
73. Arianna Feinberg;
74. Gloria Navarro-Buckingham;
75. Belia Paul;
76. Tulsi Greenlee;
77. Delphine Berbigier;

78. Judith Eagle;
79. Theresa Aiko Nakagawa;
80. Linda Norrington;
81. Jonathan Starr;
82. James Adamus;
83. Vanessa Cass;
84. Danielle Enright;
85. Diane Pure;
86. Allison Miller
87. Jannah M. Puskar;
88. Jillian Wirt;
89. John Carty;
90. Lila Jones;
91. Doorae Shin, Kokua Hawaii Foundation;
92. Paige Alms;
93. Kallie Barnes;
94. Mark Deakos, Hawaii Association for Marine Education
and Research, Inc.;
95. John Fitzpatrick;
96. Mike Foley;
97. Owana Kaohelalani Salazar;
98. Angela Tay, China Bowl Asian Cuisine;
99. Suzanne Frazer, Beach Environmental Awareness
Campaign Hawaii;
100. Eve Hogan; and
101. Maui Preparatory Academy Students.

CHAIR WHITE: So ordered.

And without objections, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. And we will be in recess until 2:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:33 P.M., AND WAS RECONVENED AT 2:46 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER BAISA, EXCUSED.)

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

Mr. Clerk, will you please proceed with the agenda.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 4, 2016, public hearing of November 10, 2016, and regular meeting of November 18, 2016, were presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE REGULAR MEETING, MINUTES
OF THE REGULAR MEETING OF NOVEMBER 4, 2016, ALSO
THE PUBLIC HEARING OF NOVEMBER 10, 2016, AND THE
REGULAR MEETING OF NOVEMBER 18, 2016.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Vice-Chair Guzman, and a second from Mr. Victorino.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Member Baisa.

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 16-194 - BUDGET AND FINANCE COMMITTEE:

Recommending that the Miscellaneous Communication, from the County Clerk, referring the matter relating to penalties for violations of home exemption requirements, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask the Members if there's no objections, I would like to bring up Committee Reports 195, 196, 197, 198, and 199.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, Mr. Clerk, please proceed.

COMMITTEE REPORT

NO. 16-195 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-168, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PUBLIC WORKS, FISCAL YEAR 2017 BUDGET," be ADOPTED.

COMMITTEE REPORT

NO. 16-196 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 122 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, CIVIL DEFENSE AGENCY (STATE HOMELAND SECURITY GRANT (SHSG) PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-291, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 16-197 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 123 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (KAISER FOUNDATION HEALTH PLAN)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-292, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 16-198 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 124 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, 2154 KAOHU STREET BUILDING IMPROVEMENTS; TOTAL

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

2. That Bill 125 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, 2154 KAOHU STREET BUILDING IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 16-230, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 16-199 - BUDGET AND FINANCE COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2017.

County Communication Nos. 14-17, 14-171, 15-72, 15-190, 15-248, 16-28, 16-136, 16-144, 16-158, 16-168, 16-199, 16-211, 16-213, 16-242, 16-243, 16-245, 16-269, 16-270, 16-273, 16-279, 16-290, 16-293; Miscellaneous Communication relating to tax classifications for transient accommodations; Contract C5867 between the County of Maui and High Performance Systems, Inc., for computer system services for the Office of Council Services; Contract C5908 between the County of Maui and Group 70 International, Inc., for the new County service center for the Department of Management; Contract C5739-1 (amendment 1) between the County of Maui and Nishikawa Architects, Inc., for time extension of consultant services for the design of Lanai Gym exterior painting for the Department of Parks and Recreation; Contract C5966 between the County of Maui and Oceanic Companies, Inc., for the Central Maui landfill phase IV-A leachate manhole repair for the Department of Environmental Management; Contract C5119-4 (amendment 4) between the County of Maui and R.T. Tanaka Engineers, Inc., for the North Shore Greenway for the Department of Public Works; Contract WC0869 (April 2016) between the County of Maui and Que Business Solutions LLC, for the Project Manager for Department of Water Supply Customer and Billing System Conversion Project; Contract C5783-1 (amendment 1) between the County of Maui and Schnitzer Steel Hawaii Corp. dba Hammerhead Metals, to provide services to receive, process and recycle white goods and vehicles on Maui Island for the Department of Environmental Management; Contract C6037 between the County of Maui and Group 70

International, for the Molokai Athletic Complex for the Department of Parks and Recreation; Cancellation of Subrecipient Agreement, Lanai Community Health Center, LCHC New Facility Grant G4221 between the County of Maui and Lanai Community Health Center; Contract C5823-1 (amendment 1) between the County of Maui and Tyler Technologies, Inc., for MAPPS-Maui's Automated Planning and Permitting System for the Department of Management; Contract C5216-4 (amendment 4) between the County of Maui and Williams & Jensen, PLLC, for professional representation services in Washington, D.C., for the Department of Transportation; Contract C5828-2 (amendment 2) between the County of Maui and Maui County Community Television, Inc., dba Akaku: Maui Community Television, for video production, broadcast, and distributions services, for the Office of Council Services; Contract C5347-3 (amendment 3) between the County of Maui and Windward Aviation Inc., for helicopter with complete flight operations, maintenance and support for the Department of Fire and Public Safety; Contract C6050 between the County of Maui and EKO Systems, Inc., dba Maui EKO Systems, for landfill diversion of organic materials, Department of Environmental Management; Contract WC0880 between the County of Maui and Bodell Construction Company, for the Lao Surface Water Treatment Plant Upgrades, Department of Water Supply; Contract C5713-2 (amendment 2) between the County of Maui and California Landscape and Design, Inc., dba California Skateparks, for the skateparks for Lanai, Molokai, and Upcountry Maui for the Department of Parks and Recreation; Contract C5867-1 (amendment 1) between the County of Maui and High Performance Systems, Inc., for computer system services for the Office of Council Services; Contract WC0869 (August 2016) between the County of Maui and Que Business Solutions LLC, for the Project Manager for Department of Water Supply Customer and Billing System Conversion Project; Contract WC0886 between the County of Maui and Prithibi LLC, for the Oracle CC&B Conversion Upgrade of the billing system for the Department of Water Supply; Contract 5857-2 (amendment 2) between the County of Maui and Pu'umakani Publishing LLC, for administrative services to support the Cost of Government Commission, Office of the County Auditor; Contract C6070 between the County of Maui and Warren S. Unemori Engineering, Inc. for the Waikapu materials storage yard for the Department of Public Works; Contract C6081 between the County of Maui and Riecke, Sunnland, Kono Architects, Ltd., for the Lower Nahiku Community Center (re-bid) for the Department of Parks and Recreation; Contract C6090 between the County of Maui and Hawthorne Pacific Corp., for furnishing and delivery of one 1,500 GPM pumper for the Kahului Fire Station for the Department of Fire and Public Safety; Miscellaneous Communication relating to the real property tax rate for buildings valued at \$1 million or more in the Residential classification; Miscellaneous Communication relating to separate real property tax rates for land and buildings within a classification; Miscellaneous Communication relating to equipment purchases, replacement equipment, fleet vehicles, and a comparison of equipment lease vs. purchase;

Miscellaneous Communication 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 relating to a minimum threshold amount to require Council authorization to transfer funds between categories of use; Miscellaneous Communication 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 relating to costs attributed to the processing of green waste tonnage, along with data received from the Department of Environmental Management.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 194 UP TO AND INCLUDING 16-199, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: we have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, just a few comments. Regarding Committee Report 194, from the Department of Finance, we would like to use this time to remind our homeowners that there is a deadline of December 31 of this month, for you to file your request for a home exemption regarding property taxation.

All others are as the Clerk has reported, Mr. Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Ms. Baisa.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, Committee Report 16-195, RESOLUTION 16-168. Committee Report 16-196, BILL NO. 122 (2016). Committee Report 16-197, BILL NO. 123 (2016). Committee Report 16-198, BILLS 124 (2016) and 125 (2016).

COMMITTEE REPORT

NO. 16-200 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 16-169, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF JUMP SMART MAUI PROJECT EQUIPMENT TO THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 16-217, from Council Chair Mike White, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-200.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

AS DISTRIBUTED TO THE MEMBERS ON THE FLOOR, I
MOVE TO AMEND THE PROPOSED RESOLUTION BY
REMOVING THE EQUIPMENT TRANSFER AGREEMENT
ATTACHED AS EXHIBIT "A" AND SUBSTITUTING THE
ATTACHED REVISED EQUIPMENT TRANSFER
AGREEMENT AS NEW EXHIBIT "A", WHICH DELETES THE
TRANSFER OF THE STATIC VAR CONVERTER.

COUNCILMEMBER VICTORINO:

SECOND.

COUNCILMEMBER COCHRAN: Second.

CHAIR WHITE: Okay, we have a motion from Mr. Guzman, and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. As described in the Amendment Summary Form, basically there has been.

Oh excuse me, I believe I need to state the Committee met on November 16, 2016, to consider the proposed resolution to authorize the Mayor to enter into an agreement to accept certain equipment provided as part of the Jump Start *[sic]* Maui Project.

Accordingly, under Chapter 3.56 of the Maui County Code, the Council is required to approve all and any gift donations more than \$750.

The Jump Start *[sic]* Project is a short-term collaborative program with the County of Maui, and Hitachi Advanced Clean Energy Corporation for the installation, operation, and maintenance of electric vehicle quick chargers and the local battery units at four locations around the County.

The pilot project was geared to demonstrate smart-grid technology and test how electric vehicles and stationary devices, including chargers and batteries, can stabilize Maui's electric power grid and support the use of higher levels of renewable energy of Maui. The Project has been highly successful, bringing more than 700 clean vehicles to the County.

The license agreement with Hitachi will expire on March 31, 2018. Under the proposed agreement, the County will accept a Static Var Compensator at the Department of Public Works, Makawao garage, and the Battery Energy Storage System at Kihei Waste Water Treatment Plant.

Accordingly, as the summary of the amendment states before you, you see a revised Equipment Transfer Agreement removing the Static Var Compensator from the language of the agreement, because the operational issues of that cannot be repaired at a feasible cost by either the donor or the County. So therefore, the revised Equipment Transfer Agreement will only apply to the Battery Energy Storage System at Kihei Waste Water Treatment Plant.

I've also attached a picture, pictures of the equipment. And on the last page, I believe, oh sorry, second, third to the last page is the Static System Converter, which will not be part of the agreement.

So, the Maui County Energy Commissioner advised that the Office of Economic Development is in negotiations with Maui Electric Company for the use and maintenance of the other existing parts and equipment as part of the energy grid. I respectfully ask the Council's full support for this amendment.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes with eight "ayes" and one "excused".

Back to the main motion. Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I RESPECTFULLY MOVE THAT THE RECOMMENDATIONS
IN COMMITTEE REPORT 16-200, WITH THE PROPOSED
AMENDMENTS, BE PASSED ON FIRST AND FINAL
READING.

COUNCILMEMBER COUCH: Mr. Chair, point of order. He had already made that motion.

CHAIR WHITE: Yea.

VICE-CHAIR GUZMAN: Oh yes, okay. So, we go back to primary.

CHAIR WHITE: Any further discussion on that item?

VICE-CHAIR GUZMAN: Nothing further, Chair.

CHAIR WHITE: Okay. Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And unfortunately I was unable to be at that meeting to ask some of these questions, but real quick, if the Chair of the Committee could determine who's going to be responsible for the operation of that equipment now and take over, or is anybody going to take over the whole paying for the electricity and collecting the fees from some of the users?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: It's my understanding that the County will be taking over the existing equipment. And then we are in negotiations with MECO to establish an agreement for the electricity portion of it.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 16-169.

(See pages 188 through 190 for discussion and action.)

COMMITTEE REPORT

NO. 16-201 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 16-170, entitled "DISAPPROVING THE CONTINUED OPERATION OF A PARKING LOT CONCESSION BY THE FRIENDS OF MOKU'ULA, INC.," be ADOPTED; and
2. That County Communication 11-304, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO RECOMMEND THE, MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 16-201.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on September 15, 2015, October 13, 2015, November 3, 2015, March 1, 2016, March 15, 2016, and November 29, 2016, and four times in the past terms; so totaling about 10 meetings, to consider approving or disapproving the continued operation of the parking lot concessions by Friends of Moku`ula, Inc.

The concession is located on properties own by the State of Hawaii, and conveyed to the, conveyed to the control of the County under Executive Order 02889 and 3430, to be set aside for public park uses and purposes.

