

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

February 1, 2019

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, FEBRUARY 1, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Good morning, everybody. The Maui County Council regular Council meeting of February 1, 2019, will come to order. It's 9 a.m. This clock is actually two minutes fast, so we're, just to let you know we're working on a, getting an atomic clock, so we'll have the same time that's on all your cellphones. So, let me first ask everybody to silence all their noisemaking devices if you can.

And, Mr. Clerk, roll call.

### ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR KING: Okay. We have no ceremonial resolutions today.

And may I invite everybody to join me in saying the, standing for the Pledge of Allegiance.

## PLEDGE OF ALLEGIANCE

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

CHAIR KING: Thank you.

COUNCILMEMBER SUGIMURA: Don't have opening comments?

CHAIR KING: Alright, we have opening remarks from Keani Rawlins-Fernandez, our Vice-Chair. Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

## OPENING REMARKS

The opening remarks were offered by Vice-Chair Keani Rawlins-Fernandez.

CHAIR KING: Mahalo, Councilmember. And, I just want to comment that your words stand where they stand. You set an example for us and it may be followed by, by the next Councilmember. So, thank you for those words.

Mr. Clerk.

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

Individuals who wish to offer testimony from 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.

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

Currently, we have no testifiers waiting at our District Offices.

Madam Chair, we have seven individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is David Thyne, testifying on County Communication 19-62. To be followed by Bart Mulvihill.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

FIRE CHIEF DAVID THYNE (testifying on County Communication No. 19-62):

Good morning, Chair--

CHAIR KING: Good morning.

FIRE CHIEF: --and Councilmembers.

CHAIR KING: Good morning.

FIRE CHIEF: Shucks, I gotta follow that? Okay, I'm glad I got a nice uniform, I guess. That's all I got for you. So, thank you and good morning. I'm testifying today on agenda item, County Communication, I'm sorry, 19-62, requesting an amendment to the FY19 Fiscal Year Budget to increase the appropriation for two pumper trucks, commonly known as fire engines, one for Kihei and one for Napili Fire Stations; two wildland brush trucks for, one for Lahaina, one for Kahului; and then one ladder truck for Wailea Fire Station.

Just worthy of note, we did have funding appropriated by this Council for this apparatus based on a preliminary bid estimate that was provided to us by one of our vendors. However, when the official bid came in, it was \$158,100 higher than that estimate, and so therefore, we are respectfully requesting a Bond Fund appropriation increase for that amount; \$158,100, so that way we may move forward with the purchase of the five vehicles.

I just want to add a personal thing, cause I see I got a couple more minutes here. We do appreciate, and I know as a new Administration I had a limited role in the acquisition of vehicles in the past Administration. Although I was Chief Officer, I did contribute. I do appreciate from a personal viewpoint, this Council and also our central purchasing agent's efforts to have us really scrutinize and go through our specifications. And to that end, we did save a substantial amount in this last appropriation as far as for this bid. We are encouraged by the previous Council to bundle, if you will, the trucks together onto one consolidated bid. That also saved a, a substantial amount of money. And so, we will continue that effort, I can assure you, to look into NASPO and some of the group purchasing organizations.

I just spoke with the Kauai Deputy Fire Chief yesterday, getting a rundown on how they procure their apparatus. And so, I do want to thank this Council again for their efforts to continually keep us, I don't want to say keep us in line. It's been stressful at times. It's been, you know, very sharpen your pencil kind of thing. But, we appreciate it because it really had us take a long look at our specifications and look at how we can provide the safe and efficient apparatus to, to our firefighters, but also at the expense that probably it should be at versus, you know, that type of thing. So, thank you again and I'll be here if any questions later as well if it hits the floor.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Oh, thank you, Chief Thyne. I was going to ask you if you could, if you would be here when the--

FIRE CHIEF: Absolutely.

CHAIR KING: --the item comes up again.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Thank you very much.

Members, any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you, Chief, for being here. And I was going to ask that question about how you handled this. Because I think during the budget sessions that we went through, this was one of the requests that the Council had asked, is to look at this more in terms of a bundling; I like that terminology; and cost savings. So, are you planning on then seeing if Kauai and you can go out to bid similarly or can see more cost-savings?

CHAIR KING: Member.

FIRE CHIEF: Right. Oh, I'm sorry Chair.

CHAIR KING: Member Sugimura, we, this is on our agenda today, so we will have a chance to ask more questions when we get to that item.



COUNCILMEMBER SUGIMURA: I just wanted to clarify what he mentioned about Kauai.

CHAIR KING: Oh, did you mention Kauai?

COUNCILMEMBER SUGIMURA: Yea.

FIRE CHIEF: Yea.

CHAIR KING: Okay.

FIRE CHIEF: Chair.

CHAIR KING: Continue.

FIRE CHIEF: Okay. Yea, just real quick. And, I will be here to testify, or excuse me, answer questions as needed more in detail. But yea, so, the group purchasing, the way that works is if there's a contract awarded, in this case it was to the City and County of Honolulu, they put out a specification. So, then if you're named within that contract through the group purchasing option, which we are and as well as Big Island and Kauai, we can then ride on that contract, if you will, and make maybe some, also, adjustments based on our unique needs with our terrain and what not. And that will increase the price of that generic group purchase amount. But at the same time, you save a lot of money based on that, on that agreement.

COUNCILMEMBER SUGIMURA: Congratulations. Thanks.

FIRE CHIEF: Yes, you bet. Thank you.

CHAIR KING: Thank you. Thank you very much for being here.

DEPUTY COUNTY CLERK: Next testifier is Bart Mulvihill, testifying on all items on the agenda. To be followed by Connie Gouveia.

MR. BART MULVIHILL (testifying on all agenda items):

I'm a little taller. Good morning, Council. My name is Bart Mulvihill. I'm the general manager of luxury, Christopher Luxury Sedan and Limousine. We're a five-vehicle PUC licensed limited operator in Lahaina. I've been in and out of this business for the last 32 years here on Maui, back to my old taxi days in Kaanapali. I also have, I'm also

a two-time candidate for State Senate challenging Roz Baker where I got to know some of you in person and it was very nice.

I'd like to ask for you all to just give me a minute here, because I have, and my colleagues in my business have tried for years to get this moment, so I chose today. So, please indulge me. I respect a forum.

Our last Mayor and Members of the Council did not, did nothing about the Uber technologies from San Francisco starting operations here on Maui without the proper applications.

CHAIR KING: Mr. Mulvihill.

MR. MULVIHILL: Yes.

CHAIR KING: I don't think that's on our agenda, that item. You need to keep your testimony to the items that are on the agenda today.

MR. MULVIHILL: I've been trying to get this on the agenda for years, ma'am.

CHAIR KING: Right. Well, we, you know, we can have that discussion. I'm happy to meet with you, but we need to keep the public testimony to the agenda for today.

MR. MULVIHILL: I just asked for three minutes, ma'am.

CHAIR KING: Right.

MR. MULVIHILL: But, you're asking me to get off--

CHAIR KING: But you asked for three minutes on every item on the agenda, so that's a lot of items.

MR. MULVIHILL: I'm only going to speak for three minutes.

CHAIR KING: Okay. But, I would, I would appreciate it if you would keep it to the agenda because that's our, our formatting. Everybody's required to--

MR. MULVIHILL: Is, is this on the agenda today?

CHAIR KING: No.

MR. MULVIHILL: How can I get it on the agenda? I have tried for years, years.

CHAIR KING: I believe we had, we--

COUNCILMEMBER SUGIMURA: Chair, may I?

CHAIR KING: Yea, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: A point of clarification for you. So, this is in my Multimodal Transportation and I am taking it up. So, if, if you could call my office or come and see me during the break and let's connect.

MR. MULVIHILL: Yes, ma'am, I appreciate that help.

COUNCILMEMBER SUGIMURA: But that's, this item is not on the agenda today.

MR. MULVIHILL: Right.

COUNCILMEMBER SUGIMURA: So, the Chair is just trying to follow the Rules of the Council.

MR. MULVIHILL: Oh, I understand. I understand.

COUNCILMEMBER SUGIMURA: But, I will definitely give you time if you would give me some time.

MR. MULVIHILL: Right. That's no problem.

CHAIR KING: Yea, thank you so much. And actually just to let you know when I, when I saw this issue come up, I did speak with Member Sugimura and I knew she was going to take it up. So, it would be good if you can connect with her personally.

MR. MULVIHILL: That's very exciting. People in my industry have been waiting, and we've been getting killed; \$100,000 in losses in last year, just me. Thank you very much.

CHAIR KING: Okay. Thank you.

MR. MULVIHILL: Have a great day, Council. And congratulations on your election.

COUNTY CLERK: Next testifier is Connie Gouveia, testifying on County Communication 19-63. To be followed by Francine Aaronson.

MS. CONNIE GOUVEIA (testifying on County Communication No. 19-63):

Good morning, Councilmembers. My name is Connie Gouveia and I'm a Clerk III with the Department of Public Works, Highways Division for the past six years. In 2013, Mayor Arakawa created a Repricing Committee that was tasked with researching and trying to push for pay equity. I've been a part of this movement ever since. Over the past six years, we have been to Council on several occasions, met with the HGEA Union, the Civil Service Commission, and the Mayoral Administration all in hopes of garnering a living wage for Bargaining Unit 3 and 4 employees. I am here today still fighting.

In May of 2018, a Supplemental Agreement was transmitted to the Council which was then followed by a budget amendment in October of 2018. We have been placed on the backburner by previous Councilmembers. We are still awaiting placement on an agenda today.

To our amazement, this Council recently passed salary increases for the Council Services staff. This matter was handled swiftly and reasons such as stagnant salaries, low morale, and getting everything equal and fair based on education, experience, and capabilities were cited as reasons for the increase. These are the exact reasons why our Committee has fought for the past six years. If you all can see the value in your own staff, I urge you to see the value in the civil service staff as well.

Let me clarify an article that was published on January 25 in the Maui News, stating that step increases were negotiated and included in Union contracts, but have not been funded by the County. This is incorrect. Step movements were frozen for most of Bargaining Unit 3 and 4 members in the 2017 to 2019 contract. Things we did get were a seven percent raise broken up over a two-year period, along with two \$150 gross lump sum payments. For me, this equated to \$1.14 more per hour after over two years. This is hard to stomach when I have personally watched the UPW blue collar unskilled workers receive increases of two percent every six months from 2013 to 2017, and are currently in contract from 2017 to 2021, and will receive 10.65 percent total in addition to two \$1,000 lump sum payments.

I support almost any raises when it comes to lower level government employees, as today's cost of living continues to go up, but usually salaries remain the same. I humbly ask for you all to support Bargaining Unit 3 and 4 members. Council Chair King, please

place this life-changing supplemental agreement and budget amendment on the next Council agenda so that it may be referred to Economic Development and Budget Committee. And we then humbly ask Councilmember Rawlins-Fernandez to place it on a agenda as soon as possible. Clearly, you all can agree that six years is far too long for a pay asperity to exist. Thank you.

CHAIR KING: Thank you. Any, questions from Councilmembers?

Mr. Hokama.

COUNCILMEMBER HOKAMA: You know, I appreciate you coming forward today. That was one of my concerns on our very first meeting on the second. So, you know how the vote went that meeting.

My one question is why hasn't your Union, your Collective Bargaining Agent addressed this? You're members of a Union that's supposed to be addressing your concerns on the bargaining table, and in this County ratify and pay, is paying for the contract that was negotiated between your agent and all of us, because we're part of the employer's team. We funded that, and so I'm wondering what is wrong with the internal process where your Union hasn't represented you sufficiently, I'm assuming, to get you the benefits or wages that you seem to be unhappy with?

MS. GOUVEIA: Right. Okay, well, two things. One, we're part of a State bargaining unit, and Maui is a small population compared to City and County of Honolulu and just the other Counties, we're usually economically more stable than those counties. And so, the negotiation teams do put forth proposals that always get shot down. And this last year, we did not vote on this contract. It was filed for impasse and then gone to arbitration, and this is what we were given. So, it's a fine line to walk with this. We have been working with them.

And the supplemental agreement that I believe I've personally transmitted to each of you has been signed by the HGEA Executive Director in support of this. Because Maui is looking to step forward separately and at least try and, you know, give more equity to their employees if the State's not willing to do so in the bigger picture. But our hope is that Maui can kind of lead this drive and that it can be addressed at the Union level. But, somebody's got to step off the cliff with us.

COUNCILMEMBER HOKAMA: Thank you. No, no I appreciate that perspective and comment. You know, I understand from your position as an employee, a union, well, a member of a unit. But, I will tell you that I'm open to your request, but as part of the employer's group, I'll be asking for something in return. Thank you, Chairman.

CHAIR KING: Thank you, Mr. Hokama.

Thank you for being here, Ms. Gouveia. I kind of let you stray a little beyond the realm of the issue that you were, came here to testify on. But, I appreciate your support of all raises, as you said, and we will look at getting this on the agenda. Thank you for being here.

MS. GOUVEIA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: I have a question, Chair.

CHAIR KING: Oh, I'm sorry. Ms. Gouveia, we have one more question from Councilmember Paltin.

COUNCILMEMBER PALTIN: Aloha. Thank you for being here. I was a former member of Unit 3, and one thing that I had brought up in the past, maybe wondering if your members are active in the Political Action Committee and continue to endorse members who refuse to put these items on the budget is not helpful to the cause?

MS. GOUVEIA: Right.

COUNCILMEMBER PALTIN: And wondering if any of them are making efforts to go onto the Political Action Committee?

MS. GOUVEIA: Right.

CHAIR KING: Let's keep this kind of quick, because we're straying off this, the subject matter. But, I understand where Ms. Paltin is--

MS. GOUVEIA: Right. I personally have put in several legislative proposal changes for the past six years, because it does kind of stew from that and the higher levels. I see it both ways. I work with the Union, but I also feel like I'm not getting as much support as maybe we could get, you know. So, we, we've tried to take the path of the quickest reality. And, you know, here at Maui County, that's what we were told we could do, a supplement agreement if we had the Mayor's approval and the money to fund it. So, I've got a budget amendment and that's kind of the best I can do, knowing that's only good for one fiscal year, so. Thank you.

CHAIR KING: Thank you. And, you're here as an individual, not as a lobbyist or, or Union--

MS. GOUVEIA: Yea. This is a personal opinion, yea.

CHAIR KING: Okay. Just wanted to make that clarification. Thank you for being here.

MS. GOUVEIA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. Sorry, Chair. One more question. Sorry.

CHAIR KING: Oh, one more question.

VICE-CHAIR RAWLINS-FERNANDEZ: Thanks, Ms. Gouveia. Sorry.

CHAIR KING: This would be called a string bet in Poker, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for coming today and for your testimony. So, if you were granted your pay raises, would that satisfy your concerns about the OCS staff receiving their raises?

MS. GOUVEIA: I think we just want a opportunity for the item to be heard. We've been on the Council floor before in 2014. I've learned, and our Committee's learned every different step and every different piece of paper that's needed to get to this point. And I can say that after six years, I have all of those finally. You know, so like we said, we do support raises for, for, you know, almost everyone in government. We know that we're not getting paid private sector wages, but yea, we definitely, we just want to be heard on it and give you guys the opportunity to, you know, we've done a lot of research, we have a lot of statistics and you definitely have a lot more testimony from people like me who've been personally affected by, by these wages.

CHAIR KING: Thank you.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: And, I don't think I heard any concern about the raise. I think it was, it was mainly just wanting to express your concern about your situation.

MS. GOUVEIA: Well, and just how swiftly you guys could handle that, you know, by just understanding, you know, your own staffs concerns and how hard it is to make a living here, you know. It's good to have a platform. But, if you don't have that platform to get you in front of the proper people, it's hard to get anything achieved.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Yea, thank you for being here. So, I, sorry, I was talking to Mr. Mulvihill when you started your testimony. But, did you say you submitted written testimony? I was looking through, I was looking through this, I don't see any written.

MS. GOUVEIA: Personal emails to each of you with the copy of the supplemental agreement and budget amendment.

COUNCILMEMBER SUGIMURA: Yes. Okay.

CHAIR KING: I don't believe it was on this item. I believe it was--

MS. GOUVEIA: Yea, separate.

CHAIR KING: --it was a separate item. Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Francine Aarona, testifying on County Communication 19-67. To be followed by Karin Phaneuf.

MS. FRANCINE AARONA (testifying on County Communication No. 19-67):

Before I begin, I want to say mahalo to Keani for observing our protocol and what we do for the day. So, mahalo for that.

I'm here, aloha, Chair--

CHAIR KING: Aloha.

MS. AARONA: --Kelly King and Councilmembers. My name is Francine Aarona, also known as Auntie Mopsy, Protect Paia. I'm here on behalf as a kupuna. Protecting Paia is a way of life for me. Our culture and our simple way of living has changed drastically. We have allowed developers and outside buyers, and even some of our own money-seekers to overpower us. As a community, we are not aware of the changes made by the Planning Department, the Planning Commission, and this Council. Our way of life will be lost forever.

Before you is a bill for an ordinance relating to renewals for Conditional, B&B, Short-Term Rentals, and Special Use Permits. My understanding of this bill is to allow a grace period for permitholders while the application is being processed, unless



information not provided to the Department within 60 days. Can I assume that enforcement will follow, and the Planning Director cannot waive the requirement? First of all, I surf the agendas of every Board to find out what's going on. Secondly, I read that bill at least six or seven times before I understood the language, and I'm still not sure if that's correct.

When I stand here to testify, I'm not given the privilege to ask questions of this Board. Amendments to Maui plans, community plans are being made. This Council needs to find a way to get the information out to the public and make sure they understand what you're approving is to benefit the people of Maui. Otherwise, they will get up one morning greeting guests from New York on the right and guests from Canada on the left; the reality of knowing that their neighbors were forced out of the place they once called home.

Unless you stop this invasion, you too might not have a home to call home. I urge this Council to have meetings with the communities, especially on important decisions that will change their way of living. Let them have a voice, be it ordained by the people and for the people of Maui County. Mahalo.

