

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 7, 2017

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JULY 7, 2017, BEGINNING AT 9:02 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, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBER DONALD S. GUZMAN.

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

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we have them from Member Sugimura.

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

CHAIR WHITE: Thank you, Member Sugimura.

Will you all please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And if you would all please turn off your, or turn your cellphones to mute, I would appreciate that.

And with that, Mr. Clerk, please proceed with the agenda.

COUNTY CLERK: Mr. Chair, there's no individuals in the Council chamber nor the District Offices that have signed up for testimony on our ceremonial resolutions. Shall we close public testimony?

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-112

CONGRATULATING THE
HAWAII ALL STARS KAPRINCESSES
FOR WINNING THE SUMMIT VARSITY
ALL STAR CHEERLEADING CHAMPIONSHIP

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "CONGRATULATING THE HAWAII ALL STAR
KAPRINCESSES FOR WINNING THE SUMMIT VARSITY ALL
STAR CHEERLEADING CHAMPIONSHIP".

COUNCILMEMBER KING:

SECOND.

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

Ms. Sugimura.

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

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So proudly, I would like to honor the Hawaii All Stars. And through the years, I got to meet some of them as they were growing up. And in particular, Madison Murayama, her grandmother is my hairdresser. So, through the years of getting my hair done, I've heard about and seen about, seen her grow up actually. And how her grandpa Ivan Takitani has been a great part of shuttling her around, and being the grandpa and the support services, support that really truly, I think, makes up a lot of these girls to do the things they do, and to be able to achieve the things they do.

Before we gathered, I got to talk to some of them, and they really have been committed. They, they go to school all day, and then they practice for four hours with Coach Kealii

Mossman *[sic]*, and then, then they have to do their homework. How do you like that? These are people that, in the future, are making great leaders as they are committed to, to what they want to do.

I stand with all of you, Councilmembers. I hope you will support me in accepting this resolution. And I respectfully ask for the Council's full support. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I can't say how proud I am of them. I mean, it is such an outstanding achievement. A total of 957 teams started off on that from 303 schools. And for them to come out the top one. That's just beyond, I can't even think of the words to describe how proud we are of them. And I know that they'll carry this through their lives. And I'm sure they will continue to have successes. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, you know, in the process of youth development, events like this today, events to have recognition of the accomplishments of young people is always proper and needed so that they be recognized for all their hard work.

But, first off, I want to congratulate and I also recognize the parents, and all the family members. To get to that national level, there's a lot of sacrifice; both economic and time. The kids have practiced many hours to achieve what they have achieved. And so, this is a proud moment to stop and recognize their accomplishments.

At the same time, it's an opportunity for we, from the County of Maui, to also recognize that these young women are also ambassadors of aloha representing Maui County. And with that, you know, besides having 957 teams and 300 programs, there were families from 43 different states and six countries. This is a method of promoting the tourism dollars of making Maui be known around the world. So, I look forward to

supporting more youth programs, getting out there nationally, and bringing the message of Maui around. So, congratulations to these young women.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion, Members?

I'd just like to add that you all have represented Maui in a way that most of us can't. I mean, when we saw you lift one of your, your teammates here in the chamber, I was thinking, boy, it's been a long time since I could even think about that. And so, I want to take my hat off to the dedication, the spirit, the hard work, the support from your families, the support from your siblings too.

And in particular, I, I have to point out that two of the members of this team are daughters of our staff members; Caitlin Villarosa and Megan Bouthillier, are daughters of our staff members here at the Council. So, that makes us even more proud.

And, the amount of work that it takes, as Ms. Sugimura mentioned, going to school, and then spending four hours a day practicing, and then going home and doing your homework, and doing it, starting all over the next day. And my understanding is that this is a year-long ongoing process. So, I can't even count the number of hours that you all have dedicated to, to this effort, and making, making this championship happen.

So, congratulations for sticking with it, congratulations for putting in the time and effort. And it's a, it's just a real testament to the strength of the youth of Maui.

So, with that, I will call for the vote. All those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I want to make a correction. I said the coach's name was Kealii Mossman, he's a teach, one of my favorite teachers from Kamehameha just came out. It's actually Kealii Molina. So, I apologize for that.

But, with your permission, could I ask the girls and the coach to please come up to the podium?

CHAIR WHITE: Certainly. Please join us.

COUNCILMEMBER SUGIMURA: Thank you, Chair. At this time, I would like to ask Mr. Molina if he'd like to say a few words. And, thank you.

MR. KEALII MOLINA: Hi, Council. Thank you for taking the time out of your day to recognize the hard work of the athletes of Hawaii All Stars. We're a year-round sport that doesn't get a lot of recognition like a lot of the other island sports. So, this means a lot to the cheerleaders, the gym, and myself, that you guys took the time out today to recognize the teams.

We'd like to also take this opportunity to thank the many parents and family that work so hard and puts so much time into their athletes so they're able to participate in this sport. It allows us the opportunity to travel all over the Country and represent our island and State in such a positive light.

We'd also like to take this time to thank the community who gives us so much, so we're able to participate in this sport. The many sponsors by advertising on the back of our shirts that we wear proudly to everywhere we go; to the families who support us through our laulau, portuguese sausage, and brownie sales; and to everyone who participates every year at the show-offs, our annual event held at War Memorial each season.

We appreciate you all. And without your support, this sport would be almost impossible. So, thank you, and hopefully we'll see you guys again soon. Thank you.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION 17-112.

RESOLUTION
NO. 17-113

CONGRATULATING THE SEABURY HALL GIRLS
TRACK AND FIELD TEAM FOR CAPTURING THE
HAWAII HIGH SCHOOL ATHLETIC
ASSOCIATION'S 2017 ISLAND MOVERS STATE
TRACK AND FIELD CHAMPIONSHIPS

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

MR. CHAIR, ON YOUR BEHALF, THIS IS YOUR RESOLUTION,
I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING THE SEABURY HALL GIRLS TRACK
AND FIELD TEAM FOR CAPTURING THE HAWAII HIGH
SCHOOL ATHLETIC ASSOCIATION'S" 200 AND, I'M SORRY,
"2017 ISLAND MOVERS STATE TRACK AND FIELD
CHAMPIONSHIPS".

COUNCILMEMBER CARROLL:

SECOND.

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

Ms. Sugimura.

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

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. At this time, I'd like to just offer my support. I hope my Members will vote in favor of this resolution.

Seabury Hall, as you know, is a special place because, I want to just add a personal thing that my son graduated from there. And one of the students, Veronica Winham, their father is the Headmaster for the middle school. And, and like all of Seabury's effort, Coach Winham, I mean, Mr. Winham, provided direction and a lot of support to my son as he graduated in 2010.

But, I think it's this kind of amazement that I have with the school that as small as they are, they're able to give personal attention to students. And they can put together a team like this with Bobby Grossman, the coach. And I'm sure that Veronica and all the rest of the teammates had to put in a lot of time in order to get to where they are and accomplish what they did. I'm so proud of them; a small school challenging the powerhouses of Oahu.

And, although it's a truly a team effort, I want to take my hat off to Ava Shipman, who unfortunately is not here, but accomplished quite a feat by winning three individual state titles in the 800, 1,500, and 3,000-meter races. I cannot imagine running all those races in a short period of time. And amazing, she was quoted in the paper saying that she felt more and more energized as each race went on. That's pretty amazing.

But, congratulations to Seabury. And I hope all of my, my Members will support this resolution.

CHAIR WHITE: Thank you, Ms. Sugimura.

Members, any further discussion?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I think we have seen before us when we look at this group, outstanding individual contributions and contributions to the group as a whole, which has brought them great success. And I have no doubt that as they proceed in life, they will continue this course. And we're very proud of them. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair. I want to thank the dedication of, and commitment of these young, young people, and their coaches, and, and their parents and families. You make, you make us proud that you've put us on the map constantly. I think the map of the state track and field competition will be colored with Seabury Hall colors. It seems as though, and then will, just continue appreciate your, your commitment as you mature into, into your leadership as far as adults when that time comes. So, mahalo plenty. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Excuse my voice, but. And, it's just, it's funny cause Ms. Sugimura mentioned how small the school is. I'm looking back decades when I was once upon a time there myself. And we had like five in my grade; seventh grade. So, that was small. And, I could never imagine then, sitting in the chairs in that one-two story building, which is not even there anymore, and seeing all these accolades and all these accomplishments from the little school. But, it's happening. And so, it's really heartwarming and endearing to me, especially, because that's, this is where I grew up too, is at that school.

And went through there the other day on the way to the rodeo, and did not hardly recognize it, cause it, it's built up. It's like where's the pool, where's the dorms, where's the, you can't go to Cooper House with the car. It was, it was pretty eye-opening. Still a very beautiful campus, and obviously, pumps out some great students, like myself. And it's, so I'm very proud. Thank you so much. And, congratulations.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would like to speak in support of this resolution. I also come from a small school. But, I'm only upset with you, with one word, and it's the word "upset" or "upset victory". I think over the last few years, decades, Maui is not known as the upset champions; we're just the home of champions, whether it be cheerleading, whether it be now in track and field.

Which is kind of interesting, Mr. Chairman, cause these are team sports, but basically individual events. So, it takes a type of unique athlete to have that fortitude to keep within themselves during the trying times of a race or an event. You're there by yourself. You're part of a team, but it's up to you, that individual. And it takes a strong

individual, that I think, gets its seed from its family. It starts with the family, the parents, comes with the coaches, comes with the school environment.

But, what I'm really proud about is, you know, through the years, Maui has shown to develop capable and outstanding youth. Our young men and women who have come to these chambers, Mr. Chairman, show that we are more than just an athletic County. We're just more than a scholastic County. We've tried to find balances in our youth that you can go to college with your brains, you can go to college with your brawn. We give them opportunities.