The property is located at the corner of Front and Shaw Street in Lahaina, are historically significant as the home to chiefs Pi`ilani since the 1500s. And the site had freshwater, spring-fed ponds that surrounded a 1-acre sandbar island called Moku`ula, which was the residence for the Kamehameha line in the 1800s and a political center where, wherein Lahaina was the capital of the Kingdom of Hawaii from 1837-1845. The properties were abandoned in the early 1900s, and the ponds were filled with coral rubble. And then eventually a baseball facility, or a field was placed on top.

On January 2, 2002, the County of Maui entered into two agreements in favor of the Friends of Moku`ula: (1) a lease for 35 years over a parcel of approximately 2 acres for the rent of \$1 per year; and (2) a lease for 20 years over a parcel of approximately 2.7 acres for rent of \$1 per year. Each agreement requires that the organization use the property "solely to restore and preserve Moku`ula and the ponds of Mokuhinia".

A year later, the County and Friends executed amendments to the lease and license allowing the organization to operate a parking lot concession on the properties, provided that the net proceeds of the concessions are used solely for the restoration and preservation of the purposes.

The amended lease and license require that the parking concession operation to be periodically reviewed, and in its discretion, approved by the Council. They also provided that the concession shall not be permitted if it is not approved by the Council.

The Council has been reviewing this ongoing for the last past years, six years in fact, through the various forms of the Economic Development, Energy, Agriculture, and Recreation Committee.

The work on the review has been very onerous and very tedious for several years, by numerous problems, including the organization's financial mismanagements or difficulties.

In the current Council term, your Committee continued its review of the operation of the parking lot concession for over 10 meetings. Your Committee heard substantial testimony reflecting the public's concerns to fulfil its restoration mission.

Your Committee also encountered considerable difficulty obtaining financial records relating to the parking lot concession. While Friends promised to obtain the comprehensive financial audit for the Committee, such was delayed and was not produced. From the documents obtained, your Committee discovered that, discovered some financial irregularities.

The, the organization's Director acknowledged they did not adequately spend the money the way that was supposed to for the first 10 years prior to her being the Executive Director. And the internal audit showed Friends used the parking lot concession money for administration and operations of its for, for-profit subsidiary; Ka Lua O Kiha, Inc.

Your Committee concludes it was appropriate and timely for the Council to adopt the proposed resolution disapproving continued operation of the parking lot concession by Friends to be effective on July 1, 2017. I respectfully ask the Council's full support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And I'm in support of this resolution. But I'm just wondering that the date, you know the July 1, 2017 date, cause its sort of bothersome to me to think that the entity will continue to receive around \$30,000 per

year from the concessions until that date. And yet, it has been acknowledged and stated on record that monies haven't been going, being spent appropriately.

So, I'm just kind of wondering if there's a way to, I know we're trying to set something in place of where to put the money on behalf of this County. But in the meantime, I'm not sure if it's proper for this County to continue to let the entity be in charge of these monies for seven more months.

CHAIR WHITE: Mr. Guzman. Would you like to address that?

VICE-CHAIR GUZMAN: Thank you, Chair. The reason for the extended timeline of approximately seven months is that currently, the Friends has a contract which I have not been able to receive. They've had a contract with Diamond Parking Company, and for us to take over that contract, we would have to go through an RFP proceedings process to try to intake some bids. And so, this process will take maybe about six months.

In the meantime, if we were to actually close it down, I guess somehow default on the, on the contract and immediately cease and desist, the parking lot would close and then I don't know how we would then run it. Or, I think in terms of management of the money, I think in the next term, I, we could request for monthly financial documents to make sure that the monies are being transferred over from Diamond to the Friends.

But in the meantime, until we are able to get an RFP out and a bid, and have that prepared by July 1, it's almost quite impossible to take it over.

CHAIR WHITE: Yea, I realize, I mean, I recall that you had a reason for that date. And I, at the same time I understand Ms. Cochran's concerns. But, do you have any further?

COUNCILMEMBER COCHRAN: No, I mean, if that's how it needs to be. I just not sure if, I don't know if Corporation Counsel had any point of view on this. It just seems, I, I, I understand, but I was just, perhaps in the new term we can sort of vet through this and work it out a little more.

VICE-CHAIR GUZMAN: Yea.

COUNCILMEMBER COCHRAN: But, I don't want to hold this vote up right here right now, so I could wait for further discussion. Thank you.

CHAIR WHITE: Would you like Mr. Wong to respond?

COUNCILMEMBER COCHRAN: If, if he has something at this time. I know it's just sprung on him at this very moment.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, from my understanding, the contract between the Friends of Moku`ula and Diamond Parking is not a contract the County is a signator on, and therefore, we would not have any enforcement rights within that contract. And there may be a concern that a breach in that contract will expose the County to some form of contractual liability.

So, to the extent that, this is one step towards effectuating the Council's intent of redoing that effort. I think this is the appropriate first step.

COUNCILMEMBER COCHRAN: Okay. Very good. Thank you for your comments, Mr. Wong.

CHAIR WHITE: Thank you. Appreciate that question, Ms. Cochran.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-170.

COMMITTEE REPORT

NO. 16-202 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending the following:

1. That Bill 126 (2016), entitled "A BILL FOR AN ORDINANCE TO ESTABLISH THE HAWAIIAN CULTURAL RESTORATION REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-83, from Council Vice-Chair Don S. Guzman, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-202.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 29, 2016, to consider the proposed bill to establish a fund for the deposit of all proceeds from the parking concession located on property under the control of the management of the County on the area identified as tax map key (2) 4-6-007:036 in Lahaina, Maui, Hawaii.

The funds deposits shall be used for the preservation and restoration of Hawaiian historic and cultural artifacts and sites in the County, including the Mokuhinia Ecosystem Restoration Project.

Restoration on the site has been ongoing since 2013. Presently, Cultural Surveys of Hawaii, Inc. is performing an archaeological inventory survey to be completed by the end of this year. In fact, the end of this December. The restoration work is planned

to be accomplished in phases, with which phase one will be commencing upon approval of the survey.

The fund is appropriated by the Council, could be a source of project financing. It would be reviewed by the Council annually and appropriated in the Budget process. I respectfully ask for the Council's full support for your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes with eight "ayes", and zero "noes", one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, that's BILL 126 (2016).

COMMITTEE REPORT

NO. 16-203 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2017.

County Communication Nos. 13-343, 15-206, 15-252, 16-76, 16-114, 16-130, 16-131, 16-132, 16-133; Miscellaneous Communication relating to building affordable homes for sale or rent on County-owned properties in West and South Maui; Miscellaneous Communication relating to licensing animals other than dogs; Miscellaneous Communication relating to a third-party chief (not a County employee)

to coordinate construction of affordable housing; Miscellaneous Communication 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 relating to the sale or development of County-owned properties at the Maui Lani Fairways and Sand Hill Estates Subdivisions.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN HOUSING,
HUMAN SERVICES, AND TRANSPORTATION COMMITTEE
REPORT 16-203.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Committee met on December 1, 2016, to consider referral of the communications noted on Exhibit "A" of the Committee Report.

Your Committee recommended certain pending matters be referred to the Council Chair for the term beginning January 2, 2017, pursuant to Rule 23(B) of the Rules of the Council.

Your Committee voted 4-0 to recommend the communications noted on Exhibit "A" be referred to the Council Chair for the term beginning January 2, 2017. I ask for the Members support of my motion.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-204 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 127 (2016), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, RESTRICTING THE USE AND SALE OF POLYSTYRENE FOOD SERVICE CONTAINERS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-29, from Councilmember Michael P. Victorino, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-204.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on October 31, 2016, and November 28, 2016, to discuss a revised proposed bill to restrict the use and sale of polystyrene food service containers in the County of Maui.

Your Committee also discussed the proposed bill last term on July 28, 2014, November 17, 2014, and December 5, 2014.

And an informal task force was formed in 2014, made up of environmental advocates, food providers, manufacturers and wholesalers of disposable food service containers, and officials from the Department of Environmental Management and Office of the Mayor.

The task force discussed the purpose of the bill; identified materials, containers, foods, and food providers subject to the bill; identified potential impacts the bill would have on food providers and County programs; considered proposed exemptions; and reviewed the reporting requirements of the administering agency.

The task force reported its findings to your Committee on November 17, 2014. The proposed bill was revised to address the task force recommendations, and on November 28, 2016, it was further revised to state that fines collected must be deposited into the Solid Waste Management Fund.

The Department of Corporation Counsel, in an opinion dated December 5, 2016, advised the bill as drafted should survive scrutiny under the United States Constitution's Commerce Clause, assuming the Council's policy decision is premised on a science-based public purpose and the burden on interstate commerce is not excessive.

The July 1, 2018 effective date allows ample time for food providers and other businesses to deplete their inventory of polystyrene food service containers before the ordinance goes into effect.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication.

Nearly 100 counties from California to Florida have adopted bills banning some form of polystyrene, with San Francisco recently passing the nation's toughest ban restricting the sale of polystyrene product, including packing peanuts and coolers.

The bill before us today, Chair, has been over four years in the making. Compostable food service containers are doable, and the cost is a few cents more than their polystyrene alternative. Some Maui businesses have already made the

switch as we heard today. And the step we take today is a much needed one for our island community if we are to reduce waste, protect our marine and avian life, and protect our people from deadly carcinogens that leach into our food as a result from polystyrene.

And I want to add thank you to Councilmember Victorino for initially introducing this item. I now ask for this Council's full support on this matter. Thank you very much, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, further discussion?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

VICE-CHAIR GUZMAN:

I'D LIKE TO MOVE FOR AN AMENDMENT, MOVING THE, TO AMEND THE PROPOSED BILL BY, JUST LET ME INTERJECT REALLY QUICKLY, I BELIEVE THAT THE COUNCILMEMBERS HAVE RECEIVED MY AMENDMENT SUMMARY FORM, AND SO I'LL CONTINUE WITH MY MOTION, I MOVE TO AMEND THE PROPOSED BILL BY: (1) DELETING THE PROPOSED MAUI COUNTY CODE SECTION 20.26.050(A), WHICH IS THE EXEMPTION FOR THE FOODS PREPARED AND PACKAGED ENTIRELY OUTSIDE OF THE COUNTY AND SOLD WITHIN THE COUNTY; AND (2) DELETING THE WORD "FINANCIAL" FROM THE PROPOSED MAUI COUNTY CODE SECTION 20.26.050(F).

The changes are shown on the Amendment Summary Form.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Guzman and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. The reasoning behind my proposed amendments was during the last Committee meeting there was a discussion as to whether, I had brought forth a question as to whether the Exemption "A", which basically allows outside vendors to package their products within these styrofoam, Styrofoam or styrene type containers, and be able, have that exemption to send those items into our County. While in the same breath, it would, it does not allow local vendors to do the same thing.

So my question to Corporation Counsel was if we were to remove that section, Section "A," would we then cause a trigger or a challenge of the Commerce Clause? And an opinion was written and drafted out. And I believe most of the Members have received the written opinion. And basically in a nutshell, you might want to have Mr. Wong comment on that opinion.

But it was my understanding that the opinion states that, yes it would trigger a Commerce Clause challenge; however, if the, if the, if we as a body felt that there was a legitimate public purpose and that it was for health, safety, environmental, and it was within the record, then we could sustain a challenge, a Commerce Clause challenge.

So, I'm basing my assumptions on the record, on the various meetings that we've had in the Committee that there is a basis to hold that this change, or at least deletion could withstand a Commerce Clause challenge based off of the scientific public purpose that it is for our environment. This is for making sure our oceans are safe, and the health and safety of our people.

That being said, this would equalize or make it a fair playing field, wherein it's all styrene products that are, I guess, produced with food, whether its outside the County or within the County, cannot be used.

So, that's, that's my amendment for, I guess, 20, Section 20.26.050, deletion of Exemption "A".

Moving forward to the other amendment, it would be basically what we call it, the hardship exemption under "F", but then amended to "E". So that would read as follows: "Packaging in situations unique to the food provider, where compliance with this chapter would cause significant", and then I'm deleting "financial". So, it would be "significant hardship and there is no affordable alternative to polystyrene food service containers, provided the food provider applies for an exemption and such exemption is granted by the director".

So by deleting the wording "financial", we're basically saying, okay look, whether you're outside the County or within the County, there is a way to get scrutinized or at least reviewed to see whether in fact there is hardship, a hardship component that would then be determined by the Director and allow that product or that styrene type, I don't know what you would, basin or shell that would be provided with food in it. You know, and so it would be a review of that.