CHAIR KING: Mahalo for being here. And, just to clarify for the Council, this is a referral item, so it will go to Committee. So, we're, there won't be any decision-making on this today.

MS. AARONA: Okay.

CHAIR KING: We won't be deliberating. You'll have plenty of chance. And it will go to the Planning and Sustainable Land Use Committee.

MS. AARONA: Okay. Thank you.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR KING: Well, okay, I just want to make sure that what, if we have questions, we have questions on the idea of referral, not, we're not trying to solve the issue right now. So, Councilmember Rawlins-Fernandez and then Councilmember Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, you can let me know if it's, if it's not. Mahalo, Chair.

Mahalo Ms. Aarona for being here today and for your testimony. I, you mentioned that you're not allowed to ask us questions. And so, I was just wondering what kind of

questions, which I wouldn't answer it now, but just so that when it is deliberated on, it, it could be answered.

CHAIR KING: Yea, well, that will go, it will go to Committee and then those, those questions could be asked at the Committee level.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, thank you, Chair.

CHAIR KING: So, I prefer to handle it that way.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: Thank you.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I just wanted to just add to, for informational purposes for, to Aunt Mopsy. This matter is going to be referred to the Planning and Land Use Committee, which is Chaired by Councilmember Paltin. And you, and you can request an agenda be sent to you.

CHAIR KING: Right.

COUNCILMEMBER MOLINA: So, whenever the meetings is held. So, that way, you will know, and you can come out and testify.

MS. AARONA: Okay.

COUNCILMEMBER MOLINA: Yea. So, I would just advise if you want to talk story with Councilmember Paltin at a later point and get your name on the mailing list.

MS. AARONA: Thank you.

CHAIR KING: Thank you, Mr. Molina. I think she's on the, every mailing list, because she doesn't miss a trick. Thank you, Aunt Mopsy.

MS. AARONA: Yes, this is all new, not new to me, but as a kupuna you can either stay home and enjoy the beach where I live, and the palm trees, and not think about what's happening in the town. But, my town says, Kekahuna Subdivision and that's my ohana and that's my desire to take care of what is there. So, mahalo for listening.

CHAIR KING: Mahalo for being here.

MS. AARONA: Okay. Aloha.

CHAIR KING: Aloha.

Mr. Clerk.

COUNTY CLERK: Next testifier is Karin Phaneuf, testifying on County Communication 19-63.  
To be followed by Kehau Keaweehu.

MS. KARIN PHANEUF (testifying on County Communication No. 19-63):

Good morning.

CHAIR KING: Good morning.

MS. PHANEUF: Thank you. Thank you, Chair and all these new Councilmembers. I'm so excited to see all these women. I'm a unabashed feminist. I'm here this morning to testify about the Council raises. I want to say that I'm absolutely in favor of getting raises for the Council staff who has not been getting raises, largely due to the fact that they follow the Unit 3 contract. And the Unit 3 contract has just frozen their steps. They've been getting kind of a very tiny across the board increases, as Connie mentioned. It's almost a slap in the face.

Meanwhile, Unit 13 has gone crazy with steps. We got restored our steps. Unit 14 broke off from, for the lifeguards from Unit 3. They got a 16 percent raise. They're doing a lot better. They have their steps.

And I would like to address Mr. Hokama's question, because it's a good question. It's one we get asked every single time. Why didn't Unit 3 get raises? Why hasn't HGEA brought this forward? The answer is they have. But, we are such a tiny, tiny little piece of this State that Maui's voice is not heard when we do HGEA negotiations. The State is not wallowing in money. City and County of Honolulu is not wallowing in money. Big Island is in trouble. The only two places really that can afford to give raises are Kauai and Maui.

Some of you might remember when Mayor Arakawa put forth an HGEA, or I'm sorry, an EUTF Supplemental Agreement, HGEA Supplemental Agreement, that would give us a 60/40 health insurance split, only for Maui; instead of the 50/50 insurance, health insurance split that was being offered by the State. Mayor Arakawa led the charge. He got it approved. And pretty soon, the rest of the State followed suit. Now today,

our split is 60/40 for the entire State. But, but Mayor Arakawa made sure that our Maui was the first one. It was not a popular thing, but he was a leader.

I would like to see this Council and this island be a leader in the State with our raises for our clerks. Please. It's, the Supplemental Agreement is there, the budget amendment is there. We have the money. We can afford it and they deserve it.

CHAIR KING: Thank you. Is it Phaneuf?

MS. PHANEUF: Phaneuf.

CHAIR KING: Phaneuf, are you testifying on behalf of yourself or, or are you a representative?

MS. PHANEUF: Well, it's weird because we are a representative of Mayor Arakawa's Repricing Committee, that was actually a Committee. We are kind of in limbo right now. We're going to try to reestablish this Repricing Committee with our new Mayor, who we believe is in favor. He did speak in favor of this when we did come in front of him when he was a Councilmember. So, technically I'm speaking on my behalf today, because our Committee is in limbo.

CHAIR KING: In limbo. Okay. Thank you very much for being here.

MS. PHANEUF: Thank you.

CHAIR KING: Any questions?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thanks for being here. And thanks for being consistent through the years. One question though, my understanding is that all the units are on the bargaining table right now.

MS. PHANEUF: Yes.

COUNCILMEMBER HOKAMA: So, is your representative bringing this forward at the discussions that is currently being negotiated?

MS. PHANEUF: This is such a good question. One issue with Unit 3, by the way, this, the amendment will affect Unit 3 and Unit 4. But Unit 3 also affects lifeguards, all the lifeguards at the pool who save our children every single day from drowning; and

inspectors, zoning inspectors, electrical inspectors, building inspectors; some of whom will get \$800 month more from this raise.

When you talk about Unit 3, it is not traditionally a group of employees who are very brave, because this is bravery; to get up in front of you. I happen to be a Unit 13 member. Unit 13's are very brave. We're, we're bossy and loud mouths and we're, and we have nothing to lose, and we fight like hell and we arbitrate.

But, Unit 3, often they're working two jobs, they're single mothers, they have families, they have children. They can't always take a vacation time to come do a speech. They're scared to death, by the way, of making their boss mad. They're scared that if they say something they're going to be retaliated against. Often, we have trouble getting representation here for that reason. They don't make enough money. And if they make somebody angry and they lose their job, where do they go?

HGEA has bingo and they have parties, but they're not doing a great job representing Unit 3. And I don't know if they know, but nobody has to pay dues anymore. And I don't know if that's been well publicized.

CHAIR KING: I think you answered the question.

MS. PHANEUF: So, it's, it's a good question. Thank you for that.

CHAIR KING: Yea, thank you for that question.

MS. PHANEUF: No, I don't know if it's being well, well fought.

COUNCILMEMBER HOKAMA: Well, thank you. We are watching the negotiations moving forward. But, one thing, Chairman, Unit 3 Statewide is one of the largest Units with members; one of the largest. You know, so, you folks have some say. If I--

MS. PHANEUF: We should have some say. We should have some say. They should have some--

COUNCILMEMBER HOKAMA: And if not, decertify your agent and go get another representative.

MS. PHANEUF: It's, it's a very good point. And by the way, that Unit is predominantly female.

COUNCILMEMBER HOKAMA: Thank you for being here.

CHAIR KING: Thank you. And I know we have others who are testifying, and I'm happy to, but I don't want to try to solve this right now because I, I do believe it will go to Committee and then we can have that deeper discussion.

MS. PHANEUF: We will, we will have a big party when that gets to a, to the agenda. Thank you so much.

CHAIR KING: We're not allowed to accept gifts, so you can't buy us dinner.

MS. PHANEUF: Just small gifts.

CHAIR KING: Well, thank you for being here. I appreciate it.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kehau Keaweehu, testifying on County Communication 19-63. To be followed by Nancy Mahi.

MS. KEHAU KEAWEEHU (testifying on County Communication No. 19-63):

Good morning, everyone. My name is Kehau Keaweehu. I work for the Department of Public Works as an office assistant. I'm here on behalf of myself for the clerical in getting a raise here. Yea, I think they deserve it, we all deserve it. They work very hard. They're the backbone, I feel, of pretty much all our bosses. We're there early in the morning, we do what we need to do. We get out there and do extra work. We stay later for meetings. So, we're there every day; so answering phones, answering questions, getting people to the right place where they need to go.

A lot of times, clerical, there's a difference; clerical and secretary. But, clerical do a lot of work that secretaries do. I'm kind of nervous here. But, that's how I feel. I feel that they should get a raise, because their family, they have kids, they have husbands. Some are, in fact, a lot are single parents, you know, taking care of their kids. So, I think, yea, the raises should go up higher. That's all I have to say. Thank you.

CHAIR KING: Okay. Thank you. Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Noelani Ahia, testifying, I'm sorry, Nancy Mahi, testifying on County Communication 19-63. To be followed by Clare Apana.

MS. NANCY MAHI (testifying on County Communication No. 19-63):

Good morning, Chair and Councilmembers.

CHAIR KING: Morning.

MS. MAHI: This is only my second time coming up here and I'm not quite as brave as, as Karen. But, I do also work for the Department of Public Works. My time with the County, I started as a clerk and have moved up through the ranks, so I am a former BU-3 employee.

I guess I am very grateful for your time in focusing on raises for County employees. I guess it started somewhere else, but since being hired on, I am incredibly impressed at the caliber of those who I have served with. For those who have served and helped me, I'm the administrative officer, so we have all the Highways Division clerical staff and they are such a support to me in my position in helping our frontline employees. And I do feel they make our team better. We are actually short a clerk in Highways in our Wailuku Division and I rely on that person. And it's, it's hard to work, or it's not as smooth functioning without them there.

Back in 2016, I got involved in this particular cause. And, Chair Hokama at the time posed two questions, the most important being how will the Administration fund these programs? Which I felt was an excellent question. And I cannot fathom how daunting it, a task it would be as we work to balance our own personal family budgets, how difficult the choice may be between what stays and what goes. I understand that money had been previously reallocated and believe it can be done again with creativity.

I know the Committee members making the proposals have worked fervently four, five, six years on this particular topic, and that this is really part of something wage gaps that have been taking 20 years over weak negotiations through Union negotiations. It is something we are looking for you to, again, pioneer such a valuable change for our community and for those who are often the front or the first face of our community. These clerks answer the phones. They are the ones that they walk in and they're greeting our community members.

CHAIR KING: Ms. Mahi. I don't want to make you any more nervous than you are, and I really appreciate you being here, but I just, the item that you're testifying on is about the raises for the Office of Council Services. I'm not sure if you're addressing that in your, or, or are you equating?

MS. MAHI: Thank you. Yes, I will . . . to address that.

CHAIR KING: I mean, I appreciate you equating the, the job of a clerk. So, if that's what you're getting at then please continue.

MS. MAHI: Thank you.

CHAIR KING: Because I think you're right about that.

MS. MAHI: And yes, so absolutely. We definitely are in support of raises for those teams but would love to see additional equality as you see the value in your, the own staff at Council Services, to help promote and move that forward for all members or the frontline employees.

We just urge you to take action on these additional items so that we can better serve those in our community; that they might have a better quality of living and lifestyle, then they will stay in their home city. Thank you.

CHAIR KING: Thank you so much. You said that beautifully by the way. Thank you for being here.

Mr. Clerk, or Mr. Sinenci, did you have a question. I'm sorry.

COUNCILMEMBER SINENCI: No.

CHAIR KING: Oh okay.

Mr. Clerk.

COUNTY CLERK: Next testifier is Clare Apana, testifying on County Communications 19-46 and 19-65. To be followed by Noelani Ahia.

MS. CLARE APANA (testifying on County Communication Nos. 19-46 and 19-65):

I, I'd like, good morning.

CHAIR KING: Morning.

MS. APANA: I'd like to start with 19-65, about the community plans. And I'd just like to urge the Council to actually review the community plan, put back the maps that were originally in there. And I hope that you will come to a process that the community plans may be accepted, and you will also make a way to implement them. Cause a lot of



time and energy is spent in trying to get the particulars of the community plans implemented. And I haven't seen too many places where it's very easy to, to turn it, turn the community plan requirements in and say these are not being followed and have a, an agency follow up on that. It's more like it has to be a lawsuit oftentimes. So, I hope that when you do that, you will provide for the implementation of the plan. Thank you very much.

And then, the other, I forgot the number. It is about a, an acceptance of a water easement by the County. And it is in Maui Lani's Large Lots. We have been involved in monitoring the work that has been done on a waterline in this area. And I believe it's the same waterline going with this easement. I was, when I saw this agenda item, I was kind of concerned because the easement and where I see the waterline is not in the same place.

I believe you have a picture there that I gave you and a, and the map that came with the easement. The waterline is actually going at, like about 45 degrees to that corner, to the two roads, rather than going right along the Maui Lani Parkway. I, I wanted to know what was the process, because I have seen that this particular waterway did not need a permit.

And when I asked the construction people how big it was going to be, they said it was going to be about four feet wide with one foot on each side, so about six-foot trench. And, what you see there is what is started and that's like about, probably 40 feet wide. And they said it was going down three to five feet, but, or six feet. And you see the people standing there; it has gone at least 14 feet in some places because there's 14 feet of fill in some places, and it's gone past the fill into the sand.

I was very concerned that this easement is being given. There's no mention of the cultural properties, the burials that have been found in this area. As a matter of fact, there, in July 31, 2008, an archaeologist, the archaeologist from Maui Lani reports that there were 10 inadvertent, I mean 10 previously found burials and 62 burials that were associated with the building of the Maui Lani corridor. And, and that is just not reflected. So, I have just, I would hope that when you, you can refer this to the, it used to be the Infrastructure Committee, I don't know what the new Committee is called, and culture, so that we can look at these things that often utility lines are not needing oversight and permitting.

When, when I asked, when I ask the Water Department Engineer, Wendy Taomoto, she said that, oh, well, if they're being monitored then they've already have something with SHPD and a monitoring plan. And I know that there is none there. The, we happen to be watching, so they are monitoring that place. But, so, you know, there's something falling through the cracks here.

CHAIR KING: Okay.

MS. APANA: And it's in relationship to this water easement. I'd hate for the County to be accepting an easement that is not accurate. And also in, in the future, if the Water Department is having to do work, they're not going to find it in that easement and then our burials are again at risk cause they're not even, there's no mention of them. There's no mark, so.

CHAIR KING: Thank you.

MS. APANA: Thank you.

CHAIR KING: No, I gave you a little bit extra time, because you had two items and I don't think we got reset in the middle.

MS. APANA: Okay, so sorry about that.

CHAIR KING: But, I just wanted to clarify with you that what we're talking about is item 19-46 on the agenda which is from the Acting Director of Finance, informing of the acceptance of Waterline Easements W-8 and W-9, Maui Lani Large Lot Subdivision.

MS. APANA: Yes.

CHAIR KING: Is that the item?

MS. APANA: Yes.

CHAIR KING: Okay. Thank you.

Members, any questions?

Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Ms. Apana. Mahalo for being here and for your testimony this morning. You, you were wondering what Committee it was going to be referred to, and that would be the Water and Infrastructure Committee, which is chaired by Councilmember Lee.

MS. APANA: I guess, I kind of see it as a more cultural issue, because what is not in the permitting, or the process of construction is the concern about this very sensitive, highly talked about area where there are many burials that have been found. Cause nowhere,

not in the, not in the subdivision plans and the construction plans are the burials inter, an integration into the, the approval process, you know. They may be put somewhere. But they're not in where, when you show where the building is, when you show where you're putting your utility lines, these burials that have been actually discovered, dug up during other processes are not, they're not looked at, at all.

CHAIR KING: Okay, yea, we can--

MS. APANA: So, anyway.

CHAIR KING: We can, this is, this is under, to be referred to the Department of Water and Infrastructure, but if, if Chair, the Chair of that Committee, Councilmember Alice Lee, when we get to that item if she would like to refer it to the cultural, the Committee that has cultural preservation, we can do that at that time. So, thank you for bringing that to our attention.

MS. APANA: Thank you very much. Thank you very much.

CHAIR KING: Thank you for being here.

COUNCILMEMBER SINENCI: Chair.

CHAIR KING: Question by Councilmember Sinenci.

COUNCILMEMBER SINENCI: So, you were looking to--

CHAIR KING: Can you speak into your microphone?

COUNCILMEMBER SINENCI: Were you looking at the Cultural Preservation Committee?  
We're, we Chair the Cultural Preservation Committee.

MS. APANA: Yea. My question is about the, the easement, the acceptance of an easement, the permitting process, the work that's being done, the extent that's being done without oversight. And so, it's, I believe it's a cultural and infrastructure issue, but I, I would leave that up to the Chair and this body to, I, I just would like my questions addressed. Thank you.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Thank you for being here. Appreciate it, Ms. Apana.

Mr. Clerk.

COUNTY CLERK: Next testifier is Noelani Ahia, testifying on County Communications 19-46 and 19-65. To be followed by testimony from our Molokai District Office.

MS. NOELANI AHIA (testifying on County Communication Nos. 19-46 and 19-65):

Aloha mai kakou. I'm Noelani Ahia. Mahalo for being here. And mahalo Councilmember Fernandez for opening up with that maika'i oli to set our space for our work here today.

I wanted to come this morning to share some information about the waterline being put in for Maui Lani Phase 6 via Phase 9 for which the County is permitting an easement.

Many of you may not know that this waterline is going through two different TMK's with high concentration of burials. In fact, in the recent court mediation between Malama Kakanilua and Maui Lani Partners, Maui Lani Partners disclosed that over 700 find sites containing iwi kupuna have been disturbed in this 1,000-acre project district. One find site may have multiple iwi kupuna, so the actual number of iwi is much higher than 700.

Maui Lani Phase 6, Increment 4, where the waterline is going in, has two large burial preserves and several burials found outside of the established preserves that have been discovered since their stop work order was lifted this past June. At the last count, there were around 85 burials in this small increment of Phase 6. In addition, Towne Realty, who also owns Phase 6, is currently trying to figure out how to put a sewerline underneath iwi kupuna, since they cannot go around them. And this is happening in the same area as this waterline.