But for me this morning, it's more about recognizing where Maui has come through our youth. And I don't . . . to say that . . . upsets, Mr. Chairman. We've won the state baseball two years in a row, with two different schools. It's about the program. It's about the community. It's about where we put our priorities as a County. And these young people have proven that we've done the right decisions in the past as we move forward.

So, thank you very much to the Seabury team. You make Maui County proud. To our cheerleaders, you make Maui County proud. But for a greater community, you make your families proud. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

Well, I will just add that Seabury Hall is not a place that I attended, but I certainly spent a lot of time with my kids there for a total of 11 years. I love the fact, having attended Punahou and watched Kamehameha and all the other big schools kind of rule the sports world for a long, long time. It's really sweet to have a Maui team, and a small school knocking these guys off their pedestals. And so, I thank you for that, because it brings, brings us great pleasure, brings us great pride.

I'd also like to point out that, for those of you who will remember, this team, well this school, a short while ago, we were presenting recognition to the cross-country team that took the state championship as well from Seabury. And, and Veronica Winham was the state cross-country's champion. So, she's, she's a part of this team. She was a part of the previous team that was recognized. So, not only do we have a small school, but we have several individuals that have really stood out on the state level. And so, I'm just so appreciative of the efforts by the individual athletes, the support of their families.

And obviously, the incredible coaching from Coach Grossman. So, I take my hat off to you specifically, because I think the coach is the one that brings all the, all the effort together, the one that brings the families together. And that goes for both, both of the teams that are here today. But, I just want to thank you for making us all very proud. Both of you teams deserve a lot of credit. And our hats off to you. And with all the pride that we can give you, mahalo.

And with that; we'll take the vote. All those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

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

Mr. Clerk.

I'm sorry, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. so, I'd like to also, with your permission, call down the girls track and field team, and also Coach Bobby Grossman, to present them with the official copy of the resolution and leis. And as their coming down and we assemble, I just want to also say to them, because Chair is the one who actually did this resolution, and everybody from Seabury, I want you to know that he and his wife were even in charge of the Seabury Craft Fair. So, that's how you can tell how huge his commitment was to the school.

CHAIR WHITE: Well let's, okay, let's make something very clear. My wife was in charge of the Seabury Craft Fair.

COUNCILMEMBER SUGIMURA: I remember cause I got bossed around as undergrad, so, or under, yea.

CHAIR WHITE: I was there in a supportive role, but a very minor supportive role. Thank you.

COUNCILMEMBER SUGIMURA: Thank you, everybody.

CHAIR WHITE: Please come and join us.

COUNCILMEMBER SUGIMURA: So, I wanted to know if you would like to say a few words? And, congratulations. Thank you.

MR. BOBBY GROSSMAN: A couple girls. I want to thank you guys for having us here. It's a fun experience, and it much appreciated. It gives them an opportunity to celebrate a little bit more, their hard work and dedication that they, they put a lot into this. Parents for coming out here today. And the season, we, you know, doing this. And congratulations to you guys also.

We have a lot of teams this year. It used to be, you know, maybe one championship from Maui about, you know, every five years or whatever it was. And I think we had about five state championships this year for Maui County. So, congratulations to all those teams.

You know, part of the resolution was part of my speech today. So, I'm not going to go through that again. But, cross-country this year, going into the start of the year, we won four of the top five at states and had a great cross country season. So, I knew coming into track this year we were going to do really well at the distances.

But, you have to multi-task. Not only did Ava run those three races, Veronica won 15, 8, 3, and they also ran the 4x4. So, and at the beginning of the season, Kaiser, they've been really good. And if you've seen them, they have quite a bit of girls on that team that you would look up at and you got, you know, college athletes. And so, no one mentioned us. And so, he mentioned, you know, ups, you know, was it an upset. I'm not sure it wasn't or it was, but you know, we weren't even mentioned in the, the competitor against them. So, coming out to start the next day and to finish where we did was pretty incredible. So, congratulations to all of you. And, good season.

So anyway, I'm going to have a couple girls come up. They're going to speak for a minute. And thanks again to everybody. And anyway, we'll see you later.

This is Claire Borthwick, which is our sprinter.

MS. CLAIRE BORTHWICK: Hi. I'm Claire. When most people usually think about track, they think of it as an individual sport. But with my three years here at Seabury, I have never felt more of a team aspect than I have with these girls behind me. Although we're missing a few of them right now, these girls are the most hardworking, determined, funny, and amazing girls I could have ever asked to have on a team; especially a state

winning team. I couldn't thank any one of you as much as I could for working as hard as you did this season. And I am so proud of all of our accomplishments. And I love you all.

MS. VERONICA WINHAM: Hi. I'm Veronica, and I'm a junior at Seabury. So, I know it's already been stated, but our school is definitely very small compared to Punahou and Kamehameha, and these other large public schools on Oahu such as Kaiser.

And for us to be able to accomplish what we did in both cross-country and track is amazing. And it was a huge surprise to us, but at the same time, it also wasn't because we work so hard and we put in the hours and we put in the time. And our families, they support us so much, and we're so grateful to be here and to be recognized.

Track is definitely individual. But at the same time, it's individual because we benefit our team, and our team benefits our school, and our school benefits our community. And we're very grateful to be able to bring this home to Maui and to you, so thank you for recognizing us.

CHAIR WHITE: Thank you all very much; both teams for your great efforts, great accomplishments.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-113.

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

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

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 identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have four individuals that have signed up to testify in the Council chamber. The first person to provide testimony this morning is Rosemary Robbins, testifying on County Communications 17-258 and 17-259. To be followed by Ke`eaumoku Kapu.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 17-258 and 17-259):

Good morning, everybody. Rosemary Robbins--

CHAIR WHITE: Good morning.

MS. ROBBINS: --concerned citizen, former faculty at Seabury, parent of a Seabury grad. So, just, I've been through a number of the roles with the people who were just here; parents. So, it's fun to be able to see all of that evolving.

The, and I had one other item, and apparently didn't get down on that paper. But anyway, starting out with the Council Communications No. 17-258 and 17-259.

The 258 was a request coming from our Council Chairman. And he identified on June 18, that County pCards must be overhauled. It should never have gotten to the extent of problem that it apparently has. So, I'm appreciative of that. That's particularly concerning one department.

And then on 17-259, the County Auditor, I'm reading this now on page 4 of today's agenda; transmitting a plan of audits proposed to be conducted during FY 2018. So, we're a week into that fiscal year, that financial year. And I was able to get a hold of the, this is coming now from the Auditor's Office, the request from you, Chairman, and then also from the Auditor himself. Reading this now, a plan of audits proposed to be conducted during Fiscal Year 2018. And I think it's interesting because the Auditor has self-initiated an auditor on himself. So, not afraid of having everybody take a look at what's going on. That's pretty refreshing. We don't always see that angle. And so, I was happy to see that.

And I did get a hold of the audit itself from the County of Water Supply situation. And water was the one that I think I didn't put down on that white paper that you got in. But, I just would like to say I think that that's an issue that we really need to follow. And I'm glad to see that's happening.

And this is in this morning's paper, Maui News, it says, the recent pCard audit showed that \$808,445 or 20 percent of the County's total pCard spending involved airlines. I think Maui is pretty great in itself, but apparently, people are feeling they have to go off-island to get a better, better perspective. Follow their dreams, whatever they are, but just make sure that we're all dealing with integrity on this. So, thank you very much.

CHAIR WHITE: Thank you, Ms. Robbins. Members, any need for clarification? Seeing none, thank you for being here.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Ke`eaumoku Kapu, to be followed by Yolanda Dizon. Mr. Kapu will be testifying on Bill No. 67.

MR. KE`EAUMOKU KAPU, [testifying on Bill No. 67 (2017)]:

Good morning, Councilmembers. My name is Ke`eaumoku Kapu, and I'm from Lahaina. I'm here to talk about this district, Agricultural District Rural Boundary Amendment for property situated in Polanui, Launiupoko, Lahaina, Maui. Basically, it has to do with the Makila Kai Project.

And, I'm here literally to inform this body that there is no guarantees at this moment that all the conditions were set in prior to the meetings before on Makila Kai's project. It is now in a standstill because of the previous court ruling on a jury trial that it fell in

my favor. So, I'm here to inform this body that there was no conditions on Makila Land Company's easement or ownership of that pipe that traverses to my property.

So, the reason why I bring this up is because this County Council has the fiduciary duty to make sure that applicants that is filing for this 201H project has all their ducks in order. And at this point, they don't have their ducks in order. So, I'm here to inform you that we're in, eh, how would you say, kind of discussion on whether or not those waters will be utilized for that development in that area. And I think that the County should do the right thing, yea, to make sure that Makila should require to redo their 201H application and property to identify their infrastructure for their project which the County plan requires, yea, to assure that they going have that resources that comes from our valley for their project.

They made mention that I wasn't here the last time. I was in Oahu when Hokulea came home, and Mr. Greg Brown made mention saying that he came to these families of Kaua'ula and that he was going to do what, donate \$10,000 per lot and give us that money so we can litigate or we can use that for the betterment of our conditions of water? It's a lie. So, I'm very appalled to the fact that you would allow these kinds of people to come forward just so they can get this project done, yea, by using our families the way they used our families in the past. I've been in litigation with this company for 20 years.

So, now when you look at this boundary amendment and start making decisions on whether or not it's viable, yea, think about this, they're not guaranteed that water from Kaua'ula from this day. And they're not guaranteed this water for tomorrow too. So, the best thing the County should do is tell this developer to reapply to make sure that they have the rights to have that water traverse through my land. Mahalo.

CHAIR WHITE: Thank you, Mr. Kapu.

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Yea, Mr. Kapu.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Mahalo for being here. And I just want to double-check in reference to the, the lawsuit, and if you can elaborate or, or give me definition on how it would affect this project; if it does at all.