So there is a way to, it's not a complete strict ban on styrene. There is a process, and to be able to be reviewed by the Director if there is a total hardship there. So the only flaw that I have presently is the definition of hardship. And that probably could be vetted through in administrative rule.

CHAIR WHITE: Thank you. And were you asking Corp. Counsel to provide his--

VICE-CHAIR GUZMAN: Oh, yea, yea.

CHAIR WHITE: --his opinion?

VICE-CHAIR GUZMAN: Right.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Thank you, Chair. Let me see, Member Guzman, your question is as to whether or not the changes that you proposed may or may not have a impact on our Commerce Clause analysis, yes?

Generally speaking, the, whether or not the change in language has any impact, I believe it would be borne out by any future litigation. Our objective is to minimize and, the opportunity for that and to sure up our defenses. I believe you cured one aspect of the concern that I may have had, and that is an equal protection claim on the face of the language of the document.

In removing the exemption under Subsection "A" that you've referenced, I believe the written opinion remains the same, that it may pose a challenge. Whether or not we're successful or not, typically is measured by the basis within which the body adopts the ordinance that our suggestion was and remains that the greater the scientific and environmental impact that you are able to identify.

And I offer that, I believe Member, Members that you've received some articles that may reference a scientific basis. I'm just not sure whether or not you have had the opportunity to review those articles as part of your consideration of the amendment and the overall ordinance. If you have, and if you have the opportunity to review

those articles, and they in fact do provide you with that scientific basis, then it allows us to be able to point to that effort in the event we are challenged and we need to be able to produce that information in court if we do endure a challenge.

So with that said, you know, I cannot predict whether or not we're going to be challenged or not. But our objective is to, in the event we do get a challenge, that we have enough information in the record so that we can point to it as a basis for our defenses.

VICE-CHAIR GUZMAN: Thank you, Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: So yea, it's based off of, I guess if we're going to look at the record, we have the committee report that says that the Council finds and declares that there is unique environment and health and welfare issues that, to the marine and to its people, that regulations should be set forth.

We also have, due to additional language, that there's an ability to break down into small fragments. There is some type of scientific mention in the committee report itself. And if you look at the beginning of the committee report, it also indicates several meetings that the Committee has met on, which was October 31, 2016, November 28, 2016, as well as July 28, 2014, November 17, 2014, and December 5, 2014. And so, if you go through the record and the minutes there are several discussions about the scientific basis of banning the styrene type food shell containers.

We also have, in the record, a November 17, 2014, the report from the task force indicating several analysis of the bill, and citing some of the scientific basis for those who are proponents of the bill. It also indicates several reasons, I guess, from those who are opposed of the bill. So to me, just reading this task force report, which was basically not, it was undecided or basically indecisive of where, what to recommend aside from a litter project type program.

You could base this on, off of a policy decision. Are we, as the body, more leaning towards the proponents of the scientific basis of, the legitimate public purpose, which was some of the evidence that was presented. As we as a body or individual Councilmembers in fact relying on that to substantiate our vote for passage of this bill? And I for one can say that I feel comfortable passing this forward, based off of a public purpose, public legitimate purpose, environment, health, safety, of our citizens.

I cannot speak on behalf of the other Members on whether they feel the same, but I'd like to place that on the record that that's my basis for voting for this ordinance. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I thank Mr. Guzman for that amendment, because that was one of my biggest concerns, is that you know, we're getting this much of the problem where there's a bit more of, or actually a lot more of the problem that we're letting through.

But, that could be a double-edge sword, because I think that includes all the cup-o-noodles kind of stuff and ramen that is out there at all the stores. And that you know, mothers of young kids are going to be wondering how they're going to get those or, and college students too, it was my understanding college students buy those things in the bulk.

So, that's the double-edge sword that you would have to think about is okay we're going to ban it, which is a good thing. But then that product isn't coming over anymore. So, we'd have to see how we can fix that.

But I'm glad he put that exemption in there, and I can certainly support it. Thank you.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I didn't have a copy of Corporation Counsel's written--

CHAIR WHITE: I don't have one either.

COUNCILMEMBER CARROLL: I would really like to see that.

Mr. Guzman, do you have a copy?

VICE-CHAIR GUZMAN: Yes I do. I wasn't, may I refer to Chair Cochran whether that was distributed to the Committee Members.

COUNCILMEMBER COCHRAN: Yea, Chair. I had gotten it this morning, amongst all these other stacks of pages. But I pulled it out right away cause I didn't want it jumbled.

But I have my copy that was handed out by Ms. Valdez, I believe, way earlier this, today. So, it might be somewhere in our stacks of papers here.

But as, I guess, since I have the floor, Chair, sorry, I guess we'll be getting copies for everyone perhaps?

CHAIR WHITE: One of the challenges of heavy testimony is finding the needle in the haystack.

COUNCILMEMBER CARROLL: I've gone through everything that was distributed to me and I can't find it.

COUNCILMEMBER COCHRAN: Okay. I don't know.

COUNCILMEMBER VICTORINO: And, thank you, Mr. Carroll, cause I did not get that either. So I was going to ask for a copy. So if, Mr. Chair, if Ms. Cochran would give us copies of it, we'd appreciate that please.

CHAIR WHITE: Chair would be happy to take a five-minute recess while we get a copy.

COUNCILMEMBER VICTORINO: Okay.

CHAIR WHITE: Is that? We'll be in recess for, well, at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:30 P.M., AND WAS RECONVENED AT 3:42 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER BAISA, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order. Members, you've received a copy of the Corp. Counsel opinion.

And I believe Mr. Carroll had the floor, if I'm not mistaken. Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I just gone through it very, skimmed through it, but, and in speaking with Corporation Counsel on the break over here, I'm very concerned about that one portion over here, "Does the exemption raise a Commercial Clause concerns?" And "Would there be any legal concerns should exemption be removed?" And the short answer is yes.

And the unintended consequences we could have by affecting interstate commerce. We've had--

CHAIR WHITE: Could you get a little closer to your mic?

COUNCILMEMBER CARROLL: Okay, I have that soft voice that's why. That's better.

The ramifications of that are, if we are guilty of that Commerce, there are penalties. And I know that I've read before, and I don't have any documentation, but Corporation Counsel might help on that, but even highway funds are affected if you adversely affect or restrict interstate commerce. It's a very serious thing.

Everything I've seen over there, and I support the concept that we'd like a level playing field. I think that's good, and we'd like to keep Styrofoam or I'm using the wrong word now but I can't pronounce the other one, out of the State, out of the County, and that's admirable. And it would be probably, be better from everyone.

However, if it's going to have drastic economic impact on this County or possibly the State, I think that needs to be addressed a little more closely. I have very, real difficulty after my conversation with him and reading this, that we could possibly be putting the County in a really bad position by removing that one clause. And I think that really needs to be considered. And I'll leave it at that for now, and let the other Members comment.

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

COUNCILMEMBER COUCH: Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: I just would like to get a clarification of what he's saying. Is he saying that we could get Federal highway funds potentially blocked if there's interstate commerce issue? Is that what he's saying?

CHAIR WHITE: Did you hear Mr. Couch's question?

COUNCILMEMBER CARROLL: That is what I have heard has happened when interstate commerce was affected, because the highway systems are interstate highway systems. Now, Corporation Counsel could probably help me on that. And I only have, I do not, I do not have anything written or what, it's just that I know that I have heard that there were problems when you interfere with interstate commerce and highways were interstate highway system.

And even though Hawaii we don't have a, we're not hooked up, we do have monies from the, the system. But, that was just an example. I mean, I don't know what all can happen. I do not know.

And I was asking Corporation Counsel, and they said, yes that's a concern. What happens if we are found that our action was inappropriate? What actions would they take? And now, maybe we decide that well, okay, we want to do it and we're going to take the chance. But I think we should know what would happen.

And Corporation Counsel, perhaps he can help me out over here. Mr. Wong.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Chair, if I may. Thank you. You know, it's hard to predict all the possible outcomes as a result of any future litigation. In the event, for example, not sure whether or not this would qualify if the Department of Justice would get involved. If it does then it may put us at risk for any Federal funds that we may have. Whether it rises to that level, I can't tell you.

Like I said earlier, our obligation is to look at the ordinance, and determine whether or not we're in a defensible position should we be confronted with any future challenge. And if you've, you had the opportunity to review the written opinion, what I've mentioned earlier is the existence of a justifiable scientific basis. If you look at our opinion, it does state in there that my office was not in receipt of any of the scientific material to provide that basis, but did allude to the public interest and the legitimate local public interest that may be supportive of a polystyrene ban. So, whether we can survive a constitutional challenge or not really is hard to predict at this point.

What I would suggest, again, is the strength of the defense will be borne out by the amount of scientific data that you as a body has accepted as the basis for the ban. I hope that answers your question.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I just thought that, really, that we should be aware of what we could transpire if we okay this amendment. Thank you.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, excuse me. So Chairman, thank you.

Mr. Wong, so are you comfortable enough this afternoon that you could defend the Council by the amount of scientific information this body has as basing this decision on?

CORPORATION COUNSEL: Quick answer, no. And, and I'll say that with a follow-up. The materials that was received this morning, I did have a very quick cursory review. I believe Mr. Parsons submitted this information. And out of, I believe, I may have miscounted, but I think it's 49 articles. There's one that maybe comes close to it, and that is a scientific report on carcinogens and identifying styrene as a potential cause of a carcinogen.

But, you know, there's articles in here that are not directly related to the immediate County vicinity. And it has information that are from all different parts of the world. Whether or not it directly impacts this County directly, I couldn't say that these scientific journals and articles are directly on point. I just haven't had the chance to, to review it and vet it.

COUNCILMEMBER HOKAMA: Okay. So, if we do not move forward Mr. Guzman's amendment, which I find commendable, cause I like a level playing field also, we have enough supportive defensive documents to move forward the original ordinance without getting into court?

CORPORATION COUNSEL: Again, my answer would remain the same.

COUNCILMEMBER HOKAMA: Yes.

CORPORATION COUNSEL: I think, if I may, Member Guzman's modification does address a separate issue that I raised that is not addressed in this memo, and that is an issue of equal protection. On the face of the document, there's one populous that treated a little bit different than another populous. And I think, Member Guzman's removal of that exemption addresses that concern. But it also may heighten the level of commerce impact.

And with that said, again, I'd go back to what I said earlier in the day, and that is the strength of our defenses goes to the public policy behind it. And whether or not there's a scientific basis for that policy, and the adverse impacts the science may be able to borne out, bear out as it relates to the banning of an item.

The quick answer to your question, is it a comfortable defensible position for us? No it's not. Are we willing to do it? Well, you're the body that will direct us on that. If it is challenged, you know, I cannot predict if and when. But I think we'd give it our best shot.

I would prefer, and this is not, you know, it's not my place to tell you from a policy standpoint where it should go, but preferably there should be more analysis on the scientific information as it relates to the impact on commerce and the legal opinion from that. But, if the body is satisfied that the scientific information that you have, that you're satisfied that that information is there, you know, we'll take that and, and we'll do the best we can.

COUNCILMEMBER HOKAMA: Thank you, Mr. Wong.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: I think Mr. Couch, okay, Mr. Victorino go ahead.

COUNCILMEMBER VICTORINO: Thank you, Chair. So, Mr. Wong, if I, just to make sure that I'm clear on what you're saying. First of all, you're saying this amendment, based upon scientific facts, or the lack of, or maybe not enough at this point in time, would be more likely for a challenge than the original form that we had, the original bill as it is without the amendment? So, that I'm clear on that.

CORPORATION COUNSEL: Chair.

COUNCILMEMBER VICTORINO: Cause the original bill that is here in front of us has been reviewed by you folks, and everything seemed to be okay. And not to say that there's no challenge. And I understand the level playing field. I agree, you know, that's something I, I can agree with the rest of my Members; I'd like to make sure it's a level playing field.

But, if this is going to hold up everything from getting done, or open us up for more bigger chance of litigation in whatever form it might be, I just want to see this, especially the original bill pass today. Because to me, we've worked since 2009, and I'm walking out the door. And I want to make sure that all the efforts that everyone has put across the board is fulfilled. And now, you know, next year you guys can look at it. I mean you got 18 months before, so you can put your scientific facts together, I mean, there's time to get this together.