The level of disrespect and desecration we are talking about here is inhumane and inexcusable. The company that has been doing the archeology, archeology work on behalf of the developers is incompetent, or possibly deceitful. We don't even know where all the burials are, because the Archeological Services Hawaii has failed to turn in updated required reports.

Somewhere near the junction of Kuikahi and Maui Lani Parkway, where the excavation for this line began last week is a mass concentration. But, we have been unable to find out exactly where they are and have no idea if this waterline will intersect them. They were found in 2008, as mentioned by Ms. Apana, and were brought before the Maui-Lanai Island Burial Council. And I put the minutes from the Council in there, so you can read. But, they found 12 burials in one place, another 30 burials, then another 62 in situ burials, and then another 10 previously disturbed burials.

So, I'm not sure if the County is aware that this work is happening in a known burial area. I've provided a map for you, which you can ask me about it if you want. It's a little bit hard to read and I brought a larger one. It's a map from 2005. And what we did was we went through pages of Burial Council minutes to put on top all the burials who, that have been found since that 2005 time that we have record of.

And so, my question is why are we still allowing work to continue right through sacred, hollowed, ground? This continued desecration is harm to myself, as a recognized cultural descendent of this area as well as to the many kanaka maoli who still practice our culture in this area.

All decision making is required to investigate and identify kanaka maoli cultural practice that may be affected by decisions in a particular area, and then it must be determined what the feasible protections for those practices are. This is known as the Ka Pa`akai analysis, which was a case interpreting Article XII, Section 7 of the Constitution; protections for kanaka maoli traditional and customary practices. It is especially important where, as here, the developers and the County don't even know where the burials are.

I would say it would be prudent for the County to hire its own archaeologist. Thank you.

CHAIR KING: Thank you, Ms. Ahia.

Members, any questions?

Mr. Sinenci.

COUNCILMEMBER SINENCI: Yes. Ms. Ahia, has the SHPD been--

MS. AHIA: So, for the, so SHPD worked, we work with SHPD a lot. But for this particular project as Ms. Apana said, because, because it's in two different TMK's, we're dealing with two different permits. So, Phase 6 has a permit. Phase 9 does not need a permit for this section because it's under one acre. So, this problem has happened continuously with other projects, where if there's not, if it's under an acre, the developer doesn't require a permit. So, it doesn't trigger SHPD's review.

So, they can be, this happened with Home Maid Bakery last year. And there were pages of Burial Council minutes with specific instructions for that specific property, but because it didn't trigger a permit and didn't trigger SHPD, they completely ignored what the Burial Council recommendations were going back from seven or eight years ago.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thanks for bringing up the constitutional point. But doesn't the Federal standards also include, what's the right word, at least a conversation with--

MS. AHIA: It does. And we, our group Malama Kakanilua has been in front of the Burial Council multiple times, and spoken with SHPD, and sent letters to the developer asking for consultation, and we have never been given a meeting to date.

COUNCILMEMBER HOKAMA: I thought that was a requirement, though, that you have consultation?

MS. AHIA: It is a requirement, but we have never been given a meeting to date.

COUNCILMEMBER HOKAMA: Thank you for being here.

MS. AHIA: Thank you.

CHAIR KING: Thank you, Mr. Hokama.

COUNCILMEMBER SINENCI: Chair, just comment. I believe it's a Federal--

CHAIR KING: Councilmember Sinenci, your follow up.

COUNCILMEMBER SINENCI: Yes. It's a Federal, if it's a Federal project, then it would trigger the consultation 106.

MS. AHIA: Well, if it's a Federal, it would trigger 106.

COUNCILMEMBER SINENCI: Yea.

MS. AHIA: But this is not a Federal project.

COUNCILMEMBER SINENCI: Thank you.

MS. AHIA: Yea. Were you asking me, Mr. Hokama, about the 106 process, or were you talking about consent, community consultation based on burial laws?

COUNCILMEMBER HOKAMA: Well, my thing is that there's, there's many governmental requirements, yea. And depending, again, whether there's Federal funding or not. But, in general, government's proposition has been that it should go out for consultation, whether it's the State, Feds, or the County, my point is that we should be in consultation with affected parties.

MS. AHIA: I agree. Mahalo.

COUNCILMEMBER HOKAMA: So, thank you.

MS. AHIA: Thank you.

CHAIR KING: Thank you. Thank you for your written testimony as well.

MS. AHIA: Oh, I have the, another item as well.

CHAIR KING: Okay.

MS. AHIA: Just real briefly. Item 19-65 about the community plan. So, to tie this altogether, the, you know, the community plan protects the sand dunes, the Waihee Sand Dunes and then the sand dunes from Kahului Harbor to Maalaea. And the community plan has not been followed in this respect, and the sand dunes have been mined, and the burials have been desecrated.

And I feel like if the community plan were being followed, we wouldn't be in this mess because we wouldn't have construction in an area that is supposed to be protected. But instead, we have these hundreds of find sites. This map is from 2005, and I drew the lines on there cause I want you to see that there's a pattern, they're not just random burials. There are burials everywhere, but this particular area there's a very clear pattern in the sand dunes that's supposed to be protected by the community plan.

So, whatever you folks can do to find some kind of enforcement for the community plan would be maika'i. Mahalo. Did I answer your question? Okay.

CHAIR KING: Thank you.

Just one question, Ms. Ahia. Have you tried working with our Planning Department on enforcing those, the community plan for that area?

MS. AHIA: I believe there were letters sent during the time of the sand mining moratorium. There was quite lengthy letter sent, but we haven't spoken with them since that point.

CHAIR KING: Have you got, did you get a response?

MS. AHIA: No.

CHAIR KING: Thank you.

MS. AHIA: Thank you.

COUNTY CLERK: Proceeding with testimony from our Molokai District Office.

We have Mahina Poepoe, testifying on County Communication 19-67. Molokai District Office, please proceed.

MS. ZHANTELL LINDO: Aloha, Chair. This is Zhan at the Molokai District Office. We have one testifier, Mahina Poepoe on item 19-67.

CHAIR KING: I'm sorry, I don't think we heard that. 19-?

COUNTY CLERK: 67.

CHAIR KING: 67.

MS. MAHINA POEPOE (testifying on County Communication 19-67):

Hi, this is Mahina, testifying on 19-67. Thank you, Chair, for clarifying that this is going to go to Committee, but I was already here so I thought I'd just speak on it anyway.

So, this came across the Commission back in July, June and July 2018. So, the Molokai Planning Commission actually recommends non-passage, and that if it does pass, to be excluded. I'm not on the Commission but I was at the meeting. So, like, the feeling I got from the Commission and from their discussion was that they felt that the application should be processed on time. And that if additional processing time is needed, that instead of extending the processing time forward with a grace period, that it should be extended backward by requiring renewal applications to be submitted early enough to be able to avoid the needed grace period.

They also discussed that should this go through, whether or not the Commission could be the body that approves extensions and not the department. So, the Planning Department actually already extends these grace periods, I think at their discretion. But, they're just trying to codify it so that they'll be allowed to do it, legally I guess.



According to Mr. Raatz, Raatz, who was the planning rep at the meeting that day, he said that it's common to encounter these situations where permits expire while they're in the process for review. And he said that sometimes people apply literally the day before expiration. And alternately, there are some permit types that don't allow you to reapply until its within 90 days of expiring.

So, I just really think that we need to look for solutions that would allow the time necessary for processing, so that the permits don't ever go past their expiration. The solution being offered in this bill only codifies the problem that's been revealed. And I think that they're, there's other solutions that could be explored. Okay, thank you.

CHAIR KING: Thank you, Ms. Poepoe.

Members, any questions? This 19-67 will be referred to the Planning and Sustainable Land Use Committee. No questions? Okay, thank you for being here.

COUNTY CLERK: Next testifier is Zandra Amaral Crouse, testifying on County Communications 19-56, 19-62, 19-63, 19-68 and 69. To be, and to be followed by Kaniloa Kamaunu.

MS. ZANDRA AMARAL CROUSE (testifying on County Communication Nos. 19-56, 19-62, 19-63, 19-68, and 19-69):

Aloha kakahiaki ko`u mau hoaloha. Good morning, Madam Chair King--

CHAIR KING: Good morning.

MS. AMARAL CROUSE: --and, Councilmembers. It's a privilege to stand before you this morning to testify on issues that touch our residents so personally and directly.

On item 19-56, kala mai, so sorry. This is regarding the Department of Housing and Human Concerns, to modify the requirements of Chapter 2.96, Maui County Code, in relationship to the County's purchase option for the Kaiwahine project and acknowledging that two of the units in the project will be manager's units.

I am very happy to know that we're getting housing in Kihei, because I stand before you and the previous Council championing affordable workforce housing. Some say that with the Kaiwahine project I opposed, and so did the residents. No we did not.

The only thing we requested regarding this, and this goes on regarding the rezoning; the only thing we requested that is because North Kihei, Haleakala Ranch, and all of

that open space behind us is subjected to development, especially with the subdividing of the land by Haleakala Ranch which impacts this as well. All we asked was that the large landowners develop a road outside of going through existing residential areas.

I am glad to see that the County and this Council is taking the initiative to work with the community, work with the people and for the people. However, I need to plug again any further development, please, to the large landowners, the Council Chair, and to you Councilmembers, mandate that they do not bring trucks through existing residential communities where our children play, because that can be devastating. One loss of life is one too many.

But we are excited; the North Kihei area that I live in, in seeing housing being developed. But with respect, with respect for the existing community. So, I humbly ask that you keep that in mind as we go forth. And I'm excited about the County taking over this Kaiwahine project and putting our people in homes, taking care of both the homeless as well as our children. Thank you.

On item 19-62. And Madam Chair, I know when the Fire Chief got behind here and, and spoke of the fire trucks, you can relate along with me because you live in Kihei. We have seen our share of devastating fires. And our Kihei unit has got such a vast area, with limited personnel to take care of any disaster that happens in Kihei. So, I humbly ask in short that you the Council look to continuing and expanding your fiscal budget to include what is needed, because this will not benefit only South Kihei, but other areas as well by giving more engines to our firefighters to protect the citizens of South Maui. And we're kind of like in the middle of Lahaina and Central, so those could be facilitated for both; South Maui, Kihei and Central. So, I humbly ask in short that you support our Fire Department, our firefighters, so that they may be better equipped to protect us, and our children, and our grandchildren. Thank you, Madam Chair.

On item 19-63, transmitting a proposed resolution entitled "APPOINTING THE STAFF AND SETTING SALARIES OF THE COUNCIL, OFFICE OF COUNCIL SERVICES". I'm excited, because as an advocate for affordable housing, I know that the people who buy houses first need the money to buy the houses, so that's exciting. And I'm glad you've done this for your Council clerks.

And I'm going to ask and I'm going to . . . back on your previous testifiers. It is not only your clerks that deserve a raise, every clerk that is in a 3 and every other Unit that serves this County. If we're looking at equity, equality, let us look at that. And I do know it's all up to our bargaining units. As a past teacher, I was part of that and I was very grateful. But sometimes, Maui being the small area that we are, the units and the unit representatives don't do us quite the good that they can or want, and that's where I would ask them to unite with the other smaller islands so that they can be a force to

be reckoned with and compete against Oahu and the larger islands, like Kauai and Oahu. So, I humbly ask you to look at that aspect too. Cannot be handled now, but ongoing financial discussions, I humbly ask. Thank you.

On item 19-68. Kihei-Makena Commission, a proposal bill to amend the Kihei-Makena Community Plan and Land Use Map from Business/Commercial to Single-Family for approximately 43,390 square feet of property at 1488 South Kihei Road. Again, when you transform your business area to a residential area, single-family area, that is always good. However, again, be it a single unit, be it a development that be, is being designed, I humbly ask you and the Planning Commission, really, to mandate that any development that goes on, egress into and out of the projects that being built be done away from existing communities just to protect the people's sanity if anything.

Cause, right now, we are living at that with the egress on Kaiwahine through a very busy commercial, residential area, and Ohukai where I live. Every day, there are 20 to 30 trucks that my husband counts; goes in and out of that ranch at an, as, at an existing residential area. Is that fair? No. Is that cheaper? Yes.

But, let me ask you, with all of the development that's coming up in North Kihei, would it not be prudent of these landowners to work together to develop one access that is away from existing residential areas? I say yes. Because the ranch land is wide open, so they could do that and still make money, still provide housing; but not impacting our existing communities which exist of predominantly young families with kids or old retirees who are local people.

Because you got to remember, we live in County housing. We were blessed with a lottery. So, these are not people from the mainland; these are your local people like myself and my neighbors' whose generations on, who were blessed to get a house.

And we fight our community, to see that others in our community, get housing. But all the emails we sent out to these landowners for not. They refuse to work together, and I think that they should with the Committee. And Council Chair, I told you I'd meet with you and talk story, kukakuka, just to inform and get your mana`o as well as the Housing Committee Chair. I thank you all, but I humbly ask that yea, you guys look at legislation that benefits our citizens that does not impact our existing people.

19-69, and that's the last one I believe I signed up for; relating to the planning of the Wailuku Civic Center Complex. In short, all I'm going to say about that is that I think that that will be an asset to the community; not only of Wailuku, but all of Maui. It will enhance business. It will restore safe walking. For many of the older families who were born, raised, and still live here, some of them mines, a lot of them mines, who would love to walk the streets again but cannot because it's just not safe. So, I do think

this project as a whole would really help to bless the Wailuku community, old and new, as well as businesses and other communities that surround the Wailuku center. Thank you. Thank you, Madam Chair.

CHAIR KING: Thank you. Any questions, Councilmembers?

Seeing none, Mr. Clerk. Next testifier.

COUNTY CLERK: Next testifier is Kaniloa Kamaunu, testifying on County Communication 19-46. To be followed by Highness Kaua.

MR. KANILOA KAMAUNU (testifying on County Communication Nos. 19-46 and 19-65):

Aloha mai kakou, Council and Chair. Kaniloa Kamaunu, Waihee Valley. So, the concern I have with the easement, it's funny cause the, we had talked to, I think it's DSA and I think his name was Lesli Otani. I think prior to this announcement coming out this week, that they, that Maui Lani had put in, I guess, paperwork for their, their construction as being done. And, we kind of already thought that the easement was in line already.

And to kind of have this come after, or being notified that, you know, the easement was approved after they had, it kind of, to me doesn't make sense, because, you know what I mean, if the thing is not solidified how they, how they working anyway. I know the property is, is theirs, but still yet, I mean, to go on the, you know, it kind of makes, it's kind of presumptuous to think that that's going to happen, you know.

I mean, cause we had no idea that this was coming up. And then all of a sudden they're doing work, we already thinking that they're, they already got this, and it was already done, and then yet now it's coming up now after they've already been about a week at work. You know, that's kind of putting the cart before the horse, you know. And we are testifying about this when work is already being done.

And, there's some things on the aspect when we, I guess, consulted with the Water Department that some things, we're not, she wasn't sure if those things were actually cleared. And also, having a problem with possible burials. You know, there's, there's nothing to, you know, I mean we went to court on this area. We took a lot of our time bringing this forward, you know, and fighting about it and then yet to be, you know, not even to have this done on the project, when in actuality we're supposed to be participating on construction work. But, because things haven't been totally settled yet with the settlement that we came with and they going ahead and go and work on it,

and all these things aren't put together, and nobody knows within these County departments actually what's going on.

When we went to see Lesli Otani about the, the footage, according to the map that they submitted that it looked to her under an acre. But, for the, there weren't enough inspectors, one is out ill, one was on vacation and she's the only one in the office; and there's only three people in the office, so it's, now she has to take care of the whole island. But, to not have what we went to fight for, protected and assisted by the County, it's kind of unfair because, you know, I mean, there is no parameters about whether or not they're within an acre. So, when we go there, we don't know what the footage is.

So, there's no, there's no protection from this body to the public which, which we are, to make sure that they're in your parameters because no inspector went out to check it. And there's no pegging, no surveying being done to show where the parameters are.

COUNTY CLERK: Four minutes.

MR. KAMAUNU: You know, so.

CHAIR KING: We're, so if you can conclude, we can see if Council has questions.

MR. KAMAUNU: Yea, so my thing is, you can see how discombobulated this thing is. And how we supposed to make heads or tails on what's happening? So, I come to this body to actually get clarity and to make the people who are responsible know what's going on.

CHAIR KING: Thank you.

Councilmembers, questions?

Mr. Sinenci.

COUNCILMEMBER SINENCI: Yes. Kaniloa, was the, the water, waterline easements part of the previous settlement?

MR. KAMAUNU: As far as?

COUNCILMEMBER SINENCI: As, you know--

MR. KAMAUNU: Where the County--

COUNCILMEMBER SINENCI: With the settlement, I mean, so, so that case is closed?

MR. KAMAUNU: You talking about our case?

COUNCILMEMBER SINENCI: Well, the, that presided this, these easements.

MR. KAMAUNU: I, I don't know. We had no, you know, we thought everything was done but then it's coming forward to you now. So, why would that be?

CHAIR KING: So, I think I can clarify that part, because it actually appears to have been done, so what we're looking at is a report informing us of this acceptance of this waterline easement. So, it, you're correct, Mr. Kamaunu, that it was done and then now they're giving us the report. And usually what happens with these reports is they get filed, because they're just a report of actions that have been taken.

But, what we're hearing today is that there are members in the community that would like this reviewed. And so, the earlier discussion was to have it possibly referred to the, to your Committee that's environment, that includes the Environment, Agriculture, and Cultural Preservation. So, if you could take a look at those issues having to do with this easement.

MR. KAMAUNU: There's some things that, some things have changed, yea. And you know, especially with the sensitivity, I think of the area is the reason why it's kind of surprising of what's, you know, so.

CHAIR KING: Thank you.

Other questions?

I think, Ms., Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha.

MR. KAMAUNU: How's it.

COUNCILMEMBER PALTIN: Thank you for being here. I just was wondering if you would support it being referred to the Cultural Preservation as opposed to the Water and Infrastructure Committee?