MR. KAPU: I've been in litigation in this specific case, it's an Apana Land Commission Award Apaa, for 16 years. And the result of that just last week in a jury trial, in front of

Judge Cahill, the decision was granted to me unanimously. So, that changes the ballgame for us.

We've come to this Council for many, many times before, yea, having you guys consider that those waters are being diverted, yea, for our subsistence use for taro cultivation. So, that litigation resulted in now they need to come to me to figure out whether or not I'm going to allow them to leave that pipe traversing to the property. That pipe controls the whole destiny of the surface water that goes anywhere within that valley. And right now, they're trespassing. So, there is possibly, you know, some kind of discussion on whether or not, well, some conditions that we need to set on the table.

So, if that's the case, then I think all this is moot to go forward on the boundary amendment, unless they can guarantee that they going get that resources. That well that they drilled for the Kaua`ula section right next to where the reservoir, that's another illegality that we want to address, that soon we will address. But, I'm here to inform the Council that you guys got to start making sure that everything is applicable by law to make sure that you're not passing something which may jeopardize a lot of people who are willing to purchase these lands up in this area, but not guaranteeing the resources in that area as of this point. So, we're still in discussion.

COUNCILMEMBER COCHRAN: Well thank you. Thank you very much on the status on all that. Mahalo.

MR. KAPU: Yea, thank you.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Mr. Kapu. Mr. Kapu.

COUNCILMEMBER COCHRAN: Oh, Ke`eaumoku.

CHAIR WHITE: Ke`eaumoku.

COUNCILMEMBER KING: Just a real quick, I just have a real quick question. Do you have any documentation on that lawsuit that you can share with the County, with the Council at this time?

MR. KAPU: Documentation?

COUNCILMEMBER KING: You know, for the court case.

MR. KAPU: Well, let's just say we're sanctioning them because they don't want to come forward. But, the Judge is requiring them that we need to have some kind of global settlement set. As pertaining to the judgement?

COUNCILMEMBER KING: Right.

MR. KAPU: The judgement is final. I don't have documents. But that doesn't mean that just because I don't have the paperwork to follow through that you should just precariously just disregard anything that I say.

COUNCILMEMBER KING: No, I'm not, I'm just asking you if you do, if you can provide us with documentation so we have something, you know, in front of us that we can refer to.

MR. KAPU: No. But, I think you can go all over Facebook and public media. It's out there. The news media printed it. Hawaii Public Broadcast also has it out there on what had occurred from the court case.

COUNCILMEMBER KING: Okay.

MR. KAPU: As of today, we just waiting on the judiciary on putting those papers together so I can start paying for my taxes on those properties, or get an exemption from Office of Hawaiian Affairs.

COUNCILMEMBER KING: Okay.

MR. KAPU: It's at that point right now. But, no, I don't have any papers to, to actually show you what was the result.

COUNCILMEMBER KING: Okay. Thank you.

MR. KAPU: Yup.

CHAIR WHITE: Any other need for clarification?

Mr. Kapu, I have one question for you. My recollection is the presentation that was made by Mr. Brown was that they were not going to be utilizing any of the surface water; that they were going to be drilling an irrigation well for their property.

MR. KAPU: Yea. Well, they can actually say that, but there's only one source of water, the domestic water that comes from Kaua`ula Valley that goes through the reservoir on the Polanui side, which is diverted all the way to Launiupoko for a lot of the agricultural lots already today.

The water that comes from Launiupoko doesn't supplement that whole development, and I know that. When it comes to water issues, we've been around the block many times on how that whole system works. And for them to say that they're not going to be utilizing any of the water from Kaua`ula Valley is ludicrous, because they have to. That's the only source they have. The amount of water that comes from Launiupoko, what, I don't know how many wells they get, and surface water from Launiupoko is at a minimal.

So, when they utilizing the Kaua`ula Reservoir, that, that water gets diverted from the river into the reservoir. When that water goes low, then that well that they drilled, they use that to fill the reservoir just so they can keep up with the agricultural use of water if they run out when the river goes dry. They use well water for fill up that reservoir. I mean, they can tell you all they want to, but I'm telling you totally opposite. They still going use water from Kaua`ula, because that's the main source of water that comes to supplement that whole area of the whole development; not just Launiupoko.

CHAIR WHITE: Okay. Any other need for clarification?

Thank you very much, Mr. Kapu.

MR. KAPU: Okay. Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier Yolanda Dizon, testifying on Bill 67, to be followed by Kapali Keahi.

MS. YOLANDA DIZON, [testifying on Bill No. 67 (2017)]:

Good morning, Council.

CHAIR WHITE: Good morning.

MS. DIZON: My name is Yolanda Dizon. I would like to follow up on my cousin's, on what he just said. He does have the documentation. He doesn't have it with him. It's not

here. But, I'm pretty sure if you needed it for whatever next meeting that's to do with this, he'll bring it forth.

Second of all, as far as the water resource is concerned, unless it's in black and white what they're promising this Council, it's a lie. The last meeting that I was here that had to do with this Makila Project, I couldn't believe, I left this meeting, went home, was having lunch, turned on the TV; Akaku was on. And Mr. Brown had the nerve to stand here and say that he talked to the families of Kaua`ula and we struck a deal; that he did talk to us, was, offered us money. The gall that he would actually lie right up here to you, the Council. It's like, how can you believe somebody like that, when he lies to you guys?

I cannot understand why this agenda is up from agricultural to rural when the infrastructures and the resources for this project is not even set. It's like putting the cart before the horse. And that's why there's always band-aid fixes around Maui, because it's like a tunnel vision. Okay, we're going to fix this patch. Never mind about 10 years from now, we'll fix it later. By then it's too late. It needs to be addressed now. Fix the problem now. Deny this agricultural to rural until the infrastructures are fixed, right? Not the cart before the horse. The horse should be pulling the cart. The County Council needs to be pulling this forward the right way. That's it. Thank you.

CHAIR WHITE: Thank you, Ms. Dizon.

Mr. Clerk. Oh, I'm sorry, Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Kapali Keahi, testifying on Bill 67, to be followed by Tom Landrigan.

MR. KAPALI KEAHI, [testifying on Bill No. 67 (2017)]:

Aloha. Good morning, everybody. My name is Kapali Keahi from Lahaina. This is my family over here. And I, you know, I want to support my family that live up in Kaua`ula. You know, this development, you know, from the get-go, we always felt like it had no integrity to move forward, you know, from the very beginning. But this is like history kind of repeating itself.

And it's always been, it's always been, you know, a situation between, there's always been a situation between our families and the developers in Lahaina. Likewise, Pioneer Mill, you know, they stole everything, you notice. And, and we having to come

and try to fix everything up. And, and it's really disheartening and discouraging to always have to come to this County Council and to, to protect our families, and to protect our aina in Lahaina.

Let me tell you, we get, we're living in a time where nothing should be fast-tracked, especially circumventing our, our environmental and, and cultural parameters. And I think we should be more mindful about protecting these lands, because once they're gone, they're gone. And we, you know, we haven't seen development to this scale. We haven't been able to really discuss and really talk about the future of, of our aina; how we should really, we should really have, you know, some discussions in Lahaina as far as the future of development in Lahaina.

I think one of the reasons why this development does not have integrity to move forward is because they have not been able to, to produce any real safeguards, or I should say, it's just the developer hasn't been able to secure these resources for, for the people who are, who we assume are trying to apply for these housings. And I think that's, that in and of itself should be the, the main reason why this body should not allow for this District Boundary Amendment.

If the developer cannot really secure the resources for these people, despite the fact that he's been, you know, trying to tout that he actually has these, these resources secured for them, I think we should really stop and have them refile there, and make sure that Ke'eaumoku and all the rest of the families have, have ample say in what happens with the resources in this Valley.

It's quite simple if, you know, you're either going to, you're either going to stop this development or you're going to violate the current kuleana and appurtenant rights that these families should be, should be able to enjoy. So, thank you.

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

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Landrigan, testifying on Bill 67, to be followed by Tiare Lawrence.

MR. TOM LANDRIGAN, [testifying on Bill No. 67 (2017)]:

Greetings everyone. I spoke at the last meeting. I guess this is one last ditch effort to stop this.

I just, well, we're talking about the water. If you don't know what's going on right now, is freefall panic right now at Kaua'ula Reservoir. I live on the, I have the driveway that goes down to the reservoir, and there's truck after truck after truck, and the reservoir is down. So, that means people are clamming up there. When I see a lot of people clamming, I know that there's no water.

What Mr. Ke'eaumoku said, Mr. Kapu said, is, is exactly right. No one knows. There's, there's people that spoke in, in other, I attended four meetings now. You put so many straws in a milkshake, there's so much milkshake just left there. So, it doesn't matter how many wells you drill, there's just so much under the ground.

I just want to refresh your memory of who I am; I'm the guy that held up the apples the last time. The apple is temptation. What Mr. Brown did was, I offered you the little apple, that was your apple to have; you get 25 workforce homes. With that 25 workforce homes, he gets the big apple; 24 multi-million dollar homes; when he's only allowed 3. If you want to reconsider this, keep the 25 homes, and give him the 3, and see if he's still going to build those 25 homes without making all the millions of dollars he's going to make.

I also told you that I was 37 and a half years in law enforcement. My wife teaches at Lahaina Intermediate School. We live in Launiupoko. There was so many disparaging remarks about people who live in Launiupoko. I also told you my father fought in the Second World War here in the Pacific, that he was a laborer; he worked in a ditch. My mother was a secretary for the housing authority.