But the bill in its original form, and no offense to Mr. Guzman, thank you very much, I'm okay with that, I can support it. But if it makes it more of a challengeable legislative piece of paper, then I'm asking you please explain to me which is the better, so that I can feel comfortable which way I make a decision on this. The amendment or the original form? And that's what I'm asking you for.

CORPORATION COUNSEL: Thank you. Chair, if I may. Quick answer, Member Victorino, both versions raise Commerce Clause concerns. And our memo spells it out directly. I'll read it verbatim:

Does the exemption raise Commerce Clause concerns? Yes.

Would there be any apparent constitutionally concerns should the exemption be removed? Yes.

Like I said, the challenge is whether or not we can properly defend it. There will, there are concerns that the Commerce Clause is directly impacted because that's what you're doing. You're, you're prohibiting a use of an item that is currently flowing in commerce. So, we're stepping into a realm by stopping vendors and/or manufacturers from importing and using a product. Once that occurs, someone out there, it may be a vendor, or it may be a restaurant, or it may be someone adversely impacted by that decision, may bring a claim.

Our capacity to defend that claim goes to whether or not you as a body have properly identified the scientific and legal basis for it. The analysis that's provided in the written opinion does cover U.S. Supreme Court decisions and how cases have been analyzed across the Country. Whether or not we will be able to have our case, if there is one, line up consistent with the U.S. Supreme Court opinions that allow a limitation on commerce weighed against the protection of local interest of health, safety, and welfare is an analysis that would have to be borne out in a legal challenge.

So, the best way for me to answer your question is, under both scenarios, there's a prospective challenge, but we can't, I mean, we can't stop anybody from filing claims. We deal with claims every day of the week. We receive these things on a regular, consistent basis, and we are prepared to defend.

In this scenario, all I'm suggesting is, if this body looks at and analyzes the scientific data and is able to tell us that based on this body's review of that material, that the body believes that we should take this step towards banning a product into this community, then it's a policy consideration for you. It's, our legally defensible position would be looking at your analysis. So, you need to tell me whether or not you're comfortable with the scientific data that you may or may not have received.

COUNCILMEMBER VICTORINO: No other question, Chair. Thank you, and doesn't really clear up what I was asking, but I, so I'm okay.

CHAIR WHITE: Ms. Crivello was next, and then I'll come to you.

COUNCILMEMBER CRIVELLO: Yea, thank you for that explanation, or I guess, you know, consideration to, do we want to move forward with this amendment. I'd just like to ask reconsideration after hearing and reading through this, if Mr. Guzman would reconsider working on this further in respond to the short answers of yes, does the exemption raise Commerce Clause concerns. And the opinion we got was yes, etc., etc. Would there be any apparent constitutional or legal concerns should the exemption be removed? And the short answer again is yes, etc., etc.

So, and after hearing Mr. Wong's explanation, and yet it's allowing us at the same time to, to decide on our policy, I turn to Mr. Guzman for more of his defensible opinion or complete understanding in all due respect for your opinion.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. And, and getting back to Member Victorino and Member Crivello. As it's written right now without deleting Exemption "A", so if you have basically Exemption "A" included, you're still going to raise a challenge or a possible challenge for equal protection. Which means the local guys are saying it's not fair that the big guys from outside the County can bring in their product. So the equal protection challenge we're going to face even if my amendment doesn't pass on the face value on this ordinance, we still have an issue with equal protection of our local people versus those bringing outside the County products in.

So how do we defend against that? What Corporation Counsel has mentioned on the floor is, is there enough scientific data? Is there enough legitimate public purpose that has been presented to this Council, and each individual Councilmember feels that based off of that evidence, we can move forward with passage. Now, that's one scenario.

The other scenario is my amendment, which basically says equal playing field; what's good for the goose is good for the gander. That means now you have these big companies like Procter & Gamble or Saimin Associates, & LLC or whatever, that want to come in, that they have the big guns with all the lawyers and stuff, and they say look this deletion of Exemption "A", which is in my amendment is now triggering a Commerce Clause challenge, because you are preventing us, the big boys, from coming in.

So how do we avoid that? How do we remedy or defend ourselves? Still the same scenario. We've got to lay down the foundation that enough evidence has been presented to this Council, scientific evidence, legitimate public purpose has been given to each and every one of us and we understand, and that's how we vote. We vote that, hey, there's enough, I've heard enough as an individual Councilmember that I believe that there's a legitimate public purpose based off of the scientific data that I been presented or read. Does that make sense? Okay, thank you.

CHAIR WHITE: The Chair feels that your amendment solves one of the issues that I have with the, with the bill. And that is that it's a very narrow slice of the plastics in the County, and your amendment broadens that.

My concern after this discussion is that we've heard testimony about scientific facts, but part of the testimony, several testifiers today said styrene is a potential carcinogen. Well, that's not a, to me that's not a fact. I mean, maybe it's a fact that it's potential. We don't know if it's a carcinogen. Maybe somebody does, maybe there's something that was presented today. I haven't had a chance to go through all of Mr. Parsons things.

But, my sense after listening to all this, I think we need to take a step back. Because if we're going to be challenged either way, we need to have more discussion on what those, what we need to have in this bill to make sure that we're not challenged, if we're, if we're going forward in this direction or that direction.

So, I'm not sure I'm ready to throw my hat in one direction or another at this point. And I think we need to, if we're going to be, and I agree with you, I think we need, I think we can set down a scientific marker and, but I'm not comfortable saying we've got that at this point, just from testimony. I think we need to have something substantial that we can hang our collective hats on, so.

Which one of you wants to go first?

COUNCILMEMBER COUCH: Alright. Thank you, Chair. I agree with you on the, this amendment makes it much more palatable to go through, because the other one was way too narrow for me. I still can support this amendment.

You know, we're going to get sued for, you know, windmills and taxes, and whatever else, because of policy decisions we make. It's one of those things where you have 18 months to figure out if, the whole idea right now is to determine if this is going to be a piece of policy. If it's a piece of policy, then the Committees have 18 months, probably less just to make things better, to vet some of that stuff out, the concerns.

But you know, just to say oh, you know, we don't want to do this cause we might get sued, I mean, we might get sued doing anything we do. We have been sued by almost anything we do. So, as much as I, I think Mr. Victorino and I like the fact that you are extending our last meeting for as long as you are, I think we need to just determine whether or not we're willing to, what our policy is going to be, and then if we're willing to worry about lawsuits later.

CHAIR WHITE: Okay. Ms. Cochran, followed by Mr. Carroll.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I, I want to thank Mr. Guzman for adding, you know, delving into this a lot deeper and coming up with this amendment. I think it's very palatable and appreciate him, you know, pushing this forward. It seems to address a few of your concerns.

And I feel that this entire stack that we got this morning has some very, very credible proof and scientific database in reference to styrene being a carcinogen. Just this one little paper I picked up from the National Toxicology Program, Department of Health and Human Services, it, they have evidence. And you know, styrene in humans is caused, workers exposed increase mortality, lymph what, I can't pronounce that long word, some, just diseases, leukemia, lymphoma, cancers, I mean, the list goes on and on. So there is actual scientific data here that I feel very, very comfortable. It's science-based and its credible people of our, of our national level that have pointed to the, you know, effects, negative effects of this.

So, styrene is the actual chemical, and Styrofoam is a DOW chemical product that has, is made from styrene. So I think there was a question in regards to Styrofoam. What is that? That's like a name, a brand, I guess. So that's the difference there. But styrene, the polystyrene ban is what we're looking, that word styrene I think is the key word and chemical.

So I'm obviously in support of this. And again, want to thank Mr. Victorino for pursuing this initially.

CHAIR WHITE: Yea, I guess my point was that we also have testimony that there is styrene in beer, in greater amounts than in a Styrofoam or a polystyrene cup. And so if we're, if we're going to, and there was also testimony that, that the styrene in a polystyrene cup is inert, I don't know whether it is or it isn't. But I'm not willing to, not willing to put, put my hat into that ring at this point.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I definitely agree with the intent of this amendment. I think that is appropriate. But what I wanted to bring up, and why I ask for the written opinion and this discussion was ways that we might make sure that if we pass this amendment, we have, we are able to, or if there's any other thing that needs to be added in there, that our rationale is clear with the bill. That might help when, if the, somebody was considering a challenge. Do we need to add something inside here that the scientific evidence, we feel is conclusive, that it is appropriate or whatever?

But what I'd like to make sure, and that's what I said at the beginning, that we make sure that we pass something out that is the best thing we can pass out. I mean, I've heard the testifiers and people say, well you know, there's things wrong with it, pass it out. You go to a doctor and have cancer and he tells you, well, we're going to do, we're not going to do everything but that's alright let's go ahead and do it. I don't think you'd do it.

We need to make sure that we send out the best bill we can. If there is some way we can improve his amendment to make sure, or if not the amendment itself, to add something in here to make it more defensible, I think that's what we need to consider.

But the intent, I agree with the intent. The intent is there and I can support that. What I would like to see though is us addressing the fact that it could be challenged, and if there is anything we can do in the bill itself, to go over there and try to mitigate the chances of it being challenged.

VICE-CHAIR GUZMAN: Chair.

COUNCILMEMBER CARROLL: And I would turn the time to Mr. Guzman.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. In addressing Mr. Carroll's concerns, is there anything that we could place in the bill? I would say no. Because if you look at the opinion and all the case law wherein the judges are determining whether in fact that legislative body may be the County or a State level. The Judiciary looks at the record as to see whether that body has reviewed and reviewed the scientific purposes, and went through a vetting process, and basically came to the conclusion that when they, when each, each legislator or each Councilmember voted on it, it was for a legitimate public purpose; i.e. environment, health, welfare. And all of that was based off of the discussion or presentation of evidence of that body to support that individual's vote.

So it comes down to a policy decision. Does each one of us feel that there's enough evidence in the record that would support their vote of yes? And I for one feel yes, I feel that there's enough that, I've reviewed and come forward with, and I'm ready to vote.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: I know this is getting long and arduous, so I'm going to just, I'm just going to put it in a very simplistic manner. I think we've worked it to the point where I disagree with you in one sense that we're not ready. I think we're ready. We have 18 months to look it over if there's any, and Corporation Counsel can delve into the scientific evidence. Whether it's only this or in other areas to be brought forth. So I can support this.

I'd like to see us up or down it, you know. And if we're going to down it because you don't feel it's ready, then that's fine. It's your choice. Everybody makes their decision. But, I believe that we've come to this point, we've worked on it for nearly five years, six years plus. And so I think we're ready to bring it forward.

I've heard the concerns, and so there's no difference with the amendment or not. So I agree that the amendments should be put in, in the sense that it levels the playing field, which was one of the concerns we had. So I'm good with that. And I truly believe, like was stated by the last testifier, she wants to be all excited, I'm not worried about being excited. I want to be the first out with what I believe to be a truly first step in starting the process like we did with the plastic bag.

And now we're going back and reviewing it at this point. I mean, there's going to be times everything has to be reviewed, Mr. Chair. Whether we're sitting here or not, those things will come up again. And so, I feel like at this point we have enough, I believe we have enough scientific evidence. But you know, let's say we don't. But I think we have enough to prove that there is enough problems with wildlife, with the ocean, marine, our ecosystem, that what we've done here and adding the amendment, really I think makes this palatable, and probably more defensible than it was originally.

So I'm ready to, to, to make my vote known as soon as you decide to call for the question. So thank you, Mr. Chair, for allowing me to express myself.

CHAIR WHITE: Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would say for myself, and you know, on Lanai there's a lot of confusion of polystyrene and Styrofoam, especially with our Saturday vendors. Almost every restaurant uses Styrofoam cups or bowls; Blue Ginger, Naomi's, all our nanas in the park every Saturday morning. So I wasn't able to clearly explain the difference. And the way I hear from my colleague, Ms. Cochran, she made me aware that there is no difference, it's just a trade name; Styrofoam, as I understand it.

But I am happy to support Mr. Guzman's amendment. I like it a lot broader. I don't have a problem to support this on first reading. But I think the Council needs to do its better due diligence between first and second reading, and bring forth a panel of professionals to lay the ground work of scientific information that we will base through discussions on this chamber floor in a event of a defense of a litigation. I think that is the most responsible way to move this bill forward, whereas showing a positive step forward.

But before we take that final step of second and final reading, I would like this body to base on the record, with professionals on this floor in a panel, stating the facts for our community and for us that our basis of decision is solid, and at the end of the day, defensible. And that is my position, Chairman. Thank you.