MR. KAMAUNU: Cannot go to both? Yea, I think the cultural would be more, cause we actually gone through the infrastructure. We've been working when Elle was in that

Committee. So, you know, if there's another way where we can probably would be better suited for us, would be probably more appropriate.

COUNCILMEMBER PALTIN: Thank you. Thank you for clarifying that.

CHAIR KING: Okay. Any other questions? If not, thank you so much for being here.

MR. KAMAUNU: I, I did put down 65 also.

CHAIR KING: Oh okay.

MR. KAMAUNU: I guess they didn't.

CHAIR KING: I, I didn't, it's not on your form.

MR. KAMAUNU: Yea, sorry.

CHAIR KING: But, you're very welcome to speak on any issues.

MR. KAMAUNU: So, thank you. So, is, my question I guess is, the community plans we're talking about, the update, is that from the one that that had been done several years ago, or is there a different one? You know, cause it's kind of, I mean we, we have, we, you know, the, excuse me, that Committee had put things together for that community plans for different areas. But, it seems that, it always seems to be pushed on the side. And that it always ends up not, not being followed through. So, you know, I mean, is this, that's still the same plan we talking about and, you know, I mean, is it still viable because a lot of times a lot of things that were done really didn't, really didn't go along with the community plans, you know.

Going through several years of this, you know, hearing the public come by and argue that the community plan is not being considered, you know, I wonder what the, what the status is on what was already proposed if they're not doing it. And how the, how the County is planning to implement where they haven't been doing it as of late. You know, I mean, the public really doesn't have a lot of venues to come and, you know, we leave that up to you guys to decide. And yet, you know, it's our voices that come here and, you know, time that we take to come and, and you know, seek for remedy in these situations.

And then, yet, to have what was discussed by the public and then not being used. It's, it's disconcerting in a lot of things, you know. I mean, you know, I mean, if you just look at the Monsanto situation, that was, you know, just blatantly disregarding the community itself. And you know, to see a lot of this happen, you know, continuously,

you know. And for the work that the people that went on those commissions and got together and put the plan together, and to see it pushed on the side all the time.

And, you know, a lot of these cultural things wouldn't come up, we probably wouldn't be here if a lot of the, what the people had put down in their, for their communities actually followed through. But, what's, you know, it's fallen short that the people aren't being listened to. And you know, I mean, when you look around what's happening today, a lot of the situations and the violence that comes is because their, their remedies aren't found. And then people have no other choice to, but to become more proactive.

And a lot of times that turns into dangerous situations, such as Haleakala. We saw what happened with that. Is that what we want? You know, the solution is to, you know, really consider what the people say and understand what they're saying. Thank you.

CHAIR KING: Okay, thank you. And just to let you know that that item 19-65 is an annual report that's supposed to give us an update on all the implementation items for all the community plans. So, that's what that's designed to do so that we can monitor, and the public can monitor if those plans are being followed.

MR. KAMAUNU: Alright. Thank you.

CHAIR KING: Thank you.

Any questions for Mr. Kamaunu? Okay, thank you so much for being here.

MR. KAMAUNU: Mahalo.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Next testifier is Highness Kaua, testifying on all items on the agenda. Mr. Kaua is the last individual who has signed up to testify in the Council chambers or at the District Offices.

MR. HIGHNESS KAUA (testifying on all agenda items):

Aloha, good morning. Good morning.

CHAIR KING: Good morning.



MR. KAUA: We already aware as far as from other days as, as who I am. I was Gary Woods, he, he is in me, no doubt about it. He lives from then and he's dead, but he lives in me though. He live in me as far as within the whole government of Hawaii, State of Hawaii, name change for the record. I'm happy to be from my ancestor's descendants Kaua, where he is a war captain. As a war captain, council advisor to the people for the people, that is a must; always a must. And for people that has heard this now, the brothers and sisters, it was awesome to hear that from them. Especially when, with this, with here being the corporation court Cahill, he knows that his Highness Kaua that living in here today is defending my brother Gary Woods, that lives in me, copyright claim, all rights reserved.

And 39,000 of my brothers and sisters, and that's, then they came out here and speak talking about their rights of what we should be having and gaining. And all this day before that and day before that, I'm happy to hear them say things of what problems we are having in the land, in the water, in the burial sites. Because everything goes into a department, fire department, and branches got to work down in the departments that you going see things happening from workers to bosses to guys like this over here, Spencer guys and Goode; doing things behind our back.

Doing the best I can in, in these years now, 15 years when I hit, hit my head and three months coma. They said I wouldn't live; called three priests into my last rite to death. Nothing but negative, negative, negative. But lucky when they came over there, that was three balls, instead of three pitches, strike me out and I'm dead. Three balls, but I gave up one, one fast-pitch. And my father . . . homerun, I woke up. I woke up to where I get one chance to live a way of aloha and love for the people.

Cause the people is what makes the biggest difference. And that's why I, all I said about getting together is the most important part. With the 39,000 of our brothers and sisters willing to do that, because when we all work together; what they say, work together, gather together, we form unity. Unite uniqueness, unique, unique, unique, unique, blueprint, blueprint, blueprint, design, design, design, for I am who I am, you are you are. And that's great, cause you know it's vice versus, right to the wrong. No one can ever take things from us, and that is from everyone I've talked to. They say no. That is what you call unity. That's the kind being a coach. I coaching my kids that work in, that being on the field to feel that way. We working together.

CHAIR KING: Highness Kaua, can you conclude? Your time is up.

MR. KAUA: Yea, and I also doing the, the housing, the water, the burial.

CHAIR KING: Do you have, do you have a, another subject? Can you tell us what item it is?

MR. KAUA: Every island.

CHAIR KING: Okay, but you need to be specific about the item that you're testifying on.

MR. KAUA: The one that they came out earlier with the, with the water, the burial.

CHAIR KING: The Maui Lani easement?

MR. KAUA: Yea, and burial.

CHAIR KING: Okay. We can give you, we can give you another three minutes, but you need to conclude. You need to keep it to that subject.

MR. KAUA: You know that since these past days, it's been, you know, going through my head, a lot of things. So, just putting things in, trying to do the best I can. Do the best thing I can. One thing is great about that, I said earlier, a team together, together. For Gary, living in me, and 39,000 of my brothers and sisters that I see every day; 39,000 to 39 million for the illegal annexation. The water, burial sites that they going on, and they do that, they doing construction on purpose. My dad work construction, for I know how the thing works. All the different corporations, they going do that. Why? Cause it's going to get hard time on you guys. They know how the system working; Federal, County, State.

Waterlines, we deal with waterlines, the last time I shared with you guys the last time, it's back in our hands. Already it was in ours, then they took it over illegal annexation. Then we, I earlier said what it's on as far as now with the Kingdom of Hawaii, we taking over, rightfully. And I have talked to many already as far as what you call judges; three judges . . . You got many of them. Braddahs that ride horses and do all kind things pertain to protecting our water.

And all the people right here, 39,000 they don't need to work for a corporation. Cause why? You don't need to do things to pay what is called a serpent's snake of tongue action that they using, that we get so used to using the same tongue, we're doing it naturally. How all the kids going learn and get better when we ourselves are not willing to do that?

Most important part is that we shared earlier, that we're, we can lock in together with the . . . sovereignty with here, because it's going to, it is a meeting place right now that starts as a burial where our parents, parents' great parents is put on to where they come into the ground and they doing things to the grounds. And you guys don't have enough money to take care all that things. I see that with the fire departments,

everything else, because I do understand how the money works, being a financial services person, regional manager at that part, but.

CHAIR KING: Thank you for sharing with us. We appreciate sharing what's in your heart. Mahalo.

MR. KAUA: Good to see you guys again. Have a good day.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Madam Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony. And we have received written testimony.

CHAIR KING: Members, are there any objections to receiving written testimony into 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. Nancy Mahi;
2. Clare Apana;
3. Noelani Ahia;
4. Mike Moran, Kihei Community Association;
5. Barbara Baehr;
6. Julianne Pokini;
7. Gail Martinellie;
8. Pamela Tumpap, Maui Chamber of Commerce;
9. Helaine Borge;
10. Gail Fujiwara;
11. Grace Andam;
12. Victoria Constantino;
13. Teresa Rebolledo;
14. Colleen Chur;
15. Sharilynne Papagayo;
16. Sarah Reichert;
17. Julie Powers;
18. Renee Medeiros;
19. Laureen Perreira;
20. Lory Quipotla;
21. Theresita Sambrana;

- 22. Chad Au;
- 23. Prudence B. Bugtong;
- 24. Laurence Fabrao;
- 25. Janene Franklin; and
- 26. Debra Hayase.

CHAIR KING: Okay. With that, any objections to closing public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. And with that, we are at our morning break. We'll come back at 10:45 and be ready to go into the agenda so we can get done so that Mr. Molina can have his afternoon meeting. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:32 A.M., AND WAS RECONVENED AT 10:48 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER HOKAMA AND VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR KING: Alright, the Maui County Council meeting of February 1, 2019 will reconvene after our morning break.

And, Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 19-34 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 8, 2019)

Transmitting 123 contracts/grants for December 2018.

CHAIR KING: Okay, Mr. Clerk, I think we'll skip over to 19-38.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 10:49 a.m.)

CHAIR KING: Oh, okay, welcome back, Ms. Rawlins-Fernandez. So, we're on County Communication 19-34.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, Chair. Thank you.

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 19-34.

CHAIR KING: Motion to file--

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: --by Member Rawlins-Fernandez, second by Member Sugimura. Any discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair. Oh sorry. This communication is for informational purposes only and does not require Council action.

CHAIR KING: Okay, any discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, may I request the following contracts, so CC6648, Upcountry District Resurfacing from Department of Public Works; C6660, North Shore Greenway as it relates to my Committee; C4814 *[sic]*, Coqui Frogs Eradication.

CHAIR KING: Okay, those three and then we'll, the Chair will reallocate where they get referred to. Any other requests to pull contracts out of the, out of the list?

COUNCILMEMBER SUGIMURA: Thank you.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, so, I'm sorry, Clerk, point of clarification. Was that to change the referral or just file?

CHAIR KING: Oh, those are--

COUNCILMEMBER SUGIMURA: I just, I just, yea, just these three contracts I'm interested in.

CHAIR KING: They're, it's a list of contracts. So, if you, if you feel like any of them need further scrutiny before we file them, then you, you know, you can pull them out of that list of over 200 contracts, I believe it is, and ask them to be referred. So, these will be referred per Councilmember Sugimura's request.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: And, if there are no other requests, then motion to file. Let's, call the question, all those in favor?

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,  
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR  
RAWLINS-FERNANDEZ, CHAIR KING.

CHAIR KING: All those opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay. Motion passes eight to zero; with one "excused", Mr. Hokama.

Ms. Rawlins-Fernandez.

NO. 19-35 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 3, 2019)

Transmitting the annual report of all acquisitions made, and conveyances accepted for calendar year 2018.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, may I request that you ask the Clerk to also call up County Communications 19-36 and 19-37 at this time?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, Mr. Clerk.

NO. 19-36 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated January 11, 2019)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock grant in the amount of \$452,625.11.

NO. 19-37 - KAY FUKUMOTO, ECONOMIC DEVELOPMENT DIRECTOR,  
(dated January 18, 2019)

Transmitting grants from the State of Hawaii, Workforce Development Council for the Workforce Innovation and Opportunity Act in the amount of \$548,371 for the period of July 1, 2018 to June 30, 2020.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

Chair.

CHAIR KING: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-35, 19-36,  
AND 19-37.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Moved by Councilmember Rawlins-Fernandez, seconded by Councilmember Sugimura.

Any discussion? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,  
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR  
RAWLINS-FERNANDEZ, CHAIR KING.

CHAIR KING: Any opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, motion passes eight "ayes", one "excused".

Mr. Clerk.

NO. 19-38 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 7, 2019)

Informing of the acceptance of Waterline Easement F, Kehalani Module 18  
Subdivision, TMK: (2) 3-5-001:089 (por).

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. May I ask that the County  
Communications, in addition to 19-38, 19-39, 19-40, 41, 42, 43, 44, 45, 47, 48, and 49,  
be brought up at this time?

(Councilmember Hokama returned to the meeting at 10:53 a.m.)

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections.

Mr. Clerk.

NO. 19-39 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 10, 2019)

Informing of the acceptance of Waterline Easement 1-B, Kehalani Mauka (Large-Lot)  
Subdivision No. 3-C, TMK: (2) 3-5-001:111 (por).

NO. 19-40 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 10, 2019)

Informing of the acceptance of Waterline Easement 1-C, Kehalani Mauka (Large-Lot)  
Subdivision No. 3-C, TMK: (2) 3-5-001:116 (por).



NO. 19-41 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 10, 2019)

Informing of the acceptance of Waterline Easement 1-D, Kehalani Mauka (Large-Lot)  
Subdivision No. 3-C, TMK: (2) 3-5-001:118 (por).

NO. 19-42 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 8, 2019)

Informing of the acceptance of Waterline Easements W-1A and W-25, and 21 Water  
Meter Easements, Pulehunui Plains Subdivision, TMK: (2) 3-8-004:030 (por).

NO. 19-43 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 10, 2019)

Informing of the acceptance of Waterline Easement E, Pulehunui Plains Subdivision,  
Lot 1, TMK: (2) 3-8-004:023 (por).

NO. 19-44 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated December 24, 2018)

Informing of the acceptance of Sewerline Easement S-1, 83 Mission Street,  
TMK: (2) 3-4-018:077 (por).

NO. 19-45 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 8, 2019)

Informing of the acceptance of Fire Hydrant Easement A, TMK: (2) 3-4-010:005 (por).

NO. 19-47 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 24, 2019)

Informing of the acceptance of a Waterline Easement in connection with the  
construction of the Ulupalakua 100,000 Gallon Water Tank Replacement (DWS Project  
No. 15-06), TMK: (2) 2-1-009:001 (por).

NO. 19-48 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 24, 2019)

Informing of the acceptance of an Access Easement in connection with the construction of the Ulupalakua 100,000 Gallon Water Tank Replacement (DWS Project No. 15-06), TMK: (2) 2-1-009:001 (por).

NO. 19-49 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 24, 2019)

Informing of the acceptance of a Tank Easement in connection with the construction of the Ulupalakua 100,000 Gallon Water Tank Replacement (DWS Project No. 15-06), TMK: (2) 2-1-009:001 (por).

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

Councilmember Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATIONS 19-38,  
39, 40, 41, 42, 43, 44, 45, 47, 48, AND 49.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Moved by Member Lee, seconded by Member Sugimura.

Any discussion? If not, all those, oh I'm sorry. Ms. Lee.

COUNCILMEMBER LEE: Well, if nobody has any need for clarification, yea, we can vote on it now, sure.

CHAIR KING: Okay. Alright. Seeing no need for clarification, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, unanimous; nine, nine "ayes", zero "noes".

Mr. Clerk.

NO. 19-46 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 7, 2019)

Informing of the acceptance of Waterline Easements W-8 and W-9, Maui Lani  
(Large-Lot) Subdivision No. 7, TMK: (2) 3-8-007:153 (por).

CHAIR KING: Okay, Member Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO REFER COUNTY COMMUNICATION  
19-46 TO THE ENVIRONMENTAL, AGRICULTURAL, AND  
CULTURAL PRESERVATION COMMITTEE.

CHAIR KING: Okay, is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Moved by Member Lee, seconded by Member Rawlins-Fernandez.

Councilmember Lee.

COUNCILMEMBER LEE: Chair, after hearing the public testimony this morning regarding this, the cultural issues in this area, I believe this item is more appropriately discussed in the Environmental, Agricultural, and Cultural Preservation Committee. I ask for the Members support to refer this communication to the EACP Committee.

CHAIR KING: Okay. Any other discussion? It's been moved and seconded.

Member Hokama.

COUNCILMEMBER HOKAMA: Thank you. You know, I got some reservations with this one, Chairman. I understand my colleague, Ms. Lee. But the cultural components, which I'm not arguing about, is because of part of a standards and easement requirements through the Code. And you know, for me, that is part of Ms. Lee's Committee's responsibility. So, I'm kind of torn, because most of these issues come up because of how we do our easements regarding the waterlines, whether we do it for our drainages, whether we do it for just road safety issues. But, this is part of subdivision and easement requirements, so you know, I guess it can ride multiple, multiple Committees. But, you know, this for me is more of an infrastructure issue. But, again, I will just state my reservations on it. Thank you.

CHAIR KING: Member Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. And thank you, Member Hokama, for your comments. Actually, this communication is a matter of the Administration notifying of, us of something that's already been done. And, what the community seems, some members of the community seem to be concerned about is more about the cultural aspect of this issue rather than standards or the acceptance of this report from the Administration. So, that's the reason why, primarily, we believe, I believe it belongs in the other Committee and not mine.

CHAIR KING: Thank you, Member Lee.

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Yes, the Cultural Preservation Committee and listening to testimony this morning about the concerns of possible burials that were found at this site, we would like to accept it into the community just for the, for the issue of, of looking at the site more, more intensely and making sure that proper procedures are, are being done if and when cultural remains are found. So, just giving that extra time to, to address this issue in our Committee. Thank you.

CHAIR KING: Okay, thank you, Mr. Sinenci.

Councilmember Rawlins-Fernandez, did you have a, did you have a comment? I thought you, I saw you raise your hand earlier.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I was just going to echo what Councilmember Sinenci said.

CHAIR KING: Okay.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, listening to the testimony and hearing the discussion of the Councilmembers about the appropriateness of the item, I understand what, basically what the item does as, as Member Lee says is it's telling us of what happened. But, the concerns that people are expressing, maybe if the Chair for the Cultural Preservation can, can entertain the thought of going through what is required for the process. Because I think we heard that all of 2017, 2018, when this item came up about protection of iwi kupuna and the concerns from the community, and yet, we have in place the SHPD with DLNR who does have the oversight with the Burial Council. And yet, there's some, some lack of trust, I guess, that it's not being handled appropriately.