I live in Launiupoko. I saw so many young people, and my heart goes out to them. But they were, I don't like the traffic, and I don't like commuting. I also spoke about that as I'm witnessing this, you have teachers that oh, the teachers are going to live in Launiupoko. There's no guarantee that you're going to teach at Kam III, Nahienaena Intermediate School where my wife is, or Lahainaluna if you're a teacher and get this job. You could be teaching on the other side of the island. It's not going to really improve traffic.

What it's going to do is be a drain on our resources. Look at the reservoir now and the panic that's going on right now. There's something going on, on the mountain and the reservoir is down. There's not enough straws to go into that milkshake. The milkshake is still the same size. That's all I really have to say.

I have no notes, but if anyone has any questions, I've been a resident for five years. And as I said, somehow I live in Launiupoko, so it's not like rich people land. And if somebody makes \$114,100, that's a lot of money, and you could still win this lottery if you make that much money.

CHAIR WHITE: Thank you, Mr. Landrigan.

COUNCILMEMBER COCHRAN: Chair. Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you for being here. And so, in reference to the water in the five years, you folks get put on rations, conservation, if you had any kind of water issues?

MR. LANDRIGAN: We do. And I don't think this has been really considered, this piggybacking on what Yolanda said and the others have said in all the other meetings here. This, the evidence that was presented to you about the lack of resources and their desire to push this project through; one is in, you know, as I said, it's the apples. They're going to give you the 25 homes that you get credit for. It's great to have credit for that.

But, as I believe it was Tiare, or one of the other people mentioned, there are other projects going through with workforce housing. So, you have your scratchers, you're on the scoreboard. So, why these 25 homes are this important with the backdrop of 24 multi-million dollar homes next to them is just inconceivable to think that you're going to push this through. When I saw the vote the last time, I couldn't believe it.

But going back to the water, and I'll stay with what you're saying Ms. Cochran, that there may or may not be enough water. There isn't enough studies on this. If this was in the, just think of yourself as stewards of the land, and you have the state that if the state had this in their hands, they would demand, be demanding all type of the Land Use Commission. They would want all types of experts. There is no rush to push this project through.

If it goes through eventually, do the right thing. Besides the water issue too, it's the safety issue. And when I saw the Council vote the last time for--

CHAIR WHITE: Wait, Mr. Landrigan.

MR. LANDRIGAN: I know, I'm off the topic of water. Okay.

CHAIR WHITE: Please, please limit your remarks to the question.

MR. LANDRIGAN: But the water also deals with the fire too. And that's what I was going to talk about. The safety issue of the fire which was mentioned in the other meetings. So, a lack of water, a lack of water pressure in the, in what we have, which addresses what Ms. Cochran was saying is that if there isn't enough water pressure and that's what you were saying. We have a site, it's called "Next Door Launiupoko" and you are constantly hearing from people that they're, they're losing their water pressure. They don't have water pressure. As I said right now, there's no water in the, in the Kaua'ula Reservoir.

So, that also impacts the safety of this, this thing, which leads into the other areas of infrastructure. Think about this. There's no rush to do this. Put it off. Let's have a lot of studies on it. And if the studies prove right, then let's have our project.

(Councilmember Crivello was excused from the meeting at 10:07 a.m.)

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR WHITE: Any other?

MR. LANDRIGAN: Thank you very much.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

MR. LANDRIGAN: Yes, sir.

COUNCILMEMBER ATAY: So you live in which subdivision?

MR. LANDRIGAN: I am the closest person to Kaua`ula Reservoir with Charlie Palakiko. I'm up on the hill. Charlie's in, in the valley. Mr., Mr. Kapu is a little bit further away. But currently, I am the closest person to Kaua`ula Reservoir in the Makila Plantation part of the Makila Ridge Lots. I'm Lot 10. I am the, I am the cottage to the big house on Lot 10.

COUNCILMEMBER ATAY: Okay.

MR. LANDRIGAN: Closest to the reservoir in, of Kaua`ula.

COUNCILMEMBER ATAY: Yea. I just wanted to know what subdivision you're in.

MR. LANDRIGAN: Oh, it's, I'm sorry, it's Makila Plantation.

COUNCILMEMBER ATAY: Okay. So, up there in the valley, how many other subdivisions are there?

MR. LANDRIGAN: Okay. In, in all of Launiupoko there are just two subdivisions; Mahanalua Nui on one side, the original, and then the more spacious Makila Plantation.

Makila Plantation was designed because this was getting too crowded. The streets looked like chicklets, as the workforce housing is going to look like; where they're all crowded in, one street with the lot. And the other side is spacious. When you have that spaciousness and, and the rules are in place that there is to be no more development there, there's enough water. When you put a bigger development in tight, that's where, that's where the water problem is going to be.

So, I'm on, I'm on the Makila, I'm the Makila Ridge Lots of the Makila Plantation side. There's only two sides. When this development is built, they propose two more HOA's, by the way, that was never mentioned; one for the workforce and one for the rich. Instead of, that would make four HOA's in the whole development when we currently just have two. It's amazing that they could do that.

COUNCILMEMBER ATAY: Alright. Thank you.

CHAIR WHITE: Thank you, Mr. Atay.

MR. LANDRIGAN: Thank you.

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

MR. LANDRIGAN: Thank you, sir.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Tiare Lawrence, testifying on Bill 67.

MS. TIARE LAWRENCE, [testifying on Bill No. 67 (2017)]:

Aloha, Council. I'm here to testify on the Makila Kai Project, and the potential cost approving this project will have on taxpayers.

I just want to bring up some very valid legal concerns. Since the last meeting after 17 years in court, Makila Land Company lost all rights to Apana 1 in Kaua`ula Valley. As a result, Launiupoko Irrigation Company and their water source is now in question since it comes from Apana 1.

Greg Brown and Launiupoko Irrigation do not have any easement agreement with the kuleana landowners. And since they have not obtained any easement agreement with the kuleana owners, I don't think that making, passing this District Boundary Amendment would be premature. So, the information in their application is not correct, and should be denied.

The potential buildout of ohanas for the Makila Kai Project will bring the total unit count over 50, which requires wastewater treatment unit, not septic. This is in Chapter 343, EIS trigger. HFDC is the actual applicant of Makila Kai, Polanui, and Makila Rural East, therefore, this is segmentation.

Thousands of residents with only one way out in a fire-prone area, historically known for the powerful Kaua`ula winds is a serious safety hazard. Residents who live here have brought serious safety concerns in front of this body in previous meetings. This project should be called the Makila fire trap..

Failure of Council to follow State EIS law will force citizens to sue, costing County money once again. The County has a fiduciary duty to protect the County's best interest, and another lawsuit is not in our best interest all while not providing truly affordable housing in perpetuity. Fast-tracking development, development is not the right way. We should always put the environment first to ensure that future generations won't end up with the same issues as Honolulu. We can learn from Honolulu's mistake and really work at smart sustainable growth, and better solutions to adequately address our housing crisis.

By passing this 201H project, you're supporting more out-of-state buyers to move here, a hundred more septic systems above Launiupoko Beach Park. And that's the reality, because locals cannot afford the million-dollar gentlemen estates.

The County would be complacent by approving this boundary amendment with this erroneous and inadequate legal advice. And so, I just wanted to bring up those very valid legal concerns, because I know this is a serious issue for a lot of residents who currently live there. Mahalo.

CHAIR WHITE: Thank you, Ms. Lawrence. Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

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

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

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

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

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

Members, we have received written testimony. Without objection, 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. Jim Smith;
2. Sarah Pajimola; and
3. Trinette Furtado.

CHAIR WHITE: Thank you. And, without objections, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you. So ordered.

Mr. Clerk.

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

MINUTES

The minutes of the Council of the County of Maui's public hearing of April 18, 2017, special meeting of May 9, 2017, and public hearing of May 12, 2017, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE PUBLIC HEARING OF
APRIL 18, 2017, THE SPECIAL MEETING OF MAY 9, 2017,
AND THE PUBLIC HEARING OF MAY 12, 2017, BE
APPROVED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Ms. Crivello and Mr. Guzman.

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 17-244 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated June 5, 2017)

Transmitting a notice of grant award from the State of Hawaii, Department of Transportation Highway Safety Reimbursement Program for the Maui Prosecutors Office in the amount of \$21,468.75.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would ask the Clerk to bring up all county communications including, up to 17-248.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

NO. 17-245 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated June 9, 2017)

Informing of the receipt of a Fiscal Year 2017 grant from the State of Hawaii, Department of Transportation for the Safe Routes to School Program Special Fund in the amount of \$92,955.73.

NO. 17-246 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 21, 2017)

Transmitting a notice of grant award from the U.S. Department of Housing & Urban Development (HUD), for the Section 8 Housing Assistance Program and the Family Self-Sufficiency Program.

NO. 17-247 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated June 22, 2017)

Informing of the intent to expend \$13,033.40 in Federal Forfeiture Funds to pay for ice machines for the Kihei and Lahaina stations.

NO. 17-248 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 15, 2017)

Transmitting 57 contracts/grants for May 2017.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COMMUNICATIONS 17-244
THROUGH 17-248.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Chair.

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

Any further discussion, Mr. Hokama.

COUNCILMEMBER KING: Chair. Oh, I'm sorry.

CHAIR WHITE: Ms., yea, wait till we're done with Mr. Hokama's comment.

COUNCILMEMBER HOKAMA: No comment at this time, Chairman.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, no usually we do the contracts separately, so I was, just
wanted to request to, to pull out Contract C5036-7, on the Kulanihakoi Bridge
replacement.

COUNCILMEMBER COCHRAN: No objections.

CHAIR WHITE: I'm sorry. Which, which number were you requesting?

COUNCILMEMBER KING: C5038-7, that's the number of the contract. It's under--

CHAIR WHITE: Oh okay.

COUNCILMEMBER KING: --it's under 17-248.

CHAIR WHITE: Yea, yea. Right.