CHAIR WHITE: Yea, the Chair questioned whether that should be done in a Council meeting or a Committee meeting?

COUNCILMEMBER HOKAMA: Well, you know, Chairman, that would be the Members and you. I would say we can pass first reading. And if it's more appropriate, we can refer it back to Committee to hold that panel discussion of professionals. But I have no problem giving it the first reading stamp this afternoon. Thank you, Chairman.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And yea, Mr. Hokama brings up a great point in that we did this with another bill that's coming up today. It went back to the Committee, we had our discussion and it's coming back for second reading and moving forward.

You know, don't, I see he's not here, and don't tell him I quoted him, but we had a testifier that said perfect is the enemy of good. Let's not try to get perfect. You know, if we do we'll be here forever on a perfect bill. This is a pretty good bill right now. So, anyway, don't let him know I said that.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. And I appreciate the discussion, which I tried to initiate over here, so we have a really good understanding of what we're doing and why we're doing it. I will support this amendment. And I realize that if we pass this out, this bill, for second reading, the decisions will have to be made at that time whether the change, we have any changes that are so large that we have to send it back to Committee at that time. But I will support sending this out today, this amendment out, and then we can get back to the main motion. Thank you, Chair.

CHAIR WHITE: Yea, the Chair would just remind everyone that if there are significant changes at second reading, then it's got to go through two readings. And so, just understand that.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

We're back to Ms. Cochran and the main motion.

Oh, Mr. Couch.

COUNCILMEMBER COUCH: Yea, Mr. Chair, on the main motion, you know, looking at the bill, there is a clause here about Administration where on or before September 1 of each anniversary of the effective date, the Director shall submit to the Council a

report detailing compliance with this ordinance, including the number and types of exemptions granted. That, that's okay.

I'd sure like to see if the Council can review this in 2021 to see what the effect is. This is, is everybody complying? What's, I'd like to see is what is, if this passes, what is the effect? If the Council looks at it in 2021, the only ones if they're, that are still potentially going to be there would be Mr. Guzman and Ms. Crivello at this point. It would be a good idea to take a look at it again if this passes, and really go into is it really causing hardship. Is it really preventing a lot of stuff from going into the ocean or into the landfill? Kind of like the plastic bag ban.

SO, IF THE MEMBERS ARE AMENABLE TO THAT, I'D LIKE TO ASK, AMEND, MOVE TO AMEND THAT WE ADD A SECTION, PROBABLY 20.26.090, THAT COUNCIL IS TO REVIEW THIS IN 2021.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR, FOR DISCUSSION PURPOSES.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: No, I spoke my peace. Thank you.

CHAIR WHITE: Okay. Any further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair, real quickly. I have no objection. I've always said we need to review the impact on any major changes in any form of our, in any ordinance we do. So, whether it's one year, three years after it's done, it doesn't make a difference. But I think three years is a fair time frame, because you need one year just to get implemented. Second year, you really see the results. And the third year, you really know what you're looking at.

So, I have no objections. And unless the Members have a real strong, I would ask them to approve that so we can move on.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Or, for Mr. Couch. So the 20.26.030 under Administration, item "B", the "On or before September 1 of each anniversary compliance of this ordinance, including number and type of exemptions granted", so a report of sorts?

COUNCILMEMBER COUCH: It's a little bit more than that. It's hey, did this, is this cutting back on the Styrofoam that's getting into the ocean? Are there a lot, you're already going to get the hardship exemptions and, and what not in these annual reports. But, what is the effect of the bill. Is it really working kind of thing?

COUNCILMEMBER COCHRAN: And that would, so you're looking for Department of Environmental Management to figure all that out.

COUNCILMEMBER COUCH: Yea, well, Council.

COUNCILMEMBER COCHRAN: To bring back to us?

COUNCILMEMBER COUCH: Council review of the bill in 2021.

COUNCILMEMBER COCHRAN: Okay. And you need a whole separate item to, and not put it in item "B"?

COUNCILMEMBER COUCH: That's up to--

COUNCILMEMBER COCHRAN: I mean, no, we can do that; that's fine.

COUNCILMEMBER COUCH: Up to how to the--

COUNCILMEMBER COCHRAN: I mean, the more information, sorry.

COUNCILMEMBER COUCH: Right.

COUNCILMEMBER COCHRAN: More information the better.

COUNCILMEMBER COUCH: That would be up to how they want to, you want to craft the.

CHAIR WHITE: So, your motion would include allowing staff to make--

COUNCILMEMBER COUCH: Yes.

CHAIR WHITE: --technical adjustments as necessary?

COUNCILMEMBER COUCH: Right. Yup.

CHAIR WHITE: Any further discussion on Mr. Couch's amendment? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Ms. Cochran, any further?

COUNCILMEMBER COCHRAN: No. I mean, no. I mean, I think, we've been discussing this for many years, and quite a while here today on the floor. I just would like us to be one of the big movers and shakers like we're always looked to as being Maui no ka oi, and the progressive leaders in this State.

And hopefully join the others, you know, nationwide. There's been over 100, I guess, counties. And so far so good. Nobody sued. Everyone seems to be getting along and implementing this. So, I'd like to join that movement. So, looking for support from the Council today. Thank you very much, Chair.

CHAIR WHITE: Okay, so the passage is contingent on us having a panel discussion prior to it being posted for second reading, correct?

COUNCILMEMBER CRIVELLO: Yes.

CHAIR WHITE: Okay. All those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: May I ask that the County Clerk please bring up County Communication 16-327?

CHAIR WHITE: Mr. Clerk.

COUNTY COMMUNICATION

NO. 16-327 - DON COUCH, COUNCILMEMBER,
(dated December 9, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO DISCHARGE THE, FROM THE INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE OF FURTHER CONSIDERATION OF ITEM IEM-68, COUNTY COMMUNICATION 16-134, FROM THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, TRANSMITTING A PROPOSED RESOLUTION ENTITLED "AUTHORIZING SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY".

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION, MR. CHAIR.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Couch, and a second from both Mr. Carroll and Mr. Victorino.

COUNCILMEMBER COUCH: Mr. Chair, I'm seeking discharge of this item from the, from the Committee so the Council may act today upon a proposed resolution set forth in County Communication 16-327.

This communication relates to the sludge drying and energy generation project at the Kahului Wastewater Reclamation Facility. A request for proposals was published in March 2016, and the underlying contract has undergone review and negotiation by the Department of Environmental Management and the Department of Corporation Counsel.

The Council's Energy Commissioner Frederick Redell has informed me that the lease is in an accessorial component to keeping the cost of the project feasible, and that the time delay in consideration of the lease may jeopardize the underlying agreement in the project.

The Department of Environmental Management has requested that the Council consider not referring this item to the next term, and that's what's up in the next item coming up. And instead, approving the resolution at today's meeting.

The urgency of the matter that, is that fuel costs have been rising sharply from \$40 per barrel of crude when the RFP was issued in March 2016, and now as you heard Mr. Miyamoto, hovering around 53 or \$55 a barrel. Should the agreement not be signed soon, rising fuel prices will elevate the cost of the project. I therefore ask for Members for the support of my motion to discharge.

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

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, I, I, I know that at the last IEM meeting, Committee meeting, we only had 10 minutes left to address this item. And during that time, I recall that the Department was chomping at the bit to go into executive session.

So, when you say urgency, is that something that we need to go into executive session for? Because, that's what Mr. Stewart Stant suggested, or implied, during his testimony. So, my question is, is there must be some kind of urgency that is before us to require us to go into executive session. Or, did this, needs to be passed before the next term? That's my question. I mean, why, you know?

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And you know, I've got, I got a communication from Mr. Redell, and he was saying that it needs to be done right away, otherwise, when they go back to renegotiate, if they don't have the lease then the price of the, that they will pay for our, or the energy, that we will pay for the energy will go up and will cost the County a lot more if we delay it any further.

CHAIR WHITE: My recollection is that the reason they wanted to go into executive session was to discuss the concerns that some of us had with the contract language, not the lease. And so, following that, Mr. Redell came to me and, because I'd asked for the numbers, and have a better understanding of the contract. Because, as you all know, we only have the ability to deal with the lease.

And in our discussion, he mentioned that he made some very significant changes to the contract to provide much better protections for the County. And the, my recollection was there were at least six significant changes that he did along with Corp. Counsel that put more of the burden on MANA, or Anaergia, and it relieves the exposure to the County.

And my further recollection is that when Mr. Redell initially looked at the project, he felt that it was, it should be one that he was going to work to kill, because he didn't feel the numbers worked, and felt that the contract was not suitable to protect the County.

But, after having reviewed the numbers and understanding all the inputs and outputs of the, of the system, and making the appropriate changes to the contract, he now feels, and he's an outsider from the Department, he now feels that it's a very fair and acceptable deal for the County from a contractual standpoint.

So, since our decision really is only limited to whether we give him the opportunity to provide a lease, we don't really have the opportunity to go through and have input on the contract. I'm reasonably comfortable with Mr. Redell's work.

If you would like to go into executive session, I'm open to that, if you want to request that. Because, I think it's important for all of us to be comfortable with the numbers, and comfortable with the adjustments to the lease. As you all know, I am not one of those who is terribly trusting of Anaergia. So, I had my antennas significantly elevated when I realized that MANA was Anaergia.

But, I'm comfortable after listening to Mr. Redell's evaluation, together with Mr. Stant and Mr. Wong's perspective on it, that the changes that have been made do a significantly better job of protecting the County and making this a reasonable deal. And I think it's worth us seeing if it works.

And again, the reason that there's not a whole lot of public input is that all we can do is lease the property, like we do to Boys & Girls Club, and other places. And the County is not the entity that is putting money at risk. We're simply providing a piece of property. So if a tsunami comes in the meantime, it's no loss to the County. It's a loss to Anaergia.

VICE-CHAIR GUZMAN: Chair, I just, I guess--

CHAIR WHITE: It was kind of, kind of an extended response, but thank you.

VICE-CHAIR GUZMAN: I guess getting back to my, one of my initial questions is what is the, why is it so imperative that we address this issue now as opposed to allowing it to continue to the next term? What is the urgency?

CHAIR WHITE: If you'd like to have Mr. Stant come down and address that, or Mr. Redell, I'd be, why don't both of you gentlemen come down.

VICE-CHAIR GUZMAN: Well, I guess we could move forward with the--

CORPORATION COUNSEL: Chair, if I may. Chair I think I can quickly respond to that question, Member Guzman. Quite frankly, the consummation of the lease is a integral part of the developer being able to line up its financing for the overall project.

Now, whether or not you want to get into the terms as Chair White has been exposed to, that's the reason why we would go into executive session.

VICE-CHAIR GUZMAN: Okay.

CORPORATION COUNSEL: So, it's still a negotiated ongoing process. The sooner the developer is able to represent that it has a viable lease with the County, it can then start nailing down all the other components of its expenses. In those details, because we are in ongoing negotiations and most of those details, I would not, cause it's ongoing, and I would not expose that to, for public edification. But, if the body wants to review those things, I'm willing to provide that in executive session.

Mind you, again, it's an integral part, check mark for the developer to be able to complete its due diligence in being able to prove to its lenders that it has a viable project. If it's put off into the next term in three or four months from now, as you heard today, the testimony was the valuations and the fluctuations in the prices will change. So, it is integral that the lease itself, and that's why my question the last, before IEM, was whether or not the body had any concerns about the lease itself.

If there's no concerns about the lease itself, then this body should approve the lease. The terms and conditions of the contract itself, those things, those numbers, you know, the sooner you can, they can nail down the lease component, the sooner they can solidify the other numbers.

VICE-CHAIR GUZMAN: Yea, I kind of see where he's going with it. So, it sounds like to me that there could have been a, and I don't know, cause I don't know, I haven't seen the conditions and terms of the original contract, but there could be a condition precedent that basically, possibly there's reliance on having the lease agreement, I guess, as part of the integral part of the original contract. So, we could be in breach if we, I don't know.

But, I'd like to go into executive session cause it sounds like I need a better understanding of what's going on in the original contract that would, I mean, the lease agreement would jeopardize or be, maybe a condition precedent, or some type of reliance on the lease being passed out in a certain time period. I definitely would like to go into executive session. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yea, I take total offense to this being discharged right now. I made a commitment to refer this into the new term. It's not going to take three to four months to pull this up, depending on where, who gets what Committee.