And then we did do some ordinance changes. So, maybe you can provide all of that information so that the community can understand what the total picture is now based upon what we went through to try to do preservation of, you know, of the, what the Council can do in terms of this; understanding the relationship with DLNR and SHPD, as well as the ordinance changes we did to allow private sites to, for the County and SHPD to go on site, as well as to change some of the definitions so we don't have resource extraction, which I think was the general concerns. So, if you could, Chair, that would.

CHAIR KING: Well, I think your concerns are noted. I, we, what was before us right now is either going to be referred to the Committee or not referred to the Committee. But, we can't expand or change that item. So, but as a Member of the Council, of course you can, your concerns, I think, have been noted.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Thank you.

Member Kama, did you have some comments?

COUNCILMEMBER KAMA: I was, but I'm thinking I'm going to wait till it gets to the Committee and have the discussion there. Thank you.

CHAIR KING: Okay. Great. Thank you.

Mr. Molina, you have, you have a light on, so. Okay, no comment? Alright, okay.

We're still on the agenda item 19, the Communication 19-46. There's been a motion to move that over to the EACP Committee.

COUNCILMEMBER MOLINA: No comments. Just waiting for the vote.

CHAIR KING: Okay. Okay, any, no further comments? If not, all those in favor of moving, of referring item Communication 19-46 to the Environment, Agriculture, and Cultural Preservation Committee say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: All opposed.

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero. That referral will happen to, will change.

Mr. Clerk.

NO. 19-50 - JEFFREY T. PEARSON, ACTING DIRECTOR OF WATER SUPPLY,  
(dated January 7, 2019)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2018.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Chair, may I request that County Communication 19-51 also be brought up at this time?

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections.

Alright, Mr. Clerk.

NO. 19-51 - JEFFREY T. PEARSON, ACTING DIRECTOR OF WATER SUPPLY,  
(dated January 15, 2019)

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

CHAIR KING: Member Lee.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATIONS 19-50  
AND 19-51.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Moved by Member Lee, seconded by Member Sugimura.

Any discussion, Ms. Lee?

COUNCILMEMBER LEE: County Communication 19-50 is a monthly report submitted by the Department of Water Supply relating to Source and Groundwater Use for the month ending December 2018.

County Communication 19-51 transmits water use reports pursuant to Section 2.90A.050A, Maui County Code, from the State Commission on Water Resource Management for November 2018 for all registered well reporters in the County of Maui.

Both reports are routinely submitted to the Council for informational purposes. I ask for the Members support to file the communications.

CHAIR KING: Okay. Any discussion? Been moved and seconded that we file County Communications 19-50 and 19-51. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Mr. Clerk.

NO. 19-52 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 18, 2019)

Transmitting a Councilmember's report on the Hawaii State Association of Counties Executive Board meeting on January 15, 2019.

CHAIR KING: Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE TO FILE COMMUNICATION AS READ BY THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved and, moved by Mr. Hokama, seconded by Ms. Sugimura.

Mr. Hokama.



COUNCILMEMBER HOKAMA: Thank you. I'm giving this report today because more than two Members were present from this Council. Of course, you are our representative, our officer to our State Association, Ms. King. But, I was also there as the alternate, a NACo spokesperson. And then we also had the presence of Ms. Keani Rawlins, who also joined us.

Each County gives their status report of what was occurring within each County. Your Committee also talked about how to move forward the HSAC, which all counties adopted, proposal for the Legislature in its upcoming session, as well as, again, the opportunities of our executive committee to bring up additional subject matter because of the timing as allowed by our bylaws to bring forth additional subject matter to the Legislature.

It was a standard executive committee meeting, and I thought it was well represented by all officers of our State. And I have no further comments, Chair, except I'm happy to answer any questions by your Members. Thank you.

CHAIR KING: Thank you, Mr. Hokama.

Any questions or comments?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm just curious if, if the meeting then required any action from the Councilmembers for what's happening at the Legislature. Was it, was it talking about the Legislative Package, which I think Maui doesn't have anything in there, but as a, as HSAC I think there were items that were, were submitted to the Legislature.

CHAIR KING: That was the point of the Legislative briefing, was to, was to present the Legislative Package. And there was discussion on the Legislative Package between, between and among Councilmembers from all islands and the State Legislature.

COUNCILMEMBER SUGIMURA: So, my question is, are we as Council, individual Councilmembers being asked to support anything or, or is the Council Services taking care of that?

CHAIR KING: Well, Council Services is tracking legislation. So, they were, are letting us know when any legislation comes up that affects the County. But, specifically, on the HSAC legislation, they will be sharing that with the other counties. We're the only County that really has a tracking system for legislation, so we're sharing that with the

other counties in order to let them know when the items come up on the legislative agenda.

Do you, would you like to add anything, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as, I think you were very accurate. The HSAC Package is already a compilation of County concerned legislation that has already been voted and vetted by each Council. And what is in the Package has already been adopted by all four counties. So, this is not something that we're going to vote about. This is something that's being presented to the Legislature for consideration to assist the counties in moving forward in the various subject matters. Thank you.

CHAIR KING: Thank you.

Any other questions?

Ms. Kama.

COUNCILMEMBER KAMA: Yes. So, Madam Chair, my, I have a question. That, so, we've already prepared this package for the Leg. from our County and we've joined with the other counties. So, when do we again prepare for the next session? When does this Council start looking at that Legislative Package for HSAC again?

CHAIR KING: Okay. Well, the, the HSAC appointments are till the end of this fiscal year, which end on June 30. So, there will be new appointments before then to start on, or July 1. And, there's a period of, after July 1 and there's a deadline, I think it's usually in end of September or sometime in October where the HSAC Package has to be approved by all counties.

The, the County of Maui can make its own Legislative Package. And if we want, in moving forward, if we want to add things to that, we, you need to bring it before the body and get it voted on by all the Councilmembers.

But, the HSAC Package has to be voted on by all the various, four Councils and then brought to the HSAC Executive Board to be voted on. So, that's a, a, a longer process to do that. And then the deadline for the HSAC is set by that HSAC Executive Board.

But, the Package from Maui County can be ongoing, I believe, if we decide to add other pieces of legislation. I know Mr. Hokama has been working on, on some, you know, that will affect the entire State. So, if we can't get it onto, you know, this is regarding cesspools and how, and getting funding for that, and if we can't get it onto the HSAC Package because the, the process is too cumbersome then we could definitely

approve it through the Maui Package and then that means that everybody who wants to testify on that from the Maui Council is representing the Council's opinion, Council's support for that bill.

COUNCILMEMBER KAMA: Okay. Thank you.

CHAIR KING: Would you like to add something, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, you're very accurate in your comments. I would just say that most time we wait till after the session adjourns to find out why, where we stand with our proposals. We may bat a 1,000 or we may bat zero. So, again, depending on the Legislature's attitude and approach, as was said earlier, they are facing major financial challenges, especially regarding obligations on their part for retirement and healthcare of employees and retirees, so, and contracts on the table. So, again, Members, I would say after the session, we can get a report card type of effort and legislation can then be further considered for the next upcoming session. Thank you, Chair.

CHAIR KING: Thank you, Mr. Hokama.

Any other questions or comments?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I guess since we have a tracking system, as you, as you've shared, then if the Council is, Council Chair is going to be submitting testimony, if you would let us know then we can also submit testimony to support if it's something that, you know, we are as a legislative body. Because I think, from what I've experienced the past two terms that helps in terms of giving the, the County of Maui some voice at the Legislature and support for what the HSAC Package is trying to do. So, if we could, we'll wait for--

CHAIR KING: Okay, Councilmembers, if, if you would like to be included in the, the notices from our Office of Council Services, please let, let me know and then I'll, I'll forward that on. If you, you'll, you'll notice that we're getting, you'll get notices of, of different pieces of legislation that don't necess, weren't necessarily on the Maui Package or the HSAC Package.

So, if you testify in favor of those, you're testifying as an individual. If you testify for the Maui Package, you're testifying on behalf of the Maui County Council. So, just be aware that, and we'll, and we'll make sure that, there's only two, two pieces of legislation on our Maui County Council pack, in our package. So, it's going to be real easy to track those. And one is the TAT, which we're now seeing, getting some support from the Governor.

But, just be aware that when you testify on anything that's not already approved by this Council or HSAC, that you're testifying as an individual. You can testify as an individual Councilmember, but you're not representing the body.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I'm sorry to extend this discussion, Chair.

CHAIR KING: No, no, it's okay. It's a good discussion.

COUNCILMEMBER HOKAMA: But, just so that the Members also know, by our bylaws we authorize our executive officers during the legislative session to, again, make considerations of Statewide concern and put it under HSAC and present it to the Legislature. We have a component during the legislative session that allows our officers, in consultation with all Councils, to bring forth some last minute things. And I'll bring it up right now; Senate Bill 1269, okay. Go and read it. That is a proposal to eliminate all Counties' Board of Tax Appeals.

COUNCILMEMBER SUGIMURA: Wow.

COUNCILMEMBER HOKAMA: Okay. And they are, the Legislature is considering to create a Statewide tax appeal board, which I feel is in conflict with the--

COUNCILMEMBER SUGIMURA: Constitutional.

COUNCILMEMBER HOKAMA: --duties and operations of the counties as established by the State Constitution. And I'm happy to take the State to court on this, on this issue. But, be aware that this is something the State is now intruding on County jurisdiction. And I would ask you to read it. And if you agreed, maybe we can ask our Chair as our Executive Officer, that this is something HSAC should really take a strong position in opposition to a Statewide tax appeal board. Cause each County does assessment and taxation independently, okay. This is not a Statewide thing. We did away with that in 1978 by the Constitution.

So, I ask you to consider that as something very critical. And the Chair is right about the TAT, however, the Governor's bill on that is in the details and that is where the devil is. It sounds great, but read the details, do your calculation. I believe we will get less money, but the verbiage sounds great. So, look at the details. Cause in my calculations it doesn't work to Maui County's tax, benefit, especially from our resort-hotel component that pays a lot of these revenues. Thank you, Chair.

CHAIR KING: Thank you, Mr. Hokama.

And so, if anybody has any bills like that that they would like us to track along, just let me know, send me a memo or something and we'll add it to the list of bills that we're tracking. So, Senate Bill 1269, I think we heard that we want that added to the list. Thank you. Okay.

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR KING: Mr. Hokama. Okay. Thank you for bringing that bill to our attention too. That wasn't on HSAC's radar.

Okay, so we have a motion in front of us to file the report. And the report is what, what is necessary anytime more than two Councilmembers congregate somewhere where we're discussing issues of importance to the Council. So, this is just filing that report, recognizing that we heard it in filings. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

Thank you, Mr. Hokama.

Mr. Clerk.

NO. 19-53 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 25, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF KASIE APO TAKAYAMA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR KING: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 19-53, AND TO  
FILE COUNTY COMMUNICATION 19-53.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Moved by Member Rawlins-Fernandez, seconded by Member Sugimura

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I met with Ms. Takayama and I found her to be quite delightful. She is a graduate of Columbia University in the city of New York, Columbia College; having attained a Bachelor's of Arts Degree in Sustainable Development and a Bachelor's of Arts Degree in Psychology in May 2018.

While in school, she worked in collaboration with the Watershed Agricultural Council as a project manager, as part of her Capstone Workshop in Sustainable Development course. Ms. Takayama also interned with the UH Institute of Astronomy Advanced Technology Research Center, where she worked with Dr. Gary Greenberg on his 3-D microscope and studied design, computer graphics and programming to aid the product research and development.

I recommend the appointment of Ms. Kasie Apo Takayama as a Legislative Analyst in the Office of Council Services, and respectfully request your support of this proposed resolution.

CHAIR KING: Thank you. Any questions or discussion at this point? No. If not, all those in favor of the motion before us, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero.

Okay, Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-18.

NO. 19-54 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 25, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF  
RONALD JAY SHORT, JR. AS A LEGISLATIVE ANALYST IN THE OFFICE OF  
COUNCIL SERVICES".

CHAIR KING: Okay. Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO COUNTY COMMUNICATION 19-54, AND TO  
FILE COUNTY COMMUNICATION 19-54.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Rawlins-Fernandez, seconded by  
Councilmember Kama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I've also met with Mr. Short, and I think we're very lucky to have him. Mr. Short graduated from Wake Forest University in North Carolina with his Law Degree. He also obtained a Bachelor's of Arts Degree in Political Science from University of North Carolina, Chapel Hill.

Mr. Short was employed as a partner attorney with Fletcher, Ray, Satterfield in North Carolina before opening his own law practice, where he handled all aspects of case management, including document preparation for real estate matters and court proceedings.

After moving to Maui in 2015, he was hired by the Law Office of Jan K. Apo as a paralegal. His law background including his research, writing, and case management skills will prove helpful to the Office of Council Services. I urge your support on this resolution.

CHAIR KING: Okay, any comments or discussion? I will just say that I did also interview both of these candidates and I think we are very lucky to get them. They're both very highly qualified and they fill two very needed open positions.

So, with that said, all those in favor of the motion before us for Mr., to hire Mr. Jay Short, Ronald Jay Short, Jr., say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,  
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR  
RAWLINS-FERNANDEZ, CHAIR KING.

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Motion passes with eight "ayes", one "no"; Mr. Hokama.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-19.



NO. 19-55 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 25, 2019)

Transmitting a proposed resolution entitled "REQUESTING THE STATE LAND USE COMMISSION TO ISSUE A DECLARATORY RULING REITERATING AND AFFIRMING THE REQUIREMENT FOR A PEDESTRIAN OVERPASS OR UNDERPASS TO ALLOW SAFE ACCESS TO KIHEI HIGH SCHOOL".

CHAIR KING: Thank you, Mr. Clerk.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE COUNCIL, RULES OF THE COUNCIL.

CHAIR KING: Is there a second?

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Ms. Rawlins-Fernandez, seconded by Councilmember Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: The Land Use Commission is tentatively planning to have a public meeting on February 20, 2019, to receive a status update on the Kihei High School project. Placing the petition for a declaratory ruling before the State Land Use Commission is time sensitive. For that reason, waiver of the requirement of Committee referral and report is warranted. Passage of my motion by a two-third vote of the Council will enable the Council to, to consider the proposed resolution today.

CHAIR KING: Okay, thank you. Any questions or comments?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Again, Chair, if I recall correctly on this zoning thing, I thought we had made a condition regarding pedestrian safety and access. So, I'm trying to understand, you know, is the Land Use Commission not taking this consideration? Because for me, as a condition, it has to be done regardless. It's a County requirement. Or am I wrong in my understanding of what we approved earlier, Chair.

CHAIR KING: Your, you're not wrong, but what happened was in the Land Use Commission's conditions, there was a vagueness to the statement that allows the, the Department of Education is interpreting that allows them to, to base their decision on whether or not to have an underpass or overpass on the, the acceptance of the security measures by the Department of Transportation. So, they're interpreting the Department of Transportation has said it's okay to have a, a crosswalk across the highway with lights.

And the Land Use Commission stands firm in its conditions that there needs to be an underpass or overpass. So, this request for a Declaratory Ruling will give them the ability to say, you know, this is a legal document that say this is original intent, and not allow the Department of Education to skate on that original intent. So, that's kind of where we're at.

And because it's out of their hands, once it gets into significant construction, it's out of their hands and it goes back to the County. So, this will give a basis for the County, to the County Planning Commission and the Planning Department to say we, we understand what their intent was, and it needs to be followed. So, that's what the basis of this Declaratory Ruling request is.

COUNCILMEMBER HOKAMA: Thank you for that response, Chair. I would just say that I will support whatever is the most safest venue for our pedestrians. We have a lot of issues on Waiale and everything else about our youth on our roads. So, I will support this motion this morning because I will not put our youth, crossing a highway.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: We're not talking about just a one-lane or two-lane road. We're talking about a highway and we know how people speed, okay. It's an issue for me, Chair, and we know the area very well. It is highly utilized by semitrailers and everything else. So, I would support the, this effort to provide the most safest venue for our pedestrians. Thank you.

CHAIR KING: Thank you, Mr. Hokama.

So, we're on the motion of the waiver. And if there's no more questions on the waiver, I'll call for the question. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes nine to zero.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION  
ATTACHED TO THE COUNTY COMMUNICATION 19-55.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Moved by Ms. Rawlins-Fernandez, seconded by Mr. Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

OKAY, I MOVE TO SUBSTITUTE THE PROPOSED  
RESOLUTION ATTACHED TO COUNTY COMMUNICATION  
19-55 WITH THE REVISED PROPOSED RESOLUTION THAT  
WAS JUST DISTRIBUTED BY STAFF.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And, oh, do I need a second?

COUNCILMEMBER LEE:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: If someone would, yea, okay, thank you.

CHAIR KING: Do we have a second?

Okay, moved by Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I will, I will explain--

CHAIR KING: Seconded by Ms. Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: --about the revisions.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. The proposed resolution attached to County Communication 19-55 was not approved as to form and legality. The revised proposed resolution distributed today has been approved by the Department of Corporation Counsel. In addition, a few typographical errors have been corrected.

And the second full "WHEREAS" clause paragraph on page 2 of the resolution has been revised to read, "WHEREAS, the Land Use Commission is tentatively planning to have a public meeting on February 20, 2019, to receive a status update on the project, including the State's compliance with Condition 1(b); and", and that's the "WHEREAS" clause.

The second "BE IT RESOLVED" paragraph has been revised to request the Department of Planning to submit the petition for a Declaratory Ruling to the State Land Use Commission as soon as possible.

And the third "BE IT RESOLVED" paragraph has been stricken. The State Land Use Commission has been added as a recipient of the certified copy of the resolution. The resolution, otherwise, remains the same.

CHAIR KING: Okay, thank you for the explanation.

Any questions, comments? If not, all those in favor of the motion on the floor to pass this resolution say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Resolution passes nine to zero.

Thank you, Members. The students in Kihei thank you.

Mr. Clerk.

COUNTY CLERK: Sorry, Madam Chair, that was the vote taken on the substitution. So, we're back to the main motion as amended.

CHAIR KING: Oh, okay. Main motion as amended. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero.

Thank you, Mr. Clerk.