COUNCILMEMBER KING: So, that would go to IEM, I believe, it's Public Works.

CHAIR WHITE: Did you get that Mr. Clerk?

COUNTY CLERK: Got it.

CHAIR WHITE: Okay. Any other contracts that'll be held out for referral to Committee?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, yea, I, I have no problem if it goes to IEM. I'm making an assumption, there's nothing to do with financial or performance, cause by our own Rules, that is all under the purview of Budget and Finance. So, if it's outside of that scope, I have no objections to the referral.

CHAIR WHITE: Ms. King, do you know what the, the scope of the contract is?

COUNCILMEMBER KING: Well, I know that the, the Kihei community has some concerns about the bridge, so I would also like to review that in--

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Again, Chairman, you know, just as long as we stay within the parameters of our Rules, I'll say again I have no objections.

CHAIR WHITE: So, your interest is having--

COUNCILMEMBER HOKAMA: If it comes down to money; it belongs in Budget.

CHAIR WHITE: --having the operation? Right. Okay.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Okay. Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Yea, it's, I think it's a, it's a worthy item to pull out for further discussion and to seek the details. But, whichever appropriate standing Committee is, you know. If it's not IEM, I mean, that's okay. But I think it needs to be pulled out of this, and taken a closer look at, whichever.

CHAIR WHITE: Okay. Any other contracts that you would like to have referred to Committee? Seeing none, any further discussion on the other items? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Ms. Crivello and Mr. Guzman.

Mr. Clerk.

NO. 17-249 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 15, 2017)

Informing of the acceptance of a Warranty Deed for the Makawao Avenue Reconstruction Subdivision Road Widening Lot, TMK: (2) 2-7-001:014 (Portion).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Jumped to me quickly. Thank you, Chair.

I MOVE TO, THIS COUNTY COMMUNICATION IS PRETTY MUCH A HOUSEKEEPING ITEM, CHAIR. SO, I WAS HOPING TO JUST FILE IT AT THIS TIME.

It's accordance with 3.44.015H, Maui County Code, Director of Finance is required to notify the Council in writing of any acquisition or conveyance made to the County, but doesn't truly need our approval. So, this is just a, a kind of housekeeping item to put forward to us to notify us.

And there is a map included. I usually pull these into my Committee, cause I don't have enough detail to explain exactly where this is and what it is. But, they have given, for me, sufficient information at this time.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: So, I'm looking to file.

CHAIR WHITE: So, the motion is to file. Do we have a second?

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion to file by Ms. Cochran, and a second from Ms. Sugimura *[sic]*.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: No further discussion, Chair.

CHAIR WHITE: Okay. Thank you.

All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

NO. 17-250 - KEITH A. REGAN, ACTING MAYOR,
(dated June 14, 2017)

Informing of a vacancy on the Molokai Planning Commission due to the resignation of Marshall Racine.

(Councilmember King was excused from the meeting at 10:20 a.m.)

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I move to file County Communications 17-251.

COUNCILMEMBER COCHRAN: Second.

CHAIR WHITE: 25, we're on 250.

COUNCILMEMBER SUGIMURA: Oh, I'm sorry, 250. Sorry.

CHAIR WHITE: Would you like to pull up 251 at the same time?

COUNCILMEMBER SUGIMURA: Yes, could you?

CHAIR WHITE: Mr. Clerk.

NO. 17-251 - ALAN M. ARAKAWA, MAYOR,
(dated June 27, 2017)

Informing of a vacancy on the Urban Design Review Board due to the resignation of Demetreos Callinicos.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, thank you, Chair, for pulling up both of them. Acting Mayor, we received notification of the resignation of Marshall--

CHAIR WHITE: We need a, we need a motion first.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR WHITE: On both items.

COUNCILMEMBER SUGIMURA: Sorry.

I MOVE TO FILE COUNTY COMMUNICATIONS 17-250 AND
251, 17-251.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The Acting Mayor, we received notification of the resignation of Marshall Racine from the Molokai Planning Commission on June 13, 2017. I would like to thank Mr. Racine for his time served on the Commission, and for serving the Molokai community. And I wish him the best in his future.

We also received notification from the Mayor of the resignation of, of Demetrios Callinicos from the Urban Design Review Board on June 27, 2017. I'd like to also thank him for his service on the Commission, and wish him well in the future. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO, GUZMAN, AND KING.

CHAIR WHITE: Measure passes with six "ayes" and three "excused"; Ms. Crivello, Mr. Guzman, and Ms. King.

Mr. Clerk.

NO. 17-252 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated June 6, 2017)

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

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

YES, MR. CHAIR, I MOVE TO FILE COUNTY
COMMUNICATION 17-252.

COUNCILMEMBER COCHRAN:

MR. CHAIR, SECOND THE MOTION.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, this report is strictly informational. There's no Council action needed. I appreciate receipt of the information, and respectfully request that this communication be filed.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER SUGIMURA: None.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO, GUZMAN, AND KING.

CHAIR WHITE: Measure passes with six "ayes" and three "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with County Communications for referral. The following communications are being recommended to be referred to the following committees.

NO. 17-253 - PAUL KAILIPONI, CHAIR, COST OF GOVERNMENT COMMISSION, (dated May 12, 2017)

Transmitting the COST OF GOVERNMENT COMMISSION – ANNUAL REPORT COMMISSION TERM 2016 – 2017.

The recommended action is that County Communication No. 17-253 be referred to the Budget and Finance Committee.

NO. 17-254 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 22, 2017)

Relating to amendments to Appendix A, Grant Revenue – Schedule of Grants by Departments and Programs for Fiscal Year 2018.

The recommended action is that County Communication No. 17-254 be referred to the Budget and Finance Committee.

NO. 17-255 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 22, 2017)

Relating to amendments to the Fiscal Year 2018 Budget to authorize transfers between categories of use that are within a program or department.

The recommended action is that County Communication No. 17-255 be referred to the Budget and Finance Committee.

NO. 17-256 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 20, 2017)

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

The recommended action is that County Communication No. 17-256 be referred to the Budget and Finance Committee.

NO. 17-257 - LYNN ARAKI-REGAN, BUDGET DIRECTOR,
(dated June 30, 2017)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 POLICE (COMMUNITY ORIENTED POLICING SERVICES (COPS) PROGRAM)"; and
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF POLICE, TECHNICAL AND SUPPORT SERVICES PROGRAM".

The recommended action is that County Communication No. 17-257 be referred to the Budget and Finance Committee.

NO. 17-258 - MIKE WHITE, COUNCIL CHAIR,
(dated June 29, 2017)

Relating to an audit of the Department of Public Works, Highways Division.

The recommended action is that County Communication No. 17-258 be referred to the Budget and Finance Committee.

NO. 17-259 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated June 28, 2017)

Transmitting the plan of audits proposed to be conducted during Fiscal Year 2018.

The recommended action is that County Communication No. 17-259 be referred to the Budget and Finance Committee.

NO. 17-260 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated June 20, 2017)

Transmitting comments and recommendations from the Planning Commissions and Planning Department relating to Resolution No. 16-93, "REFERRING TO THE LANAI, MAUI, MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES AND SHORT-TERM RENTAL HOMES".

The recommended action is that County Communication No. 17-260 be referred to the Land Use Committee.

NO. 17-261 - KELLY T. KING, COUNCILMEMBER,
(dated June 28, 2017)

Relating to Traffic Impact Fees.

The recommended action is that County Communication No. 17-261 be referred to the Planning Committee.

NO. 17-262 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated June 21, 2017)

Relating to the One Farm Plan.

The recommended action is that County Communication No. 17-262 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-263 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated June 21, 2017)

Relating to the Molokai Diversified Agricultural Revolving Loan Program.

The recommended action is that County Communication No. 17-263 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-264 - ALIKA ATAY, COUNCILMEMBER,
(dated June 26, 2017)

Relating to a review of Chapter 14.06A, Maui County Code, relating to water conservation and control of water usage during water shortage.

The recommended action is that County Communication No. 17-264 be referred to the Water Resources Committee.

CHAIR WHITE: Members, are there any concerns about the referrals as read by the Clerk?
Seeing none, they will all be referred to the appropriate Committee as read by the Clerk.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with General Communications.

GENERAL COMMUNICATION

NO. 17-5 - BLANCA LAFOLETTE, PROJECT COORDINATOR, CMBY 2011
INVESTMENT, LLC, (dated June 22, 2017)

Submitting the Conditions of Zoning Compliance Report for Ordinance No. 4220, CMBY 2011 Investment, LLC, TMK: (2) 3-8-008:019.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Chair, if there's no objection, could we hear number 17-6 at the same time?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 17-6 - KATHRYN S. MATAYOSHI, SUPERINTENDENT, DEPARTMENT OF
EDUCATION, STATE OF HAWAII, (dated June 26, 2017)

Submitting the 2017 Annual Report in accordance with Condition 3 of Ordinance
No. 4135, Kihei High School change in zoning.

(Councilmember King returned to the meeting at 10:28 a.m.)

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Excuse me.

I MOVE TO FILE GENERAL COMMUNICATION 17-5 AND 17-6.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The annual compliance reports are required by
conditions of zoning placed on the projects. It's informational only, and does not
require Council action. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on these items? Seeing none, all those in, I'm sorry,
Mr. Hokama.

COUNCILMEMBER HOKAMA: So, from this report, is it our understanding that he has met all his conditions of zoning, including number 2, commencing one year from effective date, the ordinance, that the project shall comply and be in appropriate status.

CHAIR WHITE: Which, which of the items are you referring to?