But if it goes into IEM, and I am going to be the Chair of it, I had been committed, dedicated to put this through. I went back and looked at all the emails. It's almost

like, oh the Committee dropped the ball, now it's this rush to hurry up and discharge it here today and make a snap decision. I got emails going back when it was department who kept telling me we're not ready, we're not ready, for two months.

Then finally, I put it on, we had a PIA Committee that needed extra time that day. I gave up my IEM for us to vet through some PIA issues. Then, this last meeting, there was a mold issue. I got word I had to shut down my meeting early. We couldn't do the due diligence and go into executive session and everything else.

And every meeting prior, I asked this body, my Committee, would you like to go in executive, department executive, anybody executive, was always agendized; nobody wanted to go there. But continuously when an answer came, there was more questions. There, till today there's still more questions. I got pages of questions that never got vetted through and answered by this Department.

So to me, sign the lease. It's like here, sign the lease to this car, but we'll show you the car afterwards. I'm not comfortable here in discharging this out right now. So, that's my comment. And I am dead set against this discharge. Thank you, Chair.

CHAIR WHITE: Any further discussion? The, we have a recommendation to go into executive session, pursuant to our ability to go into our executive meetings, based on 92-A-4, Hawaii Revised Statute, to consult with legal--

COUNCILMEMBER VICTORINO: We didn't, we didn't vote on the discharge.

CHAIR WHITE: Oh okay, okay, yea.

COUNCILMEMBER VICTORINO: Yea, we haven't done that, so I don't think we can do that.

CHAIR WHITE: Any further discussion on the discharge before we move into executive session? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COUCH,
CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes with seven "ayes"; and one "no", Ms. Cochran; and one "excused", Ms. Baisa.

Okay, back to Mr. Couch.

COUNCILMEMBER COUCH: Do we need to go further, or should we go into executive session now? Do we need to waive it first?

CHAIR WHITE: Might as well vote on the waiver.

COUNCILMEMBER COUCH: I'm fine, let's do, yea.

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF
COMMITTEE REFERRAL AND REPORT FOR COUNTY
COMMUNICATION 16-327, PURSUANT TO RULE 7(E) OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Carroll *[sic]*.

Mr. Couch.

COUNCILMEMBER COUCH: Nothing further, Mr. Chair.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO THE COUNTY COMMUNICATION 16-327, ENTITLED "AUTHORIZING SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE KAHULUI, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY", AND TO FILE COUNTY COMMUNICATION 16-327.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a motion from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Well, as we talked about it, this resolution will allow the Administration to enter into a 20-year power purchase agreement and lease with Anaergia Services, LLC, dba Maui All Natural Alternative, LLC, for one acre of property at the Kahului Wastewater Reclamation Facility for the purpose of a facility that will be used to convert energy crops and other alternatives into methane gas, which will be used to provide electrical energy to power the reclamation plant.

A request for proposals was issued in March of 2016, with Anaergia selected as the winning proposer. A Notice of Intent to award has been issued with finalization and execution of the Purchase Power Agreement and predicted upon approval, predicated upon approval of the Site Lease and consistent by, and consent by the Board of Land and Natural Resources.

And, Mr. Chair, I agree with you, I had big concerns with the fact that this was an Anaergia endeavor. But after speaking with Mr. Redell and Mr. Stant, I'm cautiously hopeful on this one. And I believe, if there is a contract, if it's the cost contract to the County, then I think the Council does have the opportunity to take a look at it.

CHAIR WHITE: Correct.

COUNCILMEMBER COUCH: So, there. Thank you.

CHAIR WHITE: Okay, any further discussion?

COUNCILMEMBER COUCH: Is this where you would want to move into executive session.

CHAIR WHITE: Yes, and there's a, is there a request for executive session?

COUNCILMEMBER COUCH: Yes.

I MOVE THAT WE GO INTO EXECUTIVE SESSION
PURSUANT TO HRS 92-5(A)(8), I BELIEVE IT IS, TO
DISCUSS.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: I show 92-5(a)(4).

COUNCILMEMBER COUCH: Oh 5(a)(4), okay.

CHAIR WHITE: Yea, sorry.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Okay, Members, we'll take a two-minute recess to prepare for executive session.

(THE CHAIR DECLARED THE OPEN SESSION IN RECESS AT 4:39 P.M., AND CONVENED IN EXECUTIVE SESSION. THE OPEN SESSION WAS RECONVENED AT 5:30 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER BAISA, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order and we have a motion on the floor. And Mr. Couch, do you have any further discussion?

COUNCILMEMBER COUCH: No, Mr. Chair. Well, yes, alright. Let's just say yes, I do. After hearing what the particulars were in the contract and, and this is one of the things, especially the firm power part that we've all been wanting to get behind. So, I feel very comfortable with this decision. Thank you.

CHAIR WHITE: Okay. Members, further discussion on this item? Seeing none.

COUNCILMEMBER COCHRAN: Chair, oh wait, hang on, Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, so again, this was something that there's been numerous questions that needed to continue to be answered, and it wasn't anything to do. It was just a lot of general stuff from community, from environmental coordinator, from past meetings. And again, we were cut short. It was a special Council meeting that cut one of my meetings short. It was the shut down because of seventh floor was closing down, I mean, there has just been numerous reasons.

The Department themselves pushed back meetings I was trying to schedule. So, on and on, and that was my reasoning for referral into the full, into the new term. And that's being bypassed with this, with this vote, and so I am completely still not in favor. So, those are my comments right now.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS CARROLL, COUCH,
CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Couch.

COUNCILMEMBER COUCH: This might be more appropriate when the next item gets
brought up, I believe, the next thing.

CHAIR WHITE: Okay. Moving on to the next item, Mr. Clerk.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 16-205 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the
Council Chair for the term beginning January 2, 2017.

*County Communication Nos. 14-308, 16-37, 16-62, 16-134, 16-172, 16-188, 16-275;
Miscellaneous Communication 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; and
Miscellaneous Communication relating to allowing for an independent third-party
building plan review process.*

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I don't even know where I am, Chair.

I MOVE TO RECOMMEND REFERRAL OF ALL THESE
COMMUNICATIONS INTO THE NEW TERM, TO THE NEW
COUNCIL CHAIR.

CHAIR WHITE: Okay, so adoption.

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: Motion to adopt the recommendations in Committee Report 16-205.

COUNCILMEMBER COCHRAN:

IN COMMITTEE REPORT 16-205, YES.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Discussion?

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

I MOVE TO AMEND COMMITTEE REPORT 16-205, TO
DELETE ITEM IEM-68 FROM EXHIBIT "A".

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: That was the item that we just discussed.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

IEM-68 - County Communication No. 16-134 was filed.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, we still need to go back to the main motion.

CHAIR WHITE: Oh, we need to vote on the main motion. Back to the main motion regarding Committee Report 16-205. Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-206 - LAND USE COMMITTEE:

Recommending the following:

1. That Resolution 16-172, entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION, ENACT A COMMUNITY PLAN AMENDMENT, AND CHANGE THE ZONING FOR 14.950 ACRES AT 305 MEHA ROAD (PORTION) AND 480 OLINDA ROAD, MAKAWAO, HAWAII," be ADOPTED; and
2. That County Communication 16-296, from Council Chair Mike White, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 16-206.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On November 30, 2016, your Committee met to consider a proposed resolution to refer to the Maui Planning Commission proposed Community Plan Amendment, District Boundary Amendment, and Change in Zoning bills for 14.905 [sic] acres comprising of portions of the property located at 305 Meha Road, as well as 480 Olinda Road in Makawao.

The Committee notes that a representative of Seabury Hall board of trustees stated the land and use entitlements are for Seabury Hall campus and include the area of a creative arts center and parking lot. The Council granted Conditional Permits for the construction of the parking lot by Ordinance 3142 (2003) and for construction of the use of creative arts facility and grass parking area lot by Ordinance 3808 (2011).

Seabury Hall provides education for about 450 students in grades 6 through 12. In 2000, Seabury Hall created a campus master plan supporting the school's mission. Completion of the creative arts center and parking lot were the final stages of the campus improvement plan. The creative arts center is also made available for community functions.

The proposed bills would establish consistency with the existing land use designations for the rest of the campus area. The Council-initiated resolution would save Seabury Hall considerable time and resources.

I ask for the Council's full support of the recommendations to adopt the resolution referring these bills to the Maui Planning Commission, and to file the communication.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-172.

COMMITTEE REPORT

NO. 16-207 - PLANNING COMMITTEE:

Recommending that the communications noted on Exhibit "A" be FILED.

County Communication Nos. 10-253, 12-142, and 15-154.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

If I could have the Clerk, without objections, bring up Planning Committee Report 16-208.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

COMMITTEE REPORT

NO. 16-208 - PLANNING COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2017.

County Communication Nos. 13-78, 13-137, 13-284, 16-85, 16-278; and Miscellaneous Communication relating to amending Chapter 19.30A, Maui County Code, to decrease the minimum lot size for farm labor dwellings on agricultural land.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS
IN PLANNING COMMITTEE REPORT 16-207 AND 16-208.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on December 1, 2016, to consider filing of the communications noted on Exhibit "A" of the Committee Report, and referral of the communications noted on Exhibit "A" of the Committee Report.

This Committee has a bit of a different issue with referral and filing. There are certain strict rules that say things that are basically planning, have gone to the Planning Committee and back are automatically referred. There aren't very many other things in other Committees that are automatically referred. So, your Committee notes Rule 23 of the Rules of the Council provides for the end of term filing or referral of communications pending before Committees.

In preparation for the new Council term, your Committee recommended certain pending matters be filed, pursuant to Rule 23(B) of the Rules of the Council and certain matters to be referred.

Your Committee voted 7-0 to recommend the communications noted on Exhibit "A" to be filed of, that's Committee Report 207. In Committee Report 208, your Committee voted 7-0 to recommend the communications noted on the Exhibit "A" be referred for your consideration in the next term. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-209 - LAND USE COMMITTEE:

Recommending that Bill 78 (2015), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO WET BARS IN DWELLING UNITS," be PASSED ON SECOND AND FINAL READING.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS BILL 78 (2015), DRAFT 1, ON SECOND
AND FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The bill defines the term "wet bar" in the Comprehensive Zoning Ordinance and limits the number of wet bars in dwelling units depending upon the size of the home.

The bill passed first reading on November 6, 2015, and was recommitted on November 20, 2015.

Your Committee amended the bill to allow a microwave to be used to make hot beverages. Your Committee also amended the bill to make it clear that existing wet bars with approved building permits and plans are not subject to the bill, and may be reconstructed in accordance with the plans.

I respectfully ask for the Council's support of Bill 78, Draft 1. Thank you, Chair.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Chair. I realize this is the, my colleague's last Council meeting, but I have a issue with this bill and I cannot support this bill on the second and final reading. I believe that the restricting a wet bar based off of the size of a home is almost prejudicial to those homes that are smaller. And the fact that it limits the wet bar not to even be placed in a room is also odd to me, because, bedroom, excuse me, because there are places where you have a bedroom and you, there's a wet bar there.

So, I don't agree with the limitations in this bill. So, I will not be voting for this. Thank you.

COUNCILMEMBER CRIVELLO: I--

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, thank you. I will ditto Mr. Guzman in not supporting this bill on the same basis that there is no allowance because it's a bedroom, you know.

CHAIR WHITE: Okay. Thank you. I think we all acknowledge that there are some significant challenges with the, but mostly on the definition of kitchens, and that we need to revisit that issue in the next term.

And any other comments?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I understand, certainly, Ms. Crivello's comments.

Mr. Guzman, I believe, was at that meeting, it was a 7-0 vote. I certainly could have taken that out of the bedrooms, and we still can today if that's the issue. You know, there's a prohibition of the wet bars being in a bedroom. That can be easily removed if that's the only thing that's holding the two Members up on this vote.

CHAIR WHITE: Would that, would that solve it for either of you.

COUNCILMEMBER CRIVELLO: Well, I think too, it depends on the size of the dwelling. Is there some clarification for that, Mr. Couch?

COUNCILMEMBER COUCH: Yea, that was discussed at length actually in the first, before the first reading, before the bill went to, for the first reading. And the concern there was the smaller homes having wet bars in more than two. They just, the Department wanted some sort of limit, because there was a, a home that wanted 12 bedrooms and 6 wet bars in the bedrooms. And that was obviously going to be a vacation rental situation.

So at this point, the Committee has no, I mean, the Planning Department has no definition for a wet bar. So currently, they are not approving any plans that have wet bars. So, nobody is getting wet bars. This at least defines a wet bar. And as we said in the meeting, it's good to take a look at and see how that works for a little bit. And then, certainly, that can be switched around.