COUNTY CLERK: And, Madam Chair, if we can just get some direction as to the disposition of this County Communication.

CHAIR KING: Oh, well, it's a resolution, so do we need a disposition.

COUNCILMEMBER HOKAMA: Chair.

COUNTY CLERK: Madam--

COUNCILMEMBER HOKAMA:

MOVE TO FILE THE COMMUNICATION.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Motion moved to file and second.

We went through this, we went through this whole discussion the other night on whether we need to file a resolution. So, maybe you can explain the difference.

COUNTY CLERK: Madam Chair, this is different than the discussion you guys had the previous night. The motion on the floor is to file the county communication that transmitted the resolution. So, the resolution right now is adopted as substituted and the motion on the floor is just to file the corresponding communication that transmitted that resolution.

CHAIR KING: Okay, all those in favor of filing the county communication say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero.

COUNTY CLERK: For the record, RESOLUTION 19-20.

Madam Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 19-56 - WILLIAM R. SPENCE, ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated January 3, 2019)

Transmitting a proposed resolution entitled "AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO MODIFY THE REQUIREMENTS OF CHAPTER 2.96, MAUI COUNTY CODE, IN RELATION TO THE COUNTY'S PURCHASE OPTIONS FOR THE KAIWAHINE PROJECT AND ACKNOWLEDGING THAT TWO OF THE UNITS IN THE PROJECT WILL BE MANAGER'S UNITS".

The recommended action is that County Communication No. 19-56 be referred to Affordable Housing Committee.

NO. 19-57 - SCOTT K. TERUYA, ACTING DIRECTOR OF FINANCE,  
(dated January 9, 2019)

Transmitting a report of short-term investments for the quarter ended December 31, 2018.

The recommended action is that County Communication No. 19-57 be referred to the Economic Development and Budget Committee.

NO. 19-58 - MARK R. WALKER, DIRECTOR OF FINANCE,  
(dated December 27, 2018)

Relating to a the Performance Audit of the Department of Finance performed by Moss Adams LLP.

The recommended action is that County Communication No. 19-16 be referred to the Economic Development and Budget Committee.

NO. 19-59 - LANCE T. TAGUCHI, COUNTY AUDITOR,  
(dated January 16, 2019)

Transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2018, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 19-59 be referred to the Economic Development and Budget Committee.

NO. 19-60 - LANCE T. TAGUCHI, COUNTY AUDITOR,  
(dated January 16, 2019)

Transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Year Ended June 30, 2018, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 19-18 be referred to the Economic Development and Budget Committee.

NO. 19-61 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 22, 2019)

Relating to the Fiscal Year 2020 Budget.

The recommended action is that County Communication No. 19-61 be referred to the Economic Development and Budget Committee.

NO. 19-62 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated January 25, 2019)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – COUNTYWIDE EQUIPMENT)"; and
3. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT (DEPARTMENT OF FIRE AND PUBLIC SAFETY)".

The recommended action is that County Communication No. 19-62 be referred to the Economic Development and Budget Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 19-62 WERE PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NO. 1 (2019), BILL NO. 2 (2019), and BILL NO. 3 (2019). COUNTY COMMUNICATION NO. 19-62 WAS THEN FILED. See pages 71 through 78 for discussion.)



NO. 19-63 - MICHAEL J. MOLINA, COUNCILMEMBER,  
(dated January 23, 2019)

Transmitting a proposed resolution entitled "APPOINTING THE STAFF AND SETTING SALARIES OF THE OFFICE OF COUNCIL SERVICES".

The recommended action is that County Communication No. 19-63 be referred to the Governance, Ethics, and Transparency Committee.

(COUNTY COMMUNICATION NO. 19-63 WAS FILED LATER IN THE MEETING. See pages 78 through 100 for discussion and action.)

NO. 19-64 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,  
(dated January 24, 2019)

Relating to the Central Maui Regional Traffic and Transportation Plan.

The recommended action is that County Communication No. 19-64 be referred to the Multimodal Transportation Committee.

NO. 19-65 - MICHELE MCLEAN, PLANNING DIRECTOR,  
(dated December 27, 2018)

Transmitting the 2018 Annual Status Report on the Implementation of the Maui County Community Plans.

The recommended action is that County Communication No. 19-65 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-66 - MICHELE MCLEAN, PLANNING DIRECTOR,  
(dated December 27, 2018)

Transmitting the 2018 Annual Status Report on the Implementation of the Countywide Policy Plan and Maui Island Plan.

The recommended action is that County Communication No. 19-66 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-67 - MICHELE MCLEAN, ACTING PLANNING DIRECTOR,  
(dated January 7, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO RENEWALS FOR CONDITIONAL, BED AND BREAKFAST HOME, SHORT-TERM RENTAL HOME, AND SPECIAL USE PERMITS".

The recommended action is that County Communication No. 19-67 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-68 - KELLY T. KING, COUNCIL CHAIR,  
(dated January 22, 2019)

Transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR APPROXIMATELY 43,390 SQUARE FEET OF PROPERTY AT 1488 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII".

The recommended action is that County Communication No. 19-68 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-69 - TAMARA PALTIN, COUNCILMEMBER,  
(dated January 25, 2019)

Relating to the planning of the Wailuku Civic Center Complex.

The recommended action is that County Communication No. 19-69 be referred to the Planning and Sustainable Land Use Committee.

NO. 19-70 - ALICE L. LEE, COUNCILMEMBER,  
(dated January 24, 2019)

Relating to the dedication of the makai portion of Makahala Place, Wailuku.

The recommended action is that County Communication No. 19-70 be referred to the Water and Infrastructure Committee.

NO. 19-71 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,  
(dated January 18, 2019)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2018.

The recommended action is that County Communication No. 19-71 be referred to the Water and Infrastructure Committee.

(COUNTY COMMUNICATION NO. 19-71 WAS FILED LATER IN THE MEETING. See pages 99 and 100 for discussion and action.)

CHAIR KING: Okay, Ms. Rawlins-Fernandez.

**DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 19-62**

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, thank you. May I request consideration of County Communication 19-62?

COUNCILMEMBER LEE: Second.

CHAIR KING: Do you have a motion?

VICE-CHAIR RAWLINS-FERNANDEZ:

YES, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE RULES OF THE COUNCIL.

CHAIR KING: Is there a second?

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Ms. Rawlins-Fernandez, seconded by Mr., Hokama, to waive the Rules of the Council.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The reason for my motion is because we're going to be moving into budget session soon. And the funding that was allocated for these projects are short \$168,000 as Chief Thyne testified to this morning. And if no action is taken before April 16, the company that they're working with will begin charging them a three percent interest rate. And, and for that reason, I believe this issue to be time-sensitive. So, approval of my motion by a two-third vote of the entire membership of the Council will enable the Council to consider the proposed bills today. And, Chief Thyne, I believe is, yea, there he is, okay, in the, in the chamber for any questions that the Councilmembers would have on this.

CHAIR KING: Okay, so the motion before us it to waive the Rules of the Council. Any questions on that, or comments?

All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes nine to zero.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Members.

CHAIR, I MOVE TO PASS ALL THREE PROPOSED BILLS  
TRANSMITTED BY COUNTY COMMUNICATION 19-62 ON  
FIRST READING, INCORPORATING NONSUBSTANTIVE  
REVISIONS AND ANY QUESTIONS REQUIRED BY PRIOR  
AMENDMENTS TO THE FISCAL YEAR 2019 BUDGET IF  
NECESSARY, AND TO FILE COUNTY COMMUNICATION  
19-62.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Member Rawlins-Fernandez, seconded by Member Hokama.

Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, thank you, Chair. I spoke with Chief David Thyne to learn more about the needs of the Department of Fire and Public Safety. As noted in the County Communication, funding for the five trucks was appropriated in the Fiscal Year 2019 Budget. Accordingly, the Council has previously scrutinized the need for the equipment. Acting on the request today will enable the Department to take advantage of the consolidated bid with the associated discounts to be gained by purchasing all five trucks at one time. The requested bond increase of \$168,100 will be sufficient to cover the difference between what was previously appropriated and the total bid amount of \$3,509,100.

If the Council has any questions in the matter, as I said, we have Chief Thyne in the chamber for questions. Thank you, Chair.

CHAIR KING: Okay, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I'm in, probably support, since I seconded the motion from our Ms. Keani Rawlins. But, I would like the Chief, if there's no objection by the Members, if he would come forward and be open to respond to some questions from us please?

CHAIR KING: Okay, any objections to bringing Chief Thyne down?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Thank you, Mr. Hokama.

Thank you for your timely reappearance in the chambers. Okay. Would you like to first, you know, just reiterate? I know you talked about this in your testimony, maybe just quick, briefly reiterate the, any points you wanted to make.

FIRE CHIEF: Yes, thank you Chair, and thank you Member Hokama. Again, when I testified this morning, I do appreciate the guidance that this body has provided in general. Obviously, there's a lot of new faces but I'm sure you'll be of the same mindset. And,

and we are, as a new administration, very cognizant of the fact that we are utilizing taxpayer funding for apparatus. We do prioritize the safety of our personnel, obviously, in the communities we serve. But, we also understand that we have to sharpen our pencils and be very aware that we are utilizing taxpayer funding. And so, we appreciate the constant reminders from this body on that, and we do take that seriously. And so, we apologize that we are here before you again for additional funding, but we can assure you that we will look at all the opportunities available to reduce the funding of our vehicles, at the same time maintaining that safety of our personnel. So, thank you, Chair. Appreciate the help.

CHAIR KING: Thank you, Chief.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, thank you very much. Chief, you and I have worked together for many, many years. So, first, thank you for being open and approaching this procurement challenge for us in a way that I think has shown us some benefits as, especially in pricing and how you looking at equipment replacement. So, I appreciate that.

I think for some of our Members, though, we all need to be refreshed of the unique environment this County faces. Because I feel like I'm always being held up. And I think it's because basically there's only one manufacturer that basically monopolizes this area of equipment, as well as their attitude about pricing. So, can you give us some comment about what is your environment regarding equipment?

FIRE CHIEF: Chair.

CHAIR KING: Yes, Chief.

FIRE CHIEF: Thank you again, Member Hokama. And you're correct, we typically have, at the, in my recollection at the most, three vendors for fire apparatus that have approached us. This recent bid, we did have another vendor that is, the representative is out of Honolulu. We know them well. We got other equipment from them.

But, they had, I looked at the contract and the, and the variation sheet and it was about, between 60 and 70 requests, if you will, to consult about changes to this, to the bid specs. So, that's a lot. You know, that's basically a different vehicle in essence. And my question, I guess if we wanted to go further, and they ended up not putting a bid.

We encouraged them to submit their bid with their request for variations if you will, or adjustments, or changes. And then we would address it with, you know, our

purchasing agent as well as potentially Corp. Counsel to see where, if we make that many changes, does then, do we have to put the bid back out because it's, it's a different truck almost in essence, right? So, they chose not to bid.

And so, the way we're approaching it now, and what I mentioned in my testimony this morning, through the group purchasing option. Again, that's credit to yourself and others of this body that have recommended that to us, and the central purchasing agent, Greg King for bringing us into the awareness of NASPO; the National Association of State Procurement Officers, I believe is what the acronym stands for.

And recently, we had a long conversation with the Kauai Fire Chief about the opportunity to look at that. And then they have a base model, if you will; fire truck, aerial ladder truck, water tanker tender, even down to brush trucks and utility vehicles.

So, we're excited about that because the only thing to date we've got off the NASPO contract is a rider with the Honolulu City and County and that's our, our safety boots that we wear as part of our uniform ensemble. And it was substantially cheaper than what we're getting, and a superior product. So, we're looking forward to that. So, thank you for that. And we're, we're learning as we go. And we can assure you that we'll continue our efforts in that area, because I think it's a great opportunity to not only save funding and money, but also to still provide a good product, superior product to our personnel, so.

COUNCILMEMBER HOKAMA: Well, I hope that Pierce representative is listening, because I'm totally not happy with that entity. But, one thing, yea, Chief, because yesterday we also took care an amendment for you, so do you anticipate additional retrofitting of this equipment after the purchase of this equipment?

FIRE CHIEF: So, because, I'll say, I guess I can say it without being disrespectful, but the previous Council, we use to, well, we've done various different formats in my 31 plus years. One, is we order the truck with all the equipment on it. Because of, you know, certain economic times if you will, it became, let's just get the trucks and then we'll use the equipment, and if we need, excuse me, relief, or excuse me, replacement equipment, we'll deal with that. Because for the most part the equipment is as good or, you know, what we need basically. So, we started specing fire trucks without the equipment. And then it's gone back and forth depending on the fiscal year on, on what this body will approve.

So, anyway, the retrofitting I think you're speaking of, Member Hokama, is related to then getting new equipment for the, the truck as part of the package versus getting the truck itself and then putting the other, the old equipment if you will, on the new vehicle. So, right now, the spec is not for a fully equipped with all the jaws of life and things I

mentioned. So, you are correct, we may have to come in and look at, you know, the relief equipment. So, then we would obviously therefore get the new equipment on the newer vehicle, then take that replacement equipment and put it on our relief vehicle.

So, I can't answer that. If, right now I can tell you that, yes, if we get these replacement vehicles without the equipment on, we would then have to look at, you know, talking to this body about what level of equipment we want on our relief vehicles, you know, so.

COUNCILMEMBER HOKAMA: No, no I, for me it's more about because of the bond request, yea. I want to know what we're capitalizing. I wanted to know what is on our depreciation schedule, when we're going to add, when we're going to do the deletions, okay, because it all impacts the bottom line which is money, taxpayers' money. So, that's is my issue there. But, I'll be supporting you this morning on your request.

The only other thing I would ask you is that one thing I do know, the Feds do equipment changes for some in a three-year cycle. three-years, okay. So National Parks, DOD, Air Force, Navy, they have fire equipment, Parks has . . . vehicles and everything. I would ask you to look at the Federal inventory, because they do Federal sales every year of Federal assets and equipment. And there may be equipment that we can get that can do the job for us; may not give us the whole length of life of a brand-new truck, but sufficient to take care some of our more critical components till we can come up with those extra millions for those extra new equipment as well. So, I just ask that you look at these alternatives, because we have bought Federal inventory in the past and it's worked to our County's benefit. Thank you.

FIRE CHIEF: Chair, if I could give a quick comment.

CHAIR KING: Chief.

FIRE CHIEF: Just one quick comment. Member Hokama, you are correct and we utilize those vehicles. One is heavily used on, on Keani's island, or excuse me, Member Rawlins-Fernandez's island on Molokai. But as well, we have two of those vehicles here on Maui. One recently got decommissioned. We call it an M-62, but it's a wildland from Forestry Service. So, so Forest Service Region 5 out of California and our local DOFAW folks have been very, I guess, giving, if you will on those vehicles. And so, we still have one in our fleet, it's behind Kahului Station; you may see that when you go on the airport road there. It's called the M-62. Great vehicles, great off-road vehicles, you're correct, and so we will continue the effort to get those surplus vehicles, absolutely.

COUNCILMEMBER HOKAMA: My thanks to you and your deputy.



CHAIR KING: Thank you. I have a question, a quick question. So, when you're talking about putting out these RFP's and then you're getting different quotes back and, or different types of vehicles. Is there a way to, to make your RFP a little more flexible so that it focuses on the standard you're looking for, the goals. You know, Maui, you know how fast it can go, what, whatever your end goal needs are to allow different vendors to, to bid on it a little more creatively as long as they're meeting your, you know, whatever standards you need to meet? And that way you wouldn't have to go, if you got it, a quote that was lower, but it was different, a little different type of equipment, you wouldn't have to go back out to RFP again. Is there a way to look at that?

FIRE CHIEF: Chair, yes, thank you. And that's, and that's all the direction we're heading. And, and what I hear again, just, I had a long conversation with the Deputy Chief from Kauai and previously with the City and County Deputy Chief, Chief Camara as well as Chief Rosario from the Big Island. So, we're all talking about this because, you know, I believe in City and County they, they have in their budget, and I shouldn't be quoted as this, but I believe it's 10 replacement vehicles per year. And so, they're constantly going out for bid.

And so, the sister counties, if you will, us included, need to start looking at those bids and saying, granted they're City and County, they're municipal; versus us, we're very rural in nature. Even our, you know, our crews in Kahului which is, you know, obviously as we all know are one of our most populated areas, winds up in the cane fields in a rural environment, you know, two miles from their station, right? So, we're very unique in that regard.

However, you can adjust the national, the NASPO contract and add in some of those, you know, higher suspensions, you know, beef your transmission maybe, and you can still ride on that same contract. And so, you don't have, basically you put it out to competitive bid. There is, usually in the one contract I looked at yesterday, there's three, there's three bidders already; one typically is a no bid, it's a company out of Texas that doesn't produce these types of fire trucks. But, you have two qualifying bids and a no bid. Once you lock them into an agreement, you adjust then the specific needs of your resource. Like I said, we have unique needs being a rural-type of department. And then you can adjust it for an additional fee, but you're, the base rate is substantially lower.

So, I'm excited to come before you folks when we look at this new way of approaching this; working with our apparatus specifications committee and finding that place where we can have the vehicles that we need for a substantially less price. And that's what I'm hearing from our sister counties, and I'm looking forward to that, so.

CHAIR KING: Great. Great.

FIRE CHIEF: Absolutely.

CHAIR KING: Alright, any other questions or comments, Members? If not--

VICE-CHAIR RAWLINS-FERNANDEZ: No further questions?

CHAIR KING: Oh, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh no.

CHAIR KING: Oh, you no, no questions? Okay, we have a motion before us for the additional funding. And I'm just going to call for the question. All those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: All those opposed.

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero.

Thank you, Chief.

FIRE CHIEF: Thank you, Chair and Councilmembers.

CHAIR KING: Okay, Member Molina.

DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 19-63

COUNCILMEMBER MOLINA: Yes, Madam Chair, I would like consideration on County Communication item 19-63.