COUNCILMEMBER HOKAMA: Oh, thank you, Chairman; 17-5. One thing I've learned through my years, Chairman, is unless Council is vigilant on conditions, compliance, a lot of people is going to let it slide, and not do what they have committed to for land use approvals. I'm tired of those type of developers. So, I want to know whether he's complied. Especially, the key, cause he has to do it within one year of this approval. So, one, I'm assuming we've reached one year of approval since he's turning in an annual report. And I just want to be assured that their conditions are, have been met. Or what is our recourse? Downzone them?

CHAIR WHITE: So are you, you're asking--

COUNCILMEMBER HOKAMA: Yea, because this our only chance, Chairman.

CHAIR WHITE: --of Mr. Carroll--

COUNCILMEMBER HOKAMA: You know, if Mr., Chairman Carroll feels we can file it, I'm happy to support it. I just want to make sure they've complied with conditions. And it's a yes or no question; yes they complied, no they didn't comply. And I'm fine with that, Chairman.

CHAIR WHITE: Mr. Carroll, are you aware? Did you hear Mr. Hokama's concern?

VICE-CHAIR CARROLL: Could you repeat that concern, please? You talk softly and it's a little hard for us old people to hear you.

COUNCILMEMBER HOKAMA: Yea, Chairman.

CHAIR WHITE: If you could speak a little more directly into the mic too.

COUNCILMEMBER HOKAMA: Chairman Carroll, they are required to perform, yea. We, we only gave them two conditions. One, is within one year they have to comply and perform to satisfy our condition. And I think there's an educational component also in this approval. So, I just want to know that they've done what they said they were going to do. And if they're not, why, why haven't they. And then what is Council's recourse besides consideration of downzoning?

VICE-CHAIR CARROLL: With the, Chair.

CHAIR WHITE: Yes.

VICE-CHAIR CARROLL: With the review, excuse me, with the review I did of the report, it seems like I saw no action that could be taken on any of the things in the report. But I can review the report even after it's filed, and if there is anything on there, I could pull it out and then put it before the Committee.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Well, you know, I'm open to doing it many different ways, Chairman, you know that. As long as, you know, the, Mr. Carroll can give Council or the Committee Members some kind of assurance that they've complied, I'm, I'm okay with it. I just want to make sure they've complied.

CHAIR WHITE: So, Mr. Carroll, your comment was that you didn't see anything in the report that was concerning, and you're willing to take another look at it and bring it to Committee if there is a lack of compliance?

VICE-CHAIR CARROLL: Yes, and if there's anything, or if any Member has anything they'd like to target in that report, I would be more than happy to bring it up in my Committee. But the report itself, as I said, is informational. There will be no action taken on the report itself. Thank you, Chair.

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

COUNCILMEMBER COCHRAN: Thank you, Chair. Actually, I was looking at both of these and I, I would prefer, I don't, I mean it's, one of it's the Kihei High School. But, to you know, take a look at it kind of word by word and just double-check. But, so, I'm not sure if filing it, could there just be put into Committee, and then if need be, we could, you know, put it on agenda to actually vet through and see rather than just filing it at this time? Or, either way, I mean it's just really--

CHAIR WHITE: Yea, I believe the, the effect is the same either way because the Chair has the ability to bring it up even if it's filed. And he also has the ability to review it, and feel it does need to be brought to Committee. So, Chair is open either way.

But, Mr. Carroll.

VICE-CHAIR CARROLL: No comment.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I again, you know, I'll defer to Mr. Carroll as our Committee Chair. But, this is one compliance area that, for me, will make a lot of impact for me on how we look at everything else being proposed for this West Maui region. So, if this is how we're going to be dealing with this one, is this how we're going to be dealing with everything else that's coming up before us either in one 201H request or not? If it is, then I'll give my shot across the bow, not no, if it's not 100 percent, don't look at me for being very supportive. Thank you, Chairman.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I would, I would tend to agree that we should take a look, another look at each of these. And I guess my, I understand what you're saying about filing, but I think what, what tends to happen when we file reports is that we don't ever look at them again. So, you know, if we could keep them open, I would like to review the one for the Kihei School, and let, and have the community have an opportunity to look at that.

CHAIR WHITE: Have you had a chance to take a look at the report and have concerns about it at this point?

COUNCILMEMBER KING: I don't have any specific concerns about the report, but I would like to run it by the community and the KCA. I mean, it's a huge, this is probably the biggest issue for our community right now.

CHAIR WHITE: Okay.

Mr. Carroll, it sounds like there is some interest in having the, the two referred to Committee.

VICE-CHAIR CARROLL: Since the Members do have an interest in both of them, I have no objection to transferring it to my Committee. And I will post it when I can. Okay.

CHAIR WHITE: And, and Members, please provide Mr. Carroll your input as to whether you'd like to have them actually heard or not.

With that we will, the Chair will refer both of those items to the Land Use Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

The recommended action is that General Communication Nos. 17-5 and 17-6 be referred to the Land Use Committee.

COUNCILMEMBER KING: Thank you, Mr. Carroll.

CHAIR WHITE: Oh, yea, we have a motion on the floor. So, if Mr. Carroll would be kind enough to withdraw the motion.

VICE-CHAIR CARROLL:

I WITHDRAW MY MOTION.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

And with that, Members, we're going to take our morning break. Please be back in your seats by 10:45.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:36 A.M., AND WAS RECONVENED AT 10:49 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CRIVELLO, GUZMAN, AND KING, EXCUSED.)

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

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 17-89 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 69 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-228, from the Director of Finance, be FILED.

(Councilmember King returned to the meeting at 10:50 a.m.)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request 17-90 be brought up at the same time.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 17-90 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 70 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF

ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-229, from the Director of Finance, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 17-89, AND 90, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this would be a required, well, housekeeping in one sense, but required for us to move forward to meet the GASB 68 requirements that all entities such as ours will be required to in our reporting.

Actually, doing it this way, the County is saving money. Instead of going out for a additional third-party external auditor to do the same type of work, they're working this through the State of Hawaii in coordination with the retirement system. Both our finance and personnel department directors gave us supporting comments on moving this forward.

And just so that the community is clear, we are, this is bound by actuary, which is the actual numbers for our trust funds. And currently, the retirement system has hired Gabriel, Roeder, Smith & Company, as the actuary. That information is then provided to KPMG, the contract auditor for the retirement system. And then we deal with the outcome from the trustees of the system after that, Chairman. So, that's the process. These are the funds to take into account, the GASB 68 requirements.

And, Members, again, this is just required housekeeping for the Council. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused"; Ms. Crivello and Mr. Guzman.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, for Committee Report 17-89, it's BILL 69 (2017). And, Committee Report 17-90, it's BILL NO. 70 (2017).

COMMITTEE REPORT

NO. 17-91 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 71 (2017), entitled "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PARK TO BUSINESS/COMMERCIAL FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 72 (2017), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 16-97, from Councilmember Gladys C. Baisa, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 17-91.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee was informed a prior Council approved a Community Plan Amendment and Change of Zoning in 2008, to facilitate the lands exchange between development of the Kaanapali North Beach Resort Park and the Nunes Family. The purpose of the land exchange was to allow for a five-foot wide utility easement and to create a single contiguous beach park. However, during the utility construction the width of the easement expanded to ten feet, resulting in an inequitable land exchange for the Nunes Family. The proposed Community Plan Amendment and Change in Zoning will correct this inequity.

I ask for the Council's support of these recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with nine "ayes" *[sic]* and two "excused".

Mr. Clerk.

COUNCILMEMBER KING: Seven "ayes".

CHAIR WHITE: I'm sorry, seven "ayes". Seven "ayes" and two "excused". Thank you.

COUNTY CLERK: Mr. Chair, for the record, BILLS 71, 72 (2017), respectively.

COMMITTEE REPORT

NO. 17-92 - LAND USE COMMITTEE:

Recommending that Bill 73 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.30A, MAUI COUNTY CODE, RELATING TO ROADWAY LOTS AND RESTRICTED USE LOTS, AND AUTHORIZING FEES AND ADMINISTRATIVE RULES," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 17-92.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee considered a revised proposed bill to authorize certain subdivisions and uses that are not detrimental public health, safety, or welfare; allow the Department of Planning to collect fees; and exempt roadway lots and restricted use of lots from complying with medium *[sic]* lot area, lot width, and coverage requirements.

Your Committee noted concerns about the fairness of the fees depending on the number of reviews an applicant may have to encounter if submittal requirements of the Department keep changing. Therefore, to clarify the matter your Committee amended the revised proposed bill to ensure applicants will not be required to pay additional review fees if new supplemental *[sic]* requirements are revised or increased in subsequent reviews.

The recommendations of the Deputy Planning Director, your Committee also amended the revised proposed bill to remove the term "subdivision" at the end of the phrase "restricted use lot", and remove the recordation requirement for roadway lots.

I ask for the Committee's support on this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have reservations on this proposal. And I, again, I note I was not at that meeting, and I respect the work of the Committee and Chairman Carroll's proposal to us this morning.

Fees, that's one of my areas of concern, especially with Planning Department and there, my lack of confidence in this Department, regarding that area of responsibility. I also find it interesting, we make no mention of RPT and their statement regarding impacts on adjustments of restricted lots on how it impacts either the property owner or the liability of the County. I find it interesting we continue to not look at the finance component and real property taxation to give us guidance on this type of adjustments.

And again, we either going to short-term ourselves again on the rev side, or we're going to ante up paying more to kind of implement something we haven't even think, thought about in a financial manner. That's not how to move this type of legislation forward. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND HOKAMA.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with five "ayes", two "noes", and two "excused". The "noes" were Mr. Atay and Mr. Hokama.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 73 (2017).

COMMITTEE REPORT

NO. 17-93 - LAND USE COMMITTEE:

Recommending that County Communication 10-42, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NUMBER (2) 3-4-003:09, WAILUKU, MAUI, HAWAII", be FILED

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 17-93.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee is in receipt of a proposed bill to grant a request from Hecktman, Graymark Waiale Road Associates, LLC, for a Change in Zoning from R-3 Residential District to M-1 Light Industrial District for a 30,166 square foot property located at 485 Waiale Road, Wailuku, Maui, Hawaii, to allow for uses consistent with the property's Light Industrial designation in the Wailuku-Kahului Community Plan.