But the bigger and more important issue is what the Chair said, is that you need to really define a kitchen. And this is just the first step. Again, that whole, you know, chasing perfect at the expense of good. Thank you.

CHAIR WHITE: Yea, I think the big challenge that I have is that while the Planning Department is trying maintain some controls, I think a lot of us feel like we should be able to do what we want in our own homes. And so it, this is a bill that all of us have had issues with at one point or another.

The Chair is open to modifying it if you choose to do so. But, we need to remember that if we do so, we can't take final action on it today.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. This bill had so much discussion that I wouldn't even want to try to repeat all the things that we went through. But, we really, really tried to address everything and every issue, and tried to come up with the best possible solution. And I think this bill really addresses it.

I know it's never going to be because it's such a difficult thing, a wet bar. I mean, it's really, really difficult to go over there and get it down in writing, and getting something, the Planning Commission, the inspectors, and everybody can use.

But, when we finished the meeting, they felt that this over here was something that was acceptable. So I support the motion on the floor. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes.

VICE-CHAIR GUZMAN: And I still can't support this bill, even, I think it needs to be rewritten. I don't agree with the limitation based off of the size of a home. That's 98 percent of Kahului; that's what you're talking about right here. And to limit even a wet bar, how many you can have in a home is ridiculous, to me. So, I just oppose the whole bill itself; just don't agree with it. Thank you.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR GUZMAN.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: I heard two "noes". Is that correct? Guzman and Crivello. Okay, thank you. Measure passes with, my math is getting a little slow; six "ayes", two "noes", and one "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 16-210 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2017.

County Communication Nos. 09-314, 12-181, 13-226, 13-349, 15-125, 15-156, 15-255, 15-295, 15-296; Miscellaneous Communication relating to a performance audit of the Office of Council Services; 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; Miscellaneous Communication 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 relating to "cyber breach" insurance as a part of the County's risk management activities; Miscellaneous Communication relating to cost recovery for rescues; Miscellaneous Communication 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; and Miscellaneous Communication relating to a "one-stop shop" at the new County service center or other appropriate location for processing permits.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-210.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Your Committee met on November 22, 2016, to consider referral of these communications noted on Exhibit "A" of the Committee Report.

Rule 23 of the Rules of the Council provides for the end of the year term filing or referral of committees pending before the Committee, communications pending before the Committee.

Your Committee voted 6-0 to recommend these communication noted in Exhibit "A" be referred to the Council Chair for the term beginning January 2, 2017.

I respectfully request my Councilmembers to consider this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-211 - WATER RESOURCES COMMITTEE:

Recommending that County Communication 16-249, from Council Chair Mike White, be REFERRED to the Council Chair for the term beginning January 2, 2017.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-211.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Your Committee met on November 30, 2016, to consider County Communication 16-249, transmitting a bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.065, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FOR, FROM FIRE PROTECTION MAINLINE INFRASTRUCTURE IMPROVEMENTS FOR THE UPCOUNTRY WATER SYSTEM".

Your Committee notes that Rule 23 of the Rules of the Council provides for a year of, year, for the end-of-term filing and referral, or referral of the communication pending before the committees.

Your Committee voted 6-0 to recommend the communication be referred to the Council Chair for the term beginning January 2, 2017.

I respectfully request Members support for my motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-212 - WATER RESOURCES COMMITTEE:

Recommending that the communications noted on Exhibit "A" be REFERRED to the Council Chair for the term beginning January 2, 2017.

County Communication Nos. 06-160, 14-217, and 15-50.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, again, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-212.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Again, thank you. Your Committee met on November 30, again, 2016, to consider referral of the communication noted in Exhibit "A" of the Committee Report.

Rule 23 of the Rules of the Council provides for the end-of-term filing or referral of communications pending before the committees.

In preparation for the new Council term, your Committee recommends certain pending matters be referred to the Council Chair for the term beginning January 2, 2017, pursuant to Rule 23(B) of the Rules of the Council.

Your Committee voted 6-0 to recommend the communications noted on Exhibit "A" be referred for consideration in the next term.

I respectfully request the Members support for my motion. Mahalo.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

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

COUNTY COMMUNICATION

NO. 16-311 - ROBERT D. RIVERA, FIRST DEPUTY PROSECUTING
ATTORNEY, (dated November 18, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of Transportation, for the Maui Prosecutors Office Traffic Records program in the amount of \$7,005.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

WITH NO OBJECTIONS FROM THE MEMBERS, IF YOU WOULD FOLLOW ALONG WITH ME PLEASE, I MOVE TO FILE COUNTY COMMUNICATION 16-311, 312, 313, 314, 315, AND 318, COMMUNICATIONS 316 AND 317 TO BE REFERRED TO THE NEXT TERM. THAT'S THE MOTION.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, most of your communications for filing are just required notifications by Departments to the Council.

And for 316 and 317, both items should be discussed through your referral to the next appropriate standing Committee for Council review.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

COUNCILMEMBER COUCH: Mr. Chair, just a point of order. Does the Clerk need to bring each of those up, or are we good with what we're doing?

CHAIR WHITE: At this point of the day, I'm good with it.

Anyone has an objection, please voice it now.

NO. 16-312 - TIVOLI S. FFAUMU, CHIEF OF POLICE,
(dated November 21, 2016)

Transmitting a copy of the grant agreement with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the FY16 JAG Program in the amount of \$115,978.

NO. 16-313 - TIVOLI S. FFAUMU, CHIEF OF POLICE,
(dated November 21, 2016)

Transmitting a letter of intent with the Hawaiian Commercial & Sugar Company Community Initiative Grant Program for the establishment of a non-profit to benefit the Juvenile Crime Prevention Division in the amount of \$3,000.

NO. 16-314 - TIVOLI S. FFAUMU, CHIEF OF POLICE,
(dated November 22, 2016)

Transmitting a Memorandum of Agreement with the Department of Health, Chronic Disease Prevention and Health Promotion Division for the Prohibiting Tobacco Sales to Persons Under the Age of Twenty-One program in the amount of \$8,000.

NO. 16-315 - TIVOLI S. FFAUMU, CHIEF OF POLICE,
(dated December 1, 2016)

Informing of the receipt of \$8,627.35 in Forfeiture Funds from the Department of the Attorney General.

NO. 16-318 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated November 16, 2016)

Transmitting 45 contracts/grants for October 2016.

NO. 16-316 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated November 30, 2016)

Reporting on transfers from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of September 30, 2016.

The recommended action is that County Communication No. 16-316 be referred to the Council Chair for the 2017-2019 term.

NO. 16-317 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated November 30, 2016)

Reporting on transfers from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of October 31, 2016.

The recommended action is that County Communication No. 16-317 be referred to the Council Chair for the 2017-2019 term.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: 16-318, is that the--

COUNCILMEMBER HOKAMA: That's your contracts.

COUNCILMEMBER COCHRAN: List of grants.

COUNCILMEMBER HOKAMA: That's correct, Ms. Cochran.

COUNCILMEMBER COCHRAN: So, can I, I have some, ones that I would like to refer.
Can I do that now? Is that, this is the time right, that I would pull certain contracts out?

CHAIR WHITE: I'm sure Mr. Hokama would be happy to include that in the motion.

COUNCILMEMBER COCHRAN: So, you want to separate that one out?

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I would recommend, Mr. Chairman, and Ms. Cochran, since this is the end of the term, the contracts that she has any interest in for Committee review, I would ask that she bring that forward in a communication in the next term, so that we can deal with it then. Cause the contracts will be in the Department of Clerk, under the County Clerk's jurisdiction.

CHAIR WHITE: Right.

COUNCILMEMBER HOKAMA: So, we can do it that way, Ms. Cochran. And any contracts that you have concerns with, we can deal with it in the first or second meeting of the new term.

COUNCILMEMBER COCHRAN: Okay. So, hold off on pulling these contracts out till the new term.

CHAIR WHITE: And you can, you can transmit it to the Council for a review.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Thank you.

COUNCILMEMBER HOKAMA: Yea, cause that's what we'd do. Well, it would be a multiple procedure, but we still can take care of Ms. Cochran's concern in the next, next term, Chairman.

CHAIR WHITE: Thank you.

Ms. Cochran, you okay with that?

COUNCILMEMBER COCHRAN: Okay. If it can be done that way, sure. Thanks.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

NO. 16-319 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated November 29, 2016)

Transmitting a letter from Suzanne D. Case, Chairperson of the State of Hawaii, Board of Land and Natural Resources relating to the transfer of operation and management of Phase 2 of the Central Maui Regional Sports Complex, Waikapu, Wailuku.

CHAIR WHITE: Members, with no objections, this will be referred to the Council Chair for the term beginning January 2, 2017.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you.

Mr. Clerk.

NO. 16-320 - MICHAEL P. VICTORINO, CHAIR, POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE,
(dated December 8, 2016)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF LORI SABLAS TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION".

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO DISCHARGE THE POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 16-320, ENTITLED "RELATING TO THE APPOINTMENT OF LORI SABLAS TO THE MAUI COUNTY CULTURAL RESOURCE COMMISSION".

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. In accordance to Section 13-2(16), Revised Charter of the County of Maui (1983), as amendment, as amended, and Chapter 2.41, Maui County Code, by correspondence dated November 23, 2016, the Mayor transmitted a resolution appointing Lori Sablas to the Maui County Cultural Resource Commission for a term expiring March 31, 2019.

I'm requesting, this matter is a time sense, is time sensitive because the deadline for the Council to approve or disapprove the nomination is January 2, 2017.

I'm requesting the Committee discharge from this matter so that the Council may consider it today. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
16-320, IN PURSUANT TO RULE 7(E) OF THE RULES OF
THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Mr. Chair, approval of this motion has to be two-thirds of the vote of the entire membership of the Council; will, will also enable the Council to consider this time sensitive resolution today.

I'm requesting the Council support the waiver of referral of this matter so that the Council may consider it. Thank you very much.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "RELATING TO THE APPOINTMENT OF LORI
SABLAS TO THE MAUI COUNTY CULTURAL RESOURCE
COMMISSION", AND FILING OF COUNTY COMMUNICATION
16-320.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: First of all, I'd like to thank Ms. Sablas for coming in today. I know she wanted to wait till later to see what happened, but unfortunately she was unable to stay.

So, if there's no further discussion, I think this is a very qualified candidate. I hope you all have a copy of her application. And, I think she'll bring a wealth of knowledge and experience, and the heart of Hawaii nei to this Cultural Resource Committee. So I strongly ask for your support for Ms. Lori Sablas. Thank you.

CHAIR WHITE: Yea, I'll just add I've known Lori the entire time I've been on Maui, so 31 years. She's one of the most principled people I've worked with. She takes her jobs very seriously and, and does an outstanding job. And the fact that she's been on the Cultural Resource Commission before, as well as the Planning Commission, means that she's, she's really done her due diligence. And from a cultural standpoint, she's very solid. And from a business standpoint, she's very realistic.

And so I think we are appointing someone who's a really outstanding part of our community. And the fact that she's retired and has the time to do this is a real, a gift for the County, in my view.

COUNCILMEMBER VICTORINO: I'd like to add one more thing. With that comments, she must be a glutton for punishment. But, I really appreciate that. Thank you very much. I do appreciate her.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

And we're back to the Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-173.

NO. 16-321 - MICHAEL P. VICTORINO, CHAIR, POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE,
(dated December 8, 2016)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF KELLY PEARSON TO THE COMMISSION ON CHILDREN AND YOUTH".

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Again, thank you, Chair.

I MOVE TO DISCHARGE THE POLICY AND INTERGOVERNMENT AFFAIRS COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED ATTACHED, PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 16-321 ENTITLED "RELATING TO THE APPOINTMENT OF KELLY PEARSON TO THE COMMISSION ON CHILDREN AND YOUTH".

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. In accordance to Section 13-2(16), Revised Charter of the County of Maui (1983), as amended, and Chapter 2.41, Maui County Code, by correspondence dated November 23, 2016, the Mayor transmitted a resolution appointing Kelly Pearson to the Commission on Children and Youth.

This matter is time sensitive because the deadline for Council to approve or disapprove this nomination is January 2, 2017, and because this is the final meeting of the Council term.