AND MOVE THAT THE PROPOSED RESOLUTION ATTACHED  
TO COUNTY COMMUNICATION NO. 19-63 BE ADOPTED,  
INCLUDING NONSUBSTANTIVE CHANGES, AND THAT  
COUNTY COMMUNICATION NO. 19-63 BE FILED.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Mr. Molina, seconded by Ms. Lee?

COUNCILMEMBER LEE: Yea.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair, for this consideration and for having this on your agenda today. As many of you know, we took action on the salaries for our OCS staff back on January 2, 2019. And this, this proposed resolution that's attached to the communication will set the salaries of the Office of Council Services staff at the same levels as the end of the Council term for 2017 through 2019.

And this resolution will supersede the Resolution 19-10, Draft 1, which was passed by this Council on January 2, 2019.

And at the January 2, 2019 meeting, the Council approved this resolution which was appointing the staff of the Council Services as well. And this was to appoint various positions in the Office of Council Services, set salaries and step increases for the various staff members.

Now, let me just say first, this attempt here is in no, that's reflect any issues with the performance of the, the staff members in OCS. I totally support rehiring all of them. They're all very, very good. This issue is more a matter of principle. Back then, I was one of eight Members that did support the original Resolution 19-10, Draft 1. But, since then I've reconsidered my votes and have reintroduced this proposed resolution, namely because we, I've got a lot of calls. I don't know about the other Members, but there were calls. I've got this set of emails, and people who were very upset; mostly County employees, and there were some members of the private sector, and retirees as well, who questioned our decision-making that night. And, that primarily is the thrust of this.

As far as the specific numbers and salaries, I think that's another time and place. And earlier, we heard oral testimony from, I believe, four individuals who tied in, tied it into the County Communication 19-63, but tied in their concerns related to the HGEA 3 and 4 Bargaining Agreement. And, yes, they did state support for the OCS individual salary increases, but their primary thrust seemed to be getting their primary concerns onto a

Council, into a Council Committee. But that's, was not my intent here. So, that is something to be discussed as well. And I certainly understand and, and support their concerns.

But, for today's situation here, it's all about transparency. We, that night as we all know, yes, the steps were on the agenda for full public view, but the proposed increases came during the night. It was a long day for all of us. Remember, it was emotional; it was our Inauguration day, then we started the organizational meeting at two o'clock and I think we ran into the early evening. And so, you know, time had gone by, Members, we were all pretty worn. And then of course when the proposed increases came in there was, for me there was not enough time to do the analysis. I expressed concerns, but I decided just go along without really, really giving it some thought and analysis as to how this would impact all of our other County employees.

We need to be mindful that as elected officials, sure we need to be sensitive to the needs of our own staff, but we represent all of the County of Maui here; our employees as well as the people out in the private sector, our retirees, everyone else. That's what we are. That's who we are. Elected officials; we are to represent all and represent their concerns whether for or against.

And it, yea, this is a, an attempt here for me to clear my conscience if you will, because I think I forgot that that night, Madam Chair. And, that is why I, you know, wanted to have my vote reconsidered for that matter. And it's about an issue of fairness. And first of all, let me state, Madam Chair, what was done with the proposed increases submitted that night, it was all in good intentions. There was nothing malicious, okay. So, I just want that made clear to the public.

And again, because these individuals that work down in OCS are wonderful, wonderful people, and they work hard. And, but again, looking at what was expressed to me by the County employees who work in our various departments, there is the issue of pay disparity. I think we need to take all of that into consideration when making, what we would like to do, fully informed decisions on everything; not only on this, but in everything, what we do.

And the timing of it, I guess, was maybe not the right time, as I reflect back on it now. During our budget review should be the time when we look at considerations for salary adjustments, because at that time we'll have a clearer picture of how much revenue this County will be taking in. For me, if we, by acting on it, it sends a mixed message to our County employees and the members of the general public. I mean, the, as we heard from the testifiers this morning, they were concerned about the not having their, their matter being set aside, and they've been waiting and waiting. And so now if we act on by saying that, okay, we don't have time to consider your request for step

increases and what not or say that we don't have the revenue, but yet here we are suddenly, you know, supporting increases for our own staff, it sends a mixed message to our County employees. So, trust and confidence is in the balance here.

So, for me, you know, you know, I stated in Committee or at that Council meeting that maybe it might be better we look at it another time. I support all of our employees. But, with the current proposal that's, that went in, that resolution, there were still some members of OCS that did not get an increase. So, where's the fairness there? And, there's issues of morale. So, all in all, I would ask for, you know, you and my colleagues for your sense of compassion, to think of our County employees as a whole. And let's maybe review salaries and step increases for all employees during a more appropriate time which is our fiscal budget review.

So, again, that's why I've initiated putting back the original resolution for consideration here today. And I thank you for giving me the time. And, Madam Chair, thank you, because you didn't have to put this resolution on your agenda. So, I appreciate that from you. And you know, you did state when you was tasked with being the Chair of this Council that you would be fair, and you've stayed true to your word on that. So, I, I just appreciate that. And so, I'll go ahead and open up the floor for my colleagues to have their say.

CHAIR KING: Okay. Well, we'll go to Member Lee next because she seconded the motion, and then Ms. Rawlins-Fernandez.

COUNCILMEMBER LEE: Thank you, Madam Chair. And thank you, Member Molina, for offering your concerns. I seconded the motion for discussion. I actually don't quite agree with you, Mr. Molina. I, I believe that the issues with our staff and the HGEA Units 3 and 4, and other units as, other pertinent units as well, are not comparable at all.

Our staff, our staff is actually hired for two years at a time. And there have been instances whereby staff have come in the morning and were asked to leave by the afternoon. And they have no recourse. They have no protections. They have no appeal process like the civil service employees that we have. And I know that because I, I was on the Civil Service Commission for eight years and dealt with all the appeals. And many times, we, we ruled in favor of the employees. So, they have a recourse. Our employees, however, serve at will. So, there's no real security with their positions, unlike civil service.

And I think everyone sitting here today supports the HGEA and UPW, and all of our public service workers. And I think that we, I don't recall ever, ever not supporting them when there was a need to vote on any increases and benefits. So, I really believe that

perhaps the public and others were misinformed about the actual comparison, the comparisons between our staff and out, and public service workers unions.

So, I, I would not reconsider my vote that we took earlier on salaries. I believe that, I mean, let's face it, their bosses, us, I mean, you know, let's face it, they, they have to report to nine crazy people, you know. Unlike civil service, they have, they have a protocol and a hierarchy. But, in our case, OCS, they got us, you know, and sometimes we're not always reasonable. So, it's really not apples and apples. And I'm hoping that people, the union workers, our civil servants, their families, their friends, the public, understands that there is a big, big, there are many differences in these two situations. And I hope they will understand that when we, when we voted to increase their salaries, that we had substantial justification. Thank you, Madam Chair.

CHAIR KING: Thank you, Member Lee.

Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo to our Chair of our Transparency Committee for bringing this forward in his effort to ensure transparency, mahalo, Mr. Molina. I also received calls and emails and heard the testimony this morning. And, many, all, well, I think all of them, supported the raises for all County employees; those who earn it. And I, and I support our public service workers and getting their raises too, and I, and I hope those responsible for their raises see to it that they receive those raises.

I think, today, that the, the reason for the resolution, the purpose and the intent was achieved. We, we received testimony, written and oral. And, I believe that that was the intent of the resolution. On January 2, when I voted in support of the proposed salary increases, it was because I believed in our direct supervisor's recommendation that they earned it with their hard work and dedication to serving our community. And I agreed that the raises were appropriate, and deserving, and long overdue. I know that we were discouraged by, you know, Councilmembers to wait to, our new Councilmembers, to, to wait to see what the personal, our personal experience with OCS staff would be before deciding to vote on the salary increase.

And it's been less than a month later, and you know, this coming to, this matter coming before me again, I feel even stronger than before that they deserve these pay increases. And, I echo Councilmember Lee's points that it's, it's not apples and apples. Our, our OCS staff is, you know, does not have that same kind of job security. And, from what I've seen, morale on the OCS, you know, floor is high, they're, they're very cheerful and so appreciative of the raises that we gave them on January 2. And, and

for these reasons, I intend on voting against the motion and would prefer to just file. Mahalo.

CHAIR KING: Thank you, Member Rawlins-Fernandez.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I would also like to thank Councilmember Molina for, you know, just following his conscience. That's something I can definitely appreciate, and I hope that we all continue to do that.

You know, I came out of Unit 3 and I, I was in Unit 14, and I can certainly hear the frustrations, you know, when we got raises in Unit 3 it wasn't much; lucky \$45 a year, few pennies a paycheck. And you know, a lot of times I didn't feel that we were heard or valued and, and I, now that I'm in this position, I, I, I don't know that I can do much to change that. But, I don't, I have some problems in that, you know, the proposal is to reset these salaries back to pre-noon, January 2, 2019 salaries, and about two pay periods have already gone by. And you know, for me when I got a raise going into Unit 14, a lot of that money was already spent as soon as I got it.

So, I don't support going back. I think moving forward, what we do need to do, and neither of the resolutions addresses, is that we need to consider a policy to provide a basis and process for salary increases and performance reviews to support fair increases. So, that's just my mana`o during this discussion. Thank you.

CHAIR KING: Okay. Thank you, Member Paltin. I will remind you that there are, were performance reviews and evaluations that were done that were review before these original recommendations were made, so there is a--

COUNCILMEMBER PALTIN: I think I mean tied to the, tie it to the raises.

CHAIR KING: Yea, they were tied to raises for the increases.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, listening to all of this, and I appreciate Member Molina's description of the purpose for the action. And, I would like to say that my office also received calls, personal calls from taxpayers as well as visits from County employees about what, what we did on the Council floor. I will, I, I understand the value of all of the OCS staff.

And I went back and listened to the video of what was said the night of January 2, when we took this action. And, initially, I had thought that all the employees didn't get, or the employees didn't get any increases. But, based upon what Maria Zielinski, our OCS Director said, that there were percentage increases, and I believe it was two to six percent that were given to everybody. So, it's not like they didn't--

CHAIR KING: Not everybody.

COUNCILMEMBER SUGIMURA: --receive raises. So, at first, I thought that was, that was what was missing. So, these people were left there without increases for whatever period that we were talking about, but they did receive.

The other thing that happened that night, if you think about the transparency, is that what was posted on the Council agenda on January 2 was the increases that were proposed for January 2. I think that came through former Councilmember White, as he was posting the agenda, cause he was still the Council Chair. And then what happened on the night of January 2, which is I think what caused this lack of transparency is the step increases for various employees. And, and some were substantial, it would go up to like \$4,000 within two years or whatever, which is way different than, you know, what the employees who are testifying today or those that visited me, and especially the taxpayers who contacted me saying, you know, why is, why are you doing this, and that wasn't, you know, like fair use of, or, of the tax dollars.

So, it was, what was posted, what was agreed upon, I think with the employees through the Office of Council Services Director's communication was one thing that was posted on the agenda. And that night what was given out are like bonuses that were given to the employees if you look at it in a, in a, in a perspective that way. And I'm not saying that it wasn't earned, but some of them were pretty large steps, more so than the two to six percent increases that may have been given throughout the term, so, throughout the years.

The, and I, and I think that, because of that, I support what Member Molina is trying to do. It's just, you know, get the discussion out, get it out so that there's transparency in the community so people can see, whereas that night, only we saw the second handout that were given to us to make a decision for the additional pay increases. So, I will support Mr. Molina's resolution. Thank you.

CHAIR KING: Thank you, Ms. Sugimura. Because you mentioned about step raises, and these were, the recommendations were made by our Director who understands the, the differences and who did not get any raises, I'm going to asked Director Zielinski to reply to that about the recommendations for the raises and the disparity in the raises that have been given since 2012.



DIRECTOR OF COUNCIL SERVICES MARIA ZIELINSKI: I can, I can speak to the step increases. There were, it, there was, first I, well, let me just first say that all of the employees were reviewed, performance evaluations were performed. So, you know, all of they, all of them, all of the staff was, was reviewed in that way. However, with regard to the steps, the step increases were done really very, very inconsistent, inconsistently. And this was the thing that really was very concerning; was that it was not based on performance or their, you know, how they were doing their jobs. It was really, it seemed to be almost cherry-picking quite frankly.

And some folks had, had not gotten an step increase, admittedly, and I can't speak to the percentage of increases that they had received throughout, from 2012, but I do know that for the previous fiscal year, there were some folks that got upwards of six percent. None of, all of those folks were up to date on their step increases. The folks that were not on, up to date on their step increases got two percent.

The, there were, there were individuals that had not received step increases since 2012. There were step freezes, I think, as a result of the economy. And I don't, I have it in front, I have it, I can, I have to take a look at it, but I believe it was up until 2011 where there were step, step freezes, step increase freezes for everyone. But then they resumed. But, that was where there was the cherry-picking. Some people were totally up to date on their, their step increases, and others never got them over all these years.

And that was what I, that was my concern when the new leadership came onboard. And when Chair Kelly, Chair King came on board, you know, I spoke with her about that; my concern that we didn't have parity, there was a lack of equality. To me, if folks were supposed to be at a certain step and there were, at step from 2012, that was not, that didn't, that didn't make sense, that there was no reason for that. It wasn't due to lack of performance. So, that was really the basis for this.

We had a few other items that, where we had folks that were, had, had started and were just hired at the wrong level. I mean, it was, when we compared it to someone else that had, she, this particular person had greater credentials than another person and had scored a lot higher, and yet, this person was hired at two steps below another person that was in our office at the time. So, there were those kinds of things that I, I felt we needed to have, we, we could explain, you know, that we could, we could point to a piece of paper and say this is the reason and the, here's the document.

We actually had a spreadsheet and we could point to it and explain why someone was hired at a certain step or why a certain person was at a certain step because this was there, they were scheduled for this. Why was somebody else, you know, up to date and why was someone else six years behind in their step increase? So, that was, that

was the rationale; was just to get parody. That was, that was the intent of, of those recommendations.

CHAIR KING: Thank you, Ms. Zielinski.

I'm going to go to Member Kama. And then we'll, we'll do another round of comments.

COUNCILMEMBER KAMA: Thank you, Madam Chair. And, thank you, Ms. Zielinski for that. The day that I walked into your office, it almost seems like last year, well, it was, it was last year because it was in December. And I looked over those spreadsheets and I looked over the evaluations of all of the employees, and that's what I came up with and that's why my whole concern at that time was that if, that we have to give justice because it was so unjust.

And, I heard from the gals that came from the, from Units 3 and 4. They came into my office, they talked to me, they gave me a whole lot of documents to substantiate their six-year struggle. I heard that, and I said, God help me never to let somebody take that long for us to resolve that. So, I'm hoping that by them coming today, that all of us heard what they had to say, that we're not going let them wait another six years.

But, right now we have in the front of us right now facing how to un-ring a bell. You can't un-ring a bell. And that's what I see in this situation. So, I am not going to be changing my vote. I was very serious about the vote that I took that day. And I'm just as committed to ensuring that there are some people in this County that are not getting the pay that I believe they should. And you know, when I look at it, I looked at the different pays that people are getting; you all are being underpaid. And I think everybody in the County knows that. But, we have to always figure out where to get the money from, right? And, that's our job. But, at the same time, to acknowledge that yes, the cost of living is so high and yes, the wages are low, and we're going to try to do the best that we can.

But, that's the message I, I've always wanted to send out to our community; is that we will do the best that we can to increase, you know, their quality of life cause that's all people are asking for, is for that. And for that reason, I'm not going to change my vote. For that reason, I'm going to try the best that we can to hear, you know, the gals that came from Units 3 and 4, and to see if we can take care of the rest of the people in our County. Thank you, Chair.

CHAIR KING: Thank you, Member Kama.

Member Sinenci.

COUNCILMEMBER SINENCI: Yes, thank you, Chair. I too appreciate Council, Councilmember Molina's attempt at transparency, mahalo. And I, and I do appreciate this process and the opportunity, you know, to listen to some of these people that have been championing wage fairness for years and just listening to, to the everyday struggles that our, that our families go through in the County. I also recognize Member Hokama's comments in the bargaining process by, by their union representation.

That said, I would like to, you know, dedicate more of my office time just to, especially during the budget time, to address some of the, the wage fairness issues that, you know, that plague our County. So, therefore, I'll be opposing the proposed resolution. Thank you.

CHAIR KING: Okay. Thank you, Mr. Sinenci.

Members, just to respond to some of the concerns, the, the step raises were actually proposed to our, the previous Chair of this Council. He refused to hear them, and he was adamant about, because he, because the interesting thing about the way this Council works is the if the, the Chair is the Chair until January 2 at noon. So, the, the previous Chair is the one who sets the agenda for our first meeting. And so, I was told by him that we really needed to keep it the same and look at supervising, I guess, the, the members on the seventh, the employees on the second, seventh floor before we made any raises.

But, I don't look at it as our job as a Council to go down there and evaluate every member, every employee. That's not our job. That's why we have a Director of Office of Council Services. And if we trust our Director, which I do, then we look at the evaluations that are, were done, and we can approve them, or we can disapprove them. And if we don't trust that person, then we need to replace that person.

So, that's a decision that was made earlier, but was not allowed to be posted per the previous Chair. And I understand his concern, but I also want to say that morale has been considerably greater on the seventh floor than it was in the last two years when, that I've served. And I rarely went down there because it seemed like everybody was depressed, and quiet, and couldn't talk, and had no, had a lack of confidence in some of the Councilmembers and what we were doing. And it wasn't just about the money, but it was about the interaction. There was not a lot of interaction before. I think there's been a, a tremendous amount of interaction between Office of Council Services and our Councilmembers just in the first month that I've noticed.

The other thing I wanted to address is about taxpayer dollars. And I believe it's a, a bit disingenuous for the previous Chair to talk about taxpayer dollars. And I know that he, he sent a memo out and, to everybody talking about what the taxpayers will think.

Meanwhile, he gave out over \$12,000 in bonuses on his way out to two half-time employees. So, when I look at the level, we had two Members that gave out bonuses that depleted the Council funds that should have gone into a pool, and then been redistributed among the six new Members. So, the total was about 17,000, over 17,000; 17,430 that was given out at the end. So, I think it's a little disingenuous to talk about what taxpayers think. I mean, this was, this was given out to five individuals.