By correspondence dated April 12, 2017, Jordan Hart, Chris Hart & Partners, Inc., notified your Committee of the landowner's withdrawal of the Change in Zoning application.

Accordingly, your Committee voted to recommend filing of the communication.

I ask for the Council's support of this recommendation.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 17-94 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 17-114, entitled "RELATING TO THE APPOINTMENT OF CHENEY-ANN LIMA TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED.

Approving the appointment of Cheney-Ann Lima to the Maui County Cultural Resources Commission, for a term expiring March 31, 2021.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, could you also bring up 17-95, as well as 17-96?

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 17-95 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 17-115, entitled "RELATING TO THE APPOINTMENT OF PETRINA CASTILLO TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED.

Approving the appointment of Petrina Castillo to the Maui County Commission on Persons with Disabilities, for a term expiring March 31, 2022.

COMMITTEE REPORT

NO. 17-96 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 17-116, entitled "RELATING TO THE APPOINTMENT OF CLIFFORD LIBED TO THE COMMISSION ON CHILDREN AND YOUTH," be ADOPTED.

Approving the appointment of Clifford Libed to the Commission on Children and Youth, for a term expiring March 31, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-94, COMMITTEE REPORT 17-95, AND COMMITTEE REPORT 17-96.

COUNCILMEMBER KING:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on June 22, 2017, on all of these three nominees.

And, on the first one, Acting Mayor sent the nomination down for Cheney-Ann Lima to the Maui County Cultural Resources Commission for a term expiring March 31, 2021, to fill a vacancy due to the resignation of Whitney Apo from Molokai. As well as, we looked at her background and confirmed that she was in, well in compliance with the requirements for this, for this appointment.

And, for the next item, for Committee Report No. 17-95, the Mayor, Acting Mayor, sent down a nomination of Petrina Castillo to the Maui County Commission on Persons with Disability, for a term expiring March 31, 2022, to fill the vacancy due to the resignation of Victor Lesa.

And, for the last Committee Report No. 17-96, the Mayor sent down the nomination of Cliff Libed to the, for the Commission on Children and Youth, for a term expiring March 31, to fill a vacancy due to the resignation of James Wisthoff.

I also would like to make a note here that during the discussion the Committee asked that, for future recommendations for this particular Commission, that we would look upon or hope that the Mayor would send down nominees from the rural areas such as East Maui, Molokai, Lanai, to the Commission.

For all of these three nominees, Mayor, I'm sorry, all of these three nominees, Chair, there were no requests for the nominees to be present at the Committee. And a vote was taken 6-0 to recommend approval.

I respectfully request for Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for Committee Report 17-94, it's RESOLUTION 17-114. For Committee Report 17-95, it's RESOLUTION 17-115. And, for Committee Report 17-96, it's RESOLUTION 17-116.

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 67 (2017)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO POSTPONE BILL 67 (2017) TO THE COUNCIL MEETING OF JULY 28, 2017.

CHAIR WHITE: Thank you, Mr. Chair.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER COCHRAN: Is that a motion?

COUNCILMEMBER KING: Was that a motion?

CHAIR WHITE: We don't really need a motion, I don't believe. So, the Chair will defer this matter to the Council meeting of July 28.

VICE-CHAIR CARROLL: Thank you, Chair.

CHAIR WHITE: Thank you.

(See pages 60 and 61 for additional discussion.)

CHAIR WHITE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 68 (2017)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY
CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO PASS BILL 68 (2017) ON SECOND AND
FINAL READING.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Bill 68 (2017) would amend the information required on financial disclosure statements to include either a tax map key number or a street address, rather than both, as currently required.

Under the Charter, the Board of Ethics is responsible for reviewing financial disclosure statements.

A Deputy Corp. Counsel said the Board of Ethics requested the amendment to help balance the burden of disclosure.

I respectfully ask for the Council's full support. Thank you, Chair.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

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

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

DISCUSSION RELATING TO
BILL NO. 67 (2017)

COUNCILMEMBER HOKAMA: So, as far as the Bill 67, it is not on a clock regarding the 201H?

CHAIR WHITE: No, there's no time. There was a time constraint with the 201H measure that we passed earlier. But, there's no, no such time constraint on this item.

COUNCILMEMBER HOKAMA: Okay. So, what is the reason for the deferral, again, Chairman?

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: I'm sorry, Chair.

COUNCILMEMBER HOKAMA: What is the reason for the deferral, Mr. Carroll.?

CHAIR WHITE: Mr. Hokama was asking about the reason for deferral of item, of Bill 67.

COUNCILMEMBER SUGIMURA: Launiupoko.

VICE-CHAIR CARROLL: On Bill 67? Because of new information that has been received. I want to review it with my staff and legal department before I bring it before the Council.

COUNCILMEMBER HOKAMA: Okay. Thank you. Thank you, Mr. Chair.

COUNCILMEMBER SUGIMURA: Could we ask legal now? Or too late?

CHAIR WHITE: No. The item's been deferred already. So, the, the agenda is all, is complete. And we will adjourn.

ADJOURNMENT

The regular meeting of July 7, 2017 was adjourned by the Chair at 11:07 a.m.


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

RECEIVED
2017 JUL -7 AM 7:40
OFFICE OF THE
COUNTY CLERK

Jim Smith
99 Kapuai Road
Haiku, Maui, Hawaii 96708

Testimony regarding County Communication (CC)
17-264 related to water conservation and water usage
during water shortage. Regular Council Meeting (July
7, 2017)

TESTIMONY

Chairperson Michael White, and Members of the Maui County Council

This item is so necessary at this time when some political officials promote consent to be governed as an after thought. The meeting of the Water Resources Committee on July 5, 2017 was important and inspiring. The deep consideration rather than the casual was evident. It was decided to broaden the inquiry beyond content of the proposed ordinance and this Communication makes the appropriateness of deliberation unquestionable.

More importantly, it sets before you a political question: An ideological dilemma. This is why you as a representative(s) are so important to a consent; to any voters consent.

Does the Director of Water Supply implement legislative policy provided by the Council or does it adopt rules pursuant to the Hawaii Administrative Procedures Act to administer statements general or specific that affect the rights of citizens.

The historical aspect of this question is necessary and I request that the Council obtain from the Department of Water Supply a copy of the Finding of inadequate water supply, circa 1992, in possession of the Office of Corporation Counsel. I believe this document is necessary to your inquiry. It is the source of the language that so befuddles the Director and causes what appears to be a random and chaotic abuse of governmental power specific to the Upcountry Water Meter List.

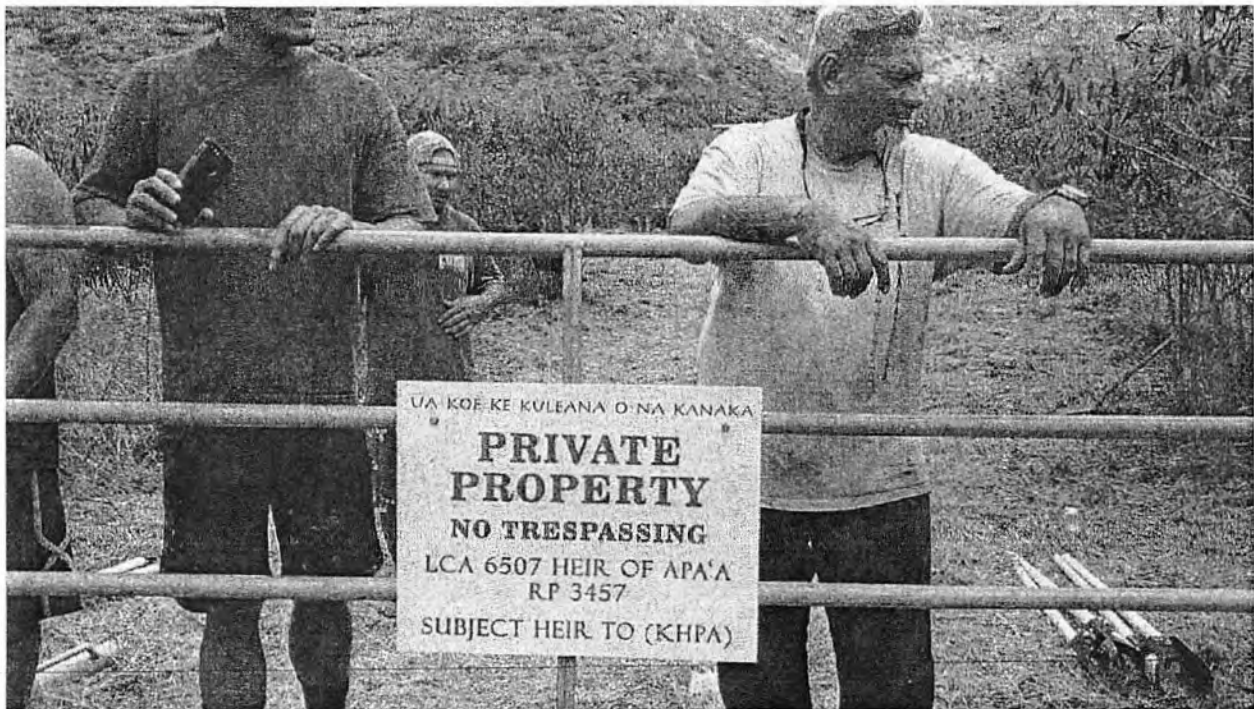
Mahalo,
s/ Jim Smith

7/7/17 Sarah Raymond

Reclaiming Ancestral Lands in Post-Plantation Hawai'i

By KU'UWEHI HIRAISHI · JUL 6, 2017

[Tweet](#)[Share](#)[Google+](#)[Email](#)



Ke'eaumoku Kapu "No trespassing" signs around his newly reclaimed ancestral lands in Kaua'ula, Lahaina, Maui.