I'm requesting the Committee be discharged from this matter, so the Council may consider it today. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO WAIVE THE REQUIRED, REQUIREMENT OF
COMMITTEE REFERRAL AND REPORT FOR THE
PROPOSED RESOLUTION ATTACHED TO COUNTY
COMMUNICATION 16-321, PURSUANT TO RULE 7(E) OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider this time sensitive resolution today.

I'm requesting the Council support the waiver of the referral of this matter so the Council may consider it. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Voting on the waiver, all those in favor signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

AND FINALLY, I MOVE TO ADOPT THE PROPOSED
RESOLUTION ENTITLED "RELATING TO THE
APPOINTMENT OF KELLY PEARSON TO THE COMMISSION
ON CHILDREN AND YOUTH", AND FILING OF COUNTY
COMMUNICATION 16-321.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. Unfortunately, Ms. Pearson is not currently on the island and could not be here today. Mr. Chair, Mr. Molina has agreed, if you so wish, to speak on her behalf and her application. And I can call him, because he is present if you would like that.

I don't know if any Members would like to have him come up. But I think most of us know Ms. Pearson from the years of her involvement in the Boys & Girls Club. And she's been a testifier many times. Mr. Couch is very aware, and I think Ms. Cochran, of her good work in there, in, with the Boys & Girls on West Maui and South Maui, and entirely in the County of Maui, I should say, not South Maui, excuse me. But if you would, I don't know if any Members would like to have Mr. Molina come up. No.

CHAIR WHITE: I, I want to thank Mr. Molina for hanging out this late.

COUNCILMEMBER VICTORINO: Yea, I was going to, that was my next thing, to thank Mr. Molina for hanging.

CHAIR WHITE: In case we had the questions. But, I think that Ms. Pearson is pretty well known to all of us. Any requests for questions of Mr. Molina? Seeing none.

COUNCILMEMBER VICTORINO: Thank you. And I will.

CHAIR WHITE: Any further discussion on Ms. Pearson?

COUNCILMEMBER VICTORINO: Well, I'd like first to thank Ms. Pearson for applying and to fill this position. She's, she also is the replacement for Colin Hanlon for, on this Commission. And she replaces the, she also replaced him as the CEO of the Boys & Girls Clubs. So, I think she's well equipped. And so, I think her presence on the Commission will really help revitalize the importance of this Commission. So, I will ask my Members for their full support of Kelly Pearson to this Commission. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I wholeheartedly support Ms. Pearson. Have worked with her for, since 2004, when, in her capacities at the Boys & Girls Club. And she's got the kids at heart. So, this is a perfect place for her. So, thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-174.

Mr. Chair, the next two communications are being recommended to be referred to the Council Chair for the term beginning January 2, 2017.

NO. 16-322 - ALAN M. ARAKAWA, MAYOR,
(dated November 25, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR A SIXTY-FIVE YEAR LEASE OF CERTAIN LAND IN THE DISTRICT OF LAHAINA, ISLAND OF MAUI, DESIGNATED AS TAX MAP KEYS (2) 4-5-021:018 AND 019, CONSISTING OF APPROXIMATELY 20.137 ACRES".

The recommended action is that County Communication No. 16-322 be referred to the Council Chair for the 2017-2019 term.

NO. 16-323 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated November 21, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HALE MAKUA HEALTH SERVICES".

The recommended action is that County Communication No. 16-323 be referred to the Council Chair for the 2017-2019 term.

NO. 16-324 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated November 30, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT MAKAWAO, MAUI, HAWAII FOR MAKANI ROAD IMPROVEMENTS".

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Okay, Members, without objection, 16-322 and 323 will be referred to the next Council.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. And, Ms. Cochran, on 16-324.

COUNCILMEMBER COCHRAN: Yes.

ON 16-324, CHAIR, I MOVE TO FILE THIS COUNTY COMMUNICATION, FILE COUNTY COMMUNICATION 16-324.

COUNCILMEMBER VICTORINO:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And the reason being is Director of Public Works, Mr. Goode, notified me on December 12, 2016, that the owners of this subject real property accepted a cash offer. And so as a result, this request for eminent domain proceedings is now moot, and filing of this communication is appropriate at this time. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next two communications are being referred to the Council Chair for term beginning January 2, 2017.

NO. 16-325 - ANDERS LYONS, CHAIR, BOARD OF WATER SUPPLY,
(dated December 1, 2016)

Informing of their support of the West Maui Mountains Watershed Partnership.

The recommended action is that County Communication No. 16-325 be referred to the Council Chair for the 2017-2019 term.

NO. 16-326 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated November 18, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION".

The recommended action is that County Communication No. 16-326 be referred to the Council Chair for the 2017-2019 term.

COUNTY CLERK: And, Mr. Chair, County Communication 16-327 has already been filed.

(See pages 147 through 157 for discussion and action relating to County Communication No. 16-327.)

CHAIR WHITE: Okay. Thank you very much.

We have, before we get into, well anyway, without objection, any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

DISCUSSION AND ACTION RELATING TO COMMITTEE REPORT NO. 16-200

CHAIR WHITE: Thank you. Before we get into ordinances, I believe we need to go back to Committee Report 16-200. We made an amendment, and we need to take a vote on waiving the Rules so that we can take final action on that. We made an amendment and we're not, staff is stating that we, we can't take final action on it because we amended it on the floor. Is that a correct representation?

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Mr. Chair. Sorry, Rule 19(C) says the Council shouldn't take final action on a bill or resolution at the same meeting at which an amendment was made, that that can be waived by a two-thirds vote as the Chair mentioned.

CHAIR WHITE: So if one of you would like to make a motion to waive the Rules to allow for that action to be taken.

COUNCILMEMBER COUCH:

SO MOVED, MR. CHAIR.

COUNCILMEMBER VICTORINO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Yea, I think we, we do need to waive Rule 19(B)?

CHAIR WHITE: 19(C).

DIRECTOR OF COUNCIL SERVICES: Rule 19(C).

COUNCILMEMBER COUCH: (C).

CHAIR WHITE: Okay, thank you. We have, any further discussion, Members? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Thank you, Mr. Raatz.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes, Mr. Couch.

COUNCILMEMBER COUCH: To be strict on the Rules, should we not then adopt the revised resolution again, cause we hadn't waived the Rules when we adopted it the first time? I don't know.

CHAIR WHITE: We've, we've done it all in the same meeting.

COUNCILMEMBER COUCH: Okay. I'm fine.

CHAIR WHITE: It might be a little messy, but it's 6:10.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 114 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF PARKS AND RECREATION,
HANA COMMUNITY PLAN AREA,
HANA-KEANAE-KAILUA PARKS SYSTEM

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, if the Members have no objections, I would ask the Clerk bring up Bill 120 and 121.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 120 (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.25,
MAUI COUNTY CODE, RELATING TO MOTOR VEHICLE REGISTRATION

ORDINANCE NO. _____
BILL NO. 121 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX B, REVENUES-FEES, RATES ASSESSMENTS AND TAXES,
DEPARTMENT OF FINANCE,
GENERAL FUND, NON-BUSINESS LICENSES & PERMITS,
BIKEWAY FUND, LICENSES & PERMITS

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS NO. 114, 120, AND 121 OF
2016, PASS SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Merry Christmas, Mr. Carroll. Bill No. 114 provides funds for the Hana Ballpark Project utilizing CIP funding.

Bills 120 and 121 will put the County in compliance with a new State law effective January 1, 2017, regarding fees for mopeds. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 115 (2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 3,
MAUI COUNTY CODE, RELATING TO SPECIAL IMPROVEMENT DISTRICTS

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO PASS ON SECOND AND FINAL READING, BILL
NO. 115.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. The proposed bill would amend Title 3 of the Maui County Code to authorize the County, by ordinance, to create a special improvement district, pursuant to Section 46-80.5 of the HRS, for the purposes of providing the financing supplemental services and improvements within a geographically defined area boundaries, and to restore or promote business activity in the district.

Both Oahu and the Big Island have similar ordinances with successful special improvement districts addressing their unique needs. This bill will allow the Maui County to establish a separate ordinances that are similar to the kind of districts addressed and needed in this County.

I respectfully ask the County Council for support of this Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER BAISA.

CHAIR WHITE: Measure passes, I heard one "no". Any more than Mr. Hokama? Measure passes with seven "ayes", one "no", and one "excused"; Ms. Baisa.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 116 (2016)

A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI
COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL DISTRICT
TO WAIALE PROJECT DISTRICT SOUTH FOR PROPERTY SITUATED
AT WAIKAPU, WAILUKU, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Since Bills 116, 117, and 118 (2016) all relate to the same matter, may I request that you ask the Clerk to call the next two bills at this time.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 117 (2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO
ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT,
AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH
SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

ORDINANCE NO. _____
BILL NO. 118 (2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO WAIALE PROJECT DISTRICT SOUTH
(CONDITIONAL ZONING) FOR PROPERTY SITUATED
AT WAIKAPU, WAILUKU, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILLS 116, 117, AND 118 (2016) ON
SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTIONS.

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

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. These bills relate to a request from A&B Properties, Inc. to facilitate the development of 122.6-acres at the corner of Kuihelani Highway, East Waiko Road, Waikapu, Maui, Hawaii, for a master-planned residential community of up to 950 single-family and multifamily homes, with park, open space, and commercial uses.

The subject property is within the State Urban District and the Maui Island Plan Urban Growth Boundary. It is owned by Alexander & Baldwin, LLC, and is currently vacant and undeveloped.

Your Committee recommended that a condition added to the Change of Zoning bill to require annual compliance reports to a landowner's compliance for the conditions of zoning. The condition also requires the landowner to provide the Department of Planning and the Maui County Council copies of the annual compliance reports submitted to the State Land Use Commission.

I ask for the support of these bills. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 119 (2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY
CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY
COMMITTEE TRAINING REQUIREMENTS

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER COCHRAN: No. Is that me?

COUNCILMEMBER VICTORINO: No, I think that's Ms. Cochran.

CHAIR WHITE: Okay, Ms. Cochran.

COUNCILMEMBER COCHRAN: Alright, I'll take it. Thank you, Chair.

I MOVE TO PASS BILL 119 (2016) ON SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. It's getting really late. So, number one, the purpose of this Bill 119 is to establish a requirement that planning commission and Hana advisory committee members obtain Native Hawaiian Law Training that covers issues like water, and the Public Trust Doctrine, traditional and customary rights, laws relating to Iwi Kupuna, and the Public Land Trust. Knowledge of these issues will allow our planning commission members to better, to be better stewards of this land.

And two, the details of this bill address Maui County's unique situation that we have planning commissions on three different islands, and the Hana Advisory Committee. The Ka Huli Ao Center for Excellence in Native Hawaiian Law has been very cooperative in working with us to ensure that they are able to provide the training on Maui and online for members that are not present on Maui. The bill also specifies

that this is a requirement only as long as funding for the training is available through Office of Hawaiian Affairs.

Number three, at its meeting of December 2, 2016, the Council amended Bill 119 to allow for remote participation in the training, and to provide that the participation shall be completed within one-year after taking office, with a possible six-month extension.

I respectfully request this Council's consideration of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS CARROLL, COCHRAN,
COUCH, CRIVELLO, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER BAISA.

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

Mr. Clerk.

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

CHAIR WHITE: Thank you very much. I want to thank you all for your endurance today. I especially want to say a fond farewell to Mr. Couch and Mr. Victorino. And to wish everyone out there a maka.

COUNCILMEMBER VICTORINO: Mele.

CHAIR WHITE: It's getting late. Mele Kalikimaka and a Hauoli Makahiki Hou. And I look forward to welcoming the new Members in the new year.

And I especially want to say thank you to David Raatz for his diligence serving the Council for the last four years, and the Council itself for many more years than that.

He's chosen to go onto other endeavors, and we wish him all the best. And I want to thank him for his great diligence.

COUNCILMEMBER VICTORINO: You sure you don't want to go any further? I'm really ready to go another three hours.

CHAIR WHITE: Well, we can leave the room open for you, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I think my wife would prefer not to.

CHAIR WHITE: Members, I would allow you to make any comments you might, well, except for Mr. Couch and Mr. Victorino, because you've had the floor for a good portion of the day.

COUNCILMEMBER VICTORINO: Well, all I wanted to say is Mele Kalikimaka and a Hauoli Makahiki Hou to all. That's it. Thank you.

CHAIR WHITE: Thank you. Anyone else? Seeing none, thank you all very much. And we are adjourned.

ADJOURNMENT

The regular meeting of December 16, 2016 was adjourned by the Chair at 6:21 p.m.



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