CREDIT KE'EAUMOKU KAPU

For the first time in more than a century, land titles held by Hawai'i's former sugar companies are being opened to challenge. At their peak in the 1930s, sugar plantations cultivated approximately 250,000 acres across the island chain. As plantations have sold off much of those holdings, attempts by new landowners to clear title are proving more challenging than imagined. HPR's Ku'uwehi Hiraishi reports.



Lo'i kalo or taro patches maintained by Ke'eaumoku Kapu in Kaua'ula Valley, on a separate land parcel from the land he recently reclaimed in court.
CREDIT KE'EAUMOKU KAPU

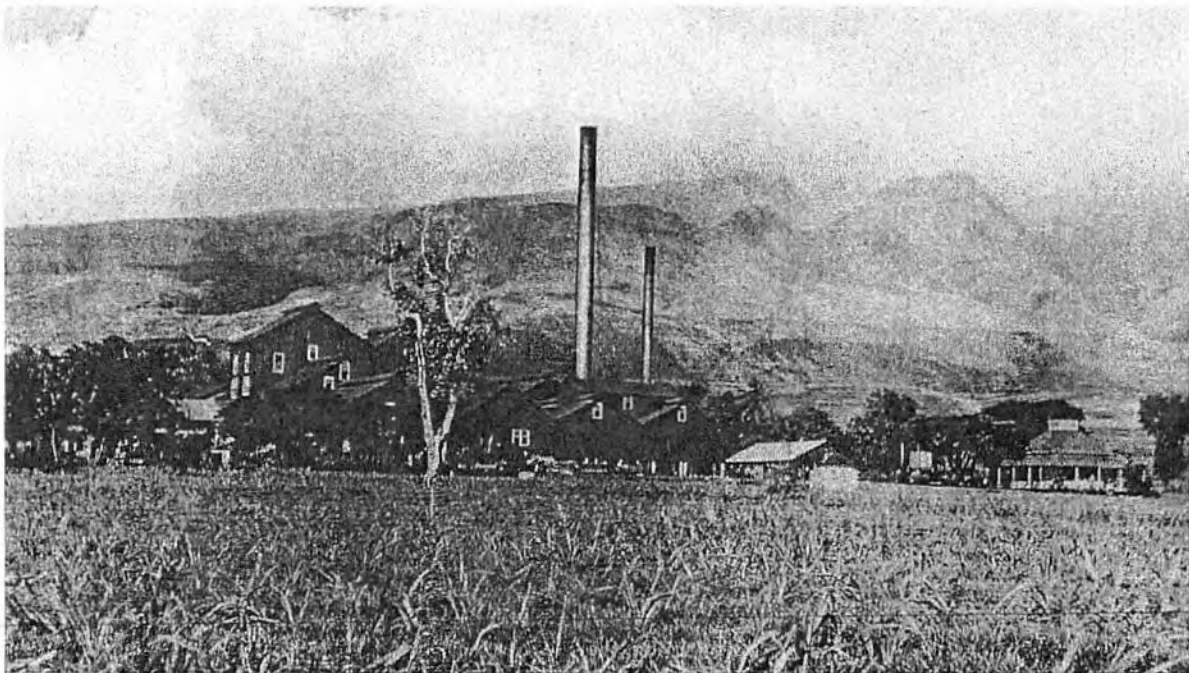
"Kaua'ula Valley is one quiet little place that was historically abundant with thousands and thousands of taro patches," says Ke'eaumoku Kapu. "My lineal ties to Kaua'ula is both sides of my mother and father's side. When the jury made the decision it was based upon my genealogical connection of five generations."

A 15-year court battle on Maui came to an end for Ke'eaumoku Kapu when a jury declared him the rightful heir to a 3.5 acre parcel in Kaua'ula.

The land was originally awarded to his family in 1857 under what is known as the Kuleana Act of 1850. Attorney Lance Collins represented Kapu.

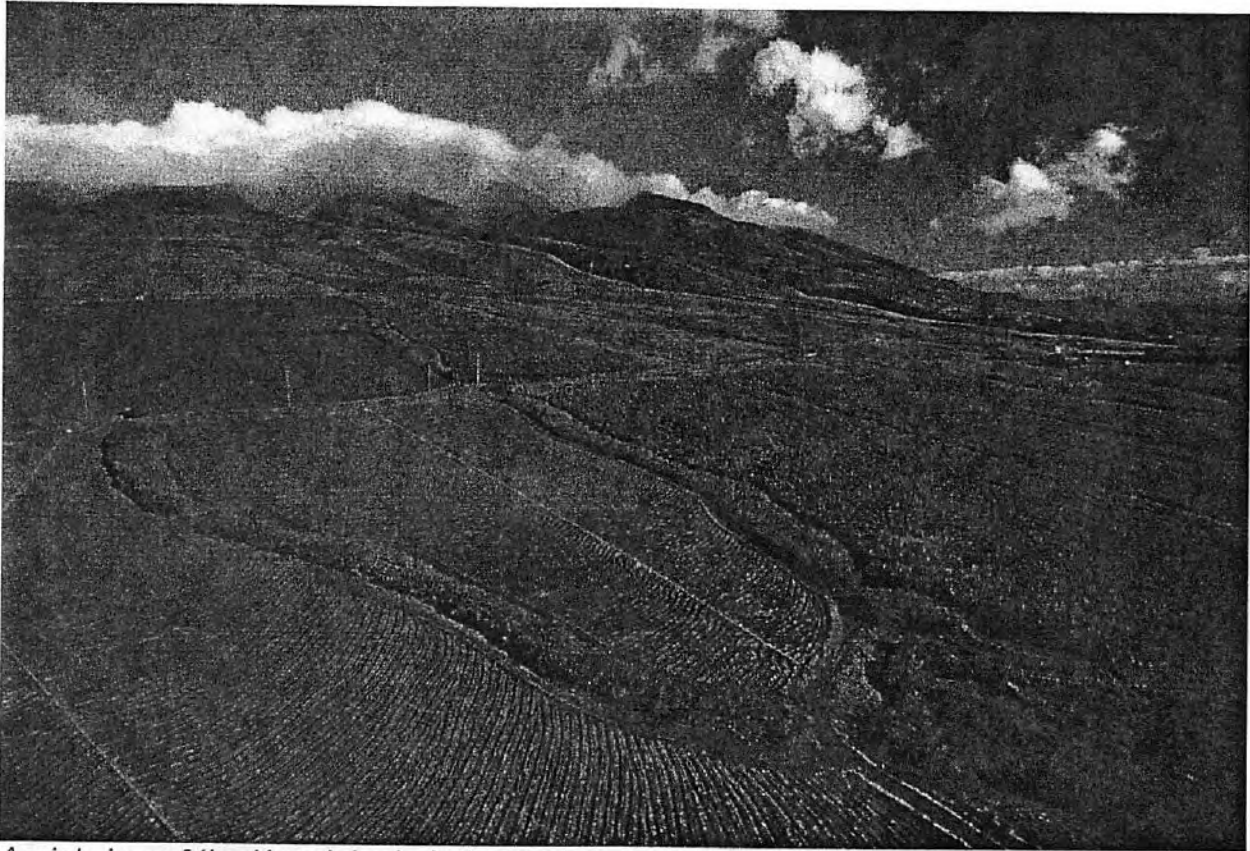
"The Kuleana Act allowed individuals to make claims for the parcels that they were living and growing things on," explains Collins, "I think 21,000 or 22,000 claims were made and I think it was like 12,000 claims were granted."

Land Commission Award 6507, 'Āpana 1 was granted to Kapu's great-great grand uncle Apa'a.



Pioneer Mill Company cultivated sugar in Lahaina for 138 years from 1862 - 1999.
CREDIT LAHAINA RESTORATION FOUNDATION

Five years later Pioneer Sugar Mill began operations in Lahaina, expanding its reach to nearly all of the available land in the district by the 1890s.



Aerial view of the Kaua'ula, Lahaina region on Maui.
CREDIT KUMU PONO ASSOCIATES

"Pioneer Mill in 1999 started selling off a lot of their holdings," says Kapu, "They sold 5,000 acres for \$50 million to West Maui Land Company and not long after that, they started filing all these quiet title adverse possession claims."

New landowners commonly establish clear title by filing quiet title lawsuits, and thus "quiet" any challenges or claims to the property by descendants of kuleana land owners, like Kapu.



Ke'eaumoku Kapu (second from left, in black), Attorney Lance Collins (second from right, in suit), are joined by family and supporters at Maui Second Circuit Court.
CREDIT KE'EAUMOKU KAPU

"The case was brought by Makila Land Company, which is an affiliate of West Maui Land Company," says Collins, "They claimed that they owned this because they got a deed from Pioneer Mill who in 1892 got it from a person claiming to be related to the original awardee of the land commission award."

Over four days, Collins convinced the second circuit court jury that person did not exist--making Kapu the rightful heir to the property.

"There's no evidence that this person existed," says Collins, "It appears that somebody just made it up, 'Oh I'm related to so and so and I'm giving it to Pioneer Mill.' In those cases, all of it is subject to challenge."



Kapu works his lo'i kalo in Kaua'ula. He hopes to bring lo'i kalo to his newly reclaimed ancestral land as a means of sustaining his family with kalo.
CREDIT KE'EAUMOKU KAPU

As more and more former plantation lands are bought up across the island state, quiet title actions will likely continue.

"I hope this can serve as a template for others who are seeking redemption for their families and their kuleana lands," says Kapu.

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