We, what we're doing on the, what I believe we did on the seventh floor on January 2, was raise morale, was attract a high, a high level of, of applicants to that job, excuse me, which we, two of which we just approved today. I think we're going to actually get a full staff, probably in the next few months, because of that. So, that's the intent of making sure our folks are paid enough.

I cannot say, I cannot agree more with Member Lee about the difference between our staff and the collective bargaining civil service units, because they are not protected. They don't have anybody advocating for their raises. They're not, they're not guaranteed a job for longer than two years, and some of them not even two years; they're at will. So, they don't even know, if they make somebody mad who's going to rally six votes and get them fired. And as you heard, it's happened before. So, for these reasons, and I don't, and, you know, I, it really pains me to have to go through and talk about some of the inequities that have happened, because, that I've noticed since I've become Chair.

But, I will be looking at asking for your support for an audit of the last two years because of this issue of fairness, and equity, and morale, morale down there, and you know, what we're talking about as far as who gets raises and who doesn't, who has bonuses, who doesn't. And, we can put all that, all that speculation to rest if we do an audit and see what did happen. But, I have found a tremendous amount of, of raised morale, cooperation, creativity, and dedication to this Council, since I've been on this, since I've been Chair. So, excuse me.

In addition, you've all just been handed a, excuse me, a letter or a document dated February 1, 2019, that the subject matter is effect of Resolution 19-10, Draft 1. Thank you so much. So, this is response to a question that I posed of our legal counsel, which was, did the Council's adoption of the resolution on January 2, 2019, establish an employment contract between the County and the Office of Council Services employees for the 2019 - 21 Council term.

Cause like Member Kama, I'm, I'm worried that we have a contract now and we're trying to undo that. And you know, and like Member Paltin, you know, I, I understand that people have dedicated themselves to this Council based on the actions taken on

the second, based on their hirings, based on their increases in pay, and now to go back and undo that shows a great lack of faith.

So, if you, if you notice on this document that the "Brief answer", which is underneath, I mean, there's a lot of supporting documents to it. And this document was submitted from Mr. David Raatz, our Supervising Legislative Attorney. So, the brief answer is "Yes, read in the context of the text and history of the County Charter, and the County Code, it appears likely Resolution 19-10, Draft 1, established an implied employment contract with the employees appointed by the resolution."

And if you, if you want to take some time to read through all the legal, I don't want to say jargon, but the research that was done on this, is considerable research. There are, there are cases cited and, and also there's the recognition by Mr. Raatz because a highly ethical person that, you know, he may have a conflict of interest because he does work in the Office of Council Services. But, we're not, we're not reviewing his raise; that was done as a separate motion. So, I would encourage you to consider the legal ramifications of, of going forward with Mr. Molina's resolution.

And, and so, I have, if, if folks want to continue to discuss this I'm happy to call on you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman, for my opportunity. I agree, apples is apples and oranges, and this is not the same thing. So, I think Ms. Lee was right on spot. But, I will say, whether you look at the Feds, the State, or even us, those that serve the legislative branches are all at-will employees, and they are all at this type of pay compensation programs, okay, as at-will employees.

I can appreciate Mr. Molina's proposal. I didn't have that many phone calls, to be honest, it, about complaints. I can tell you how many people called me and thanked me for my vote; especially from the union side, I had a lot of people appreciating my efforts.

So, I will say, you know, one thing that the employees better come to terms with is the term at-will, okay. That means they should know what they're agreeing to upon employment, or don't take the job. Okay. You know what you're being hired at, not at what you're going to be compensated at. So, if you don't agree, don't take the job. I need people who want to be here, okay. I don't want people who here that needs to be here for a certain dollar amount. Go someplace else. I don't need you.

But, I can tell you that I think Mr. Molina brings a good point. And part of compensation again, and I would agree with the Chair, maybe an audit needs to be done. And

possibly we need to do individual desktop audits of what each individual employee is doing, and then peg them in the right job description classification and then compensation range.

But, I would think, you know, cause I've heard comments of the units say what not; I would get rid of steps, okay. They're bringing up UPW and they got four percent, this, this this. But UPW does not have step increases. They for, they forgo that component under the late Director Rodrigues, and they chose to go on another route, okay. HGEA, for their membership, chose to do steps and their percentage of increase is adjusted accordingly because of steps, okay. So, those who are in the union should understand that. Read the contracts. I have.

So, you know, today, Chair, I'm going to support Mr. Molina cause I disagree with some of the things stated from Mr. Raatz. And I'll agree, I think he has a conflict. And, but I appreciate his thoughts, because he did put some historicals, including when I thought we ran a grade-A Council Services under Mr. Fukuoka. I'm sorry I don't feel that that's where we are today in quality, productivity.

So, again, Members, when you look at these kind of things, look at leaves, look at the vacation, comp time and other components of compensation for each individual employee. Look what was the work productivity, and then see if it met the measurements that should have been accomplished. Isn't that how compensation should be part of your calculations? If not, what are we doing in these seats as legislative appropriators of funds? Okay. So, for me, again, if you don't want to be here, leave; especially in Council Services. You want civil service protection, go and apply, and qualify, and get that job. Thank you.

CHAIR KING: Any other comments?

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Just, we were handed out the document from Mr. Raatz, related to the concern about the action we took as possible, as possibly having legal ramifications. I'd like to ask Corporation Counsel, Mr. Wong, if he has any thoughts to share? Because we did submit this resolution, have it go through Corp. Counsel, and no concerns were shared with us. So, I'd just like to hear from Mr. Wong.

CHAIR KING: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Thank you, Chair. Thank you, Mr. Molina. I have had the opportunity to review Mr. Raatz's legal analysis. However, I have not

had the opportunity to research the topic as Mr. Raatz has. And as you're aware, your Charter does allow Mr. Raatz to provide legal advice to this body. I don't disagree with his analysis. I think it's thorough. However, I, I'm kind of at a loss and pause because you're discussing, currently, the at-will status versus something more than that.

I was just now looking at, as I heard Chair King mention, that it takes six votes of this body to remove a Council Services employee as, as identified in the ordinance. And that's reflected in, you know, Mr. Raatz's memo. Six votes of this body is, is a high standard. It also, you know, says for cause. So, you know, it's up to this body to determine how you want to identify its employees as bound by an employment contract. I think there can be arguments that one exists. And if so, the remedy typically in employment contracts is the value of the services, or in other words, someone may be entitled to a claim for the difference between the current pay that they're receiving under the previous proposed resolution and the change in that.

So, I think from a overall defense standpoint, I would be troubled with saying that there is a employment contract. But, there's arguments for it. And it, to me, we left with this body on its intent and whether or not that can be dealt with in a court of law. I, I hope that helps. It's, it's a tough question. I think David has done an excellent memo, because he does point to the correct areas that would sound like it's more than at-will, because it takes six votes of this body to remove anyone in OCS.

COUNCILMEMBER MOLINA: Thank you, Mr. Wong. I certainly appreciate the analysis and thoughts. And I certainly respect Mr. Raatz's perspective as well. I guess, for me, I'm looking at it from a resolution standpoint. I'm not sure if that is considered a legal binding contract such as collective bargaining. So, that is where, you know, I, I question whether it's, you know, there's grounds for litigation if we were to revert back to the original resolution which did not include the increases.

So, anyway, Madam Chair, with that said, I'd like to speak for the second and last time on this motion.

CHAIR KING: Alright.

COUNCILMEMBER MOLINA: And, first of all, let me state; I can count, I can count. And it's ironic everything comes down to numbers and that's what this resolution was about; the numbers. And for me it was, let's, if, if this would have passed, let's take the time to study the numbers, look at the comparative analysis. Like, let me read you what was in one testimony, County employee, it's a real quick excerpt.

CHAIR KING: Okay. Can you just state if this is a civil servant that you're reading from.

COUNCILMEMBER MOLINA: Yes.

CHAIR KING: Okay, so.

COUNCILMEMBER MOLINA: Correct. As a matter of fact, I guess anything that's submitted to us we can announce the name too if we want right?

CHAIR KING: Well, I just wanted to make that point that there's apples and oranges here, so.

COUNCILMEMBER MOLINA: Okay. Yea, okay this is the County of Maui Department of Finance. Yes, this person is a civil service employee. And I'll quote, "Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employee's annual salary increase ranges from 1.5% to 2%. How is this fair?" Okay. So, that's what this is about. It's about numbers, and fairness, and just maybe taking the time to catch our breaths a little bit and look at it during the appropriate phase of the, I guess the Council term, the budgetary phase; when we have a clear picture of what our revenues will be and then make that determination.

And I think Councilmember Hokama said it at the January 2 meeting. If we feel that the employees deserve adjustments, we can make it retro. But, let's maybe do it at a more appropriate time, which would most logically be during the budget and finance phase. So, that is what I have to say, you know, Madam Chair and colleagues. And, I thank all of you for your input. But again, to me, I look at it as, it's not just about taking care our own, we gotta take care all, we gotta be fair to all; whether it be County employees or retirees or, because it is the taxpayer monies we're dealing with.

So, as the gatekeepers, as it's been referred to as times, it is our charge. And you know, we all have our own rationale for how this money should be dispersed or spent. But, this is about being sensitive to that. And again, sure, everybody deserves an increase, especially in dealing with the high cost of living. But, let's make sure we do the full analysis. And I, I think what happened on January 2, I, and after making my original decision, I didn't do the full analysis.

But, reflecting and talking to people out there who have called my office, who have sent emails, it made me think, it made me think that, you know what, you're an elected official. You represent all, all of your County officials, or County employees I should say, and you should be sensitive to hear all of the concerns; not only with your own great staff that you have down in OCS, but you gotta incorporate everybody's concerns before making a decision, so which is why my preference would have been to delay this, go back into, go into the budgetary phase.



And yes, and I understand the pay periods and all of that, but it is what it is. And by the way, the pay for Council Services is much higher in general for the comparable skillsets found in other departments. So, I've, I've never thought the pay was really the issue; it's maybe the workload, the workload. Because I've heard of people leaving for either job performance issues or because the workload was extremely high.

And you've got to blame us, the nine Councilmembers. We, we do expect a lot, put a lot of work on our staff down there. So, I would not agree that pay was the primary reason why people were leaving. So, and it is somewhat lucrative already for those on the outside who would want to work for a, a decent wage. And I also looked at it, the comparable skillset and pay out in private sector for admin personnel and so forth. So, OCS still pays well, you know. But, and this is not to say they don't deserve an increase, cause they do work hard.

But again, I would have preferred that we do this at a later time and not, for me and I'll just speak for myself, rushing in to making a decision a bit soon. So, I'll leave it at that. I thank you all for indulging my comments and my concerns. Thank you, Madam Chair.

CHAIR KING: Thank you, Mr. Molina. And, I just would like to point out that the person who wrote that letter that you read did get annual salary increases, which our OCS staff did not all get. So, it's hard to compare, you know, when there's a large increase and you're trying to make up for six years of not getting any increase. You know, it's hard for someone who's getting an annual salary increase to come in and, and criticize. I mean, that really, that shocks me that somebody would say that.

I did not receive any calls one way or the other on the, on that step increase. But, what I did receive was a lot of appreciation from the folks in OCS who have not felt they've been treated fairly over the last two years or even previous to that. When we talk about taxpayer dollars and what's fair on the seventh floor, we, we've had a couple of employees that have received higher salaries that, as Marie said, Zielinski said, had equal positions to somebody else.

I do think it's about the salary, whether or not someone comes to work for us or stays, because we've lost people who lost some of the great privileges they had in the last two years. And one of those was, was getting paid for overtime. Certain employees were told to take it in comp, so they just had to find another day to take the day off. Other, other employees got paid in cash. And one of them being \$45,000 just in overtime last year. So, we're looking at bigger inequities than you probably even realize that, you know, in my, I've been kind of surprised in my two, last two months of working closely with OCS and look, digging through, and looking at what's happened.

So, a lot of this is, is an attempt to, to make our, our OCS positions fair and equitable, and also to attract the high level and keep the high level of people that we have in there. Because, we've been, I've dealt in, just in my two years, I've dealt with so many openings in that, on the seventh floor, so many vacancies that that's what makes the workload. So, it is related to pay, because when people leave because they're not getting treated fairly or they're not getting paid enough, that leaves the vacancies and that creates the overload of work. So, I mean, we had a, we had a director of our, our attorney director of legal services in OCS almost had a nervous breakdown because he was so overworked, and then he left early.

So, I have, so this is, this is, there's some background of this that, you know, if you, if you, I think if you do, do your investigation, you'll find it. But the bottom line is that we don't, we just approved some money for, 150,000 for the Fire Chief. And none of us went down there and looked at the fire truck. None of us went down there and looked at the equipment. We have somebody who's in charge of the Fire Department that we trust to make those recommendations, just like we have someone in charge of Office of Council Services that we trust to make those recommendations. It is your purview if you want to walk around and talk to everybody on the seventh floor. And some of you have done that, and some of you have looked at the evaluations. But, we have management, because management is the, is the interface between us and the employees, and makes those recommendations.

So, you know, I agree with Mr. Hokama that we probably should re-look at the steps and the way we do the increases, and why it's aligned with, with civil service positions and collective bargaining. If you look at, through this document, you'll see comments by our previous OCS Director, Mr. Ken Fukuoka, who created that, that model. And now it's saying maybe it doesn't really work so well. So, there's some analysis, I mean, everything has the best of intentions, I think when you create those models. And then you go through a period of time and you realize they don't work.

And so, I have spoken to, you know, Councilmember Lee about this and, and she had the same concerns and she's got some history with this. And, we will be looking at, I mean, we'll be working with Office of Council Services to look at a different format that doesn't somehow get the, ruffle the feathers of everybody in collective bargaining when we, when we do what we need to do and protect our employees who, you know, have a very limited frame time, time of work within their, there, they've got a two year and they have nobody to advocate for their salaries other than their supervisor.

So, I will not be supporting this resolution, obviously. And I think going forward, I look for, I think if we did push this resolution through that we can expect probably some withdrawals from our Office of Council Services, probably a lot less applications for the openings that we have. The last number I heard for the openings in, in the Legislative

Analyst position was 85 applications. So, there are a lot of people who are interested in this work, but people want to be treated fairly.

People want to feel like they're, I mean there's a lot of tension on that floor when people don't feel like they're getting treated fairly. And I've had enough conversations to know that that is happening. So, that's what I'd like to see in the, in a, in an audit, is let's look at what did happen in the last two years with the salaries, with the, with the, where money is going and where it's not being spent, and also with our Council offices. Because it did disturb me when I saw that two of the Councilmembers on their way out gave huge bonuses to their employees, and that cut \$17,000 out of the, the budgets going forward, for your, for your offices.

Member Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I just wanted to add that Mr. Ken Fukuoka, the previous Director of Office of Council Services for many years, created that pay plan for the office. And he deliberately accelerated the rate because of the uncertainty that the employees would have to endure. They only worked for two years, and then they'd have to be voted on again. So, a tenure of two years is, is no, by any means, security. So, because of the circumstances surrounding, the unique circumstances surrounding our employees, it would be really unfair to compare civil servants to our employees.

But then on the other hand, I don't want to leave the impression with our civil servant employees to think that we are not concerned about their salaries and, and to think that we don't support them, because we do.

CHAIR KING: Right.

COUNCILMEMBER LEE: We really do support them. But, we're not talking about the same situation. It's, it's, the people in OCS are, are under very, very different circumstances. And, and I hope they can understand and appreciate that. Thank you, Madam Chair.

CHAIR KING: Thank you, Ms. Lee. Yea, and I do, I think, I hope that our civil servants understand that we gave them a lot of latitude in the testimony today, and so we, you know, they really weren't testifying, all of them testified in support of the raises for OCS, but they were also testifying on their situation. And so, I hope to see that on a, on an agenda very soon. And I hope they all know how much we appreciate their work.

So, I'm going to go to Ms. Sugimura, cause she had her light on for a while, then I'll come back to you, Mr. Hokama.

COUNCILMEMBER SUGIMURA: So, just, thank you, Chair, just briefly. I think all of us heard the testimony, understand where the people who came to visit us and the testifiers were coming from for the civil service employees. I just also want to add that during the January 2 discussion, it was also brought up that what, what we have created is like a compression situation where because of these raises, or because of these step increases, you have the supervisor and which I brought up on January 2, the supervisor for the clerical staff who is now in disparity with others.

So, there's, and I, and I believe that Ms. Zielinski said that she was looking at that; there's some secretaries that are at the max, as well as the supervisor. And I, I hope we didn't forget about them, because as we're talking about this, there's a big disparity between that and what has, what we, the action, because of the actions that we have just taken, so, or that we took. So, I hope that we see something in their behalf soon. And it would be taken up on the, you know, with the Council so that we don't forget about them and it becomes, so it becomes forgotten.

The other thing that was also brought up, as I listened to the January 2 meeting was, some employees could take comp. time off or some were paid cash. So, just that, you know, if a discussion could come out in the open because I didn't realize that there was that difference, you know, with some employees yes, and some employees not. I don't know if it because they're attorneys. I'm not sure what the formulas are, what the rationale was, but that must have happened a long time ago too.

So, I, I hope that when Ms. Zielinski looks at, you know, all of the employees, cause you said this is not all the employees that were discussed for the, on January 2. And I hope we look at all of them comprehensively, and especially for the ones that are now being at the maximum with nowhere else to go. So, just a more comprehensive look. I think we owe it to them. Thank you.

CHAIR KING: Chair Hokama.

COUNCILMEMBER HOKAMA: For my second and last time, Chair, by our Rules. I appreciate everybody's comment. I think this is so very healthy; this discussion. I think it's healthy in front of the public. I think this is great. And I would agree with our Chairman, Ms. King, I think maybe the audit may be a great tool to assist us on how to move forward, cause it's all about moving forward. So, I would support an audit that we scope properly, and part of maybe the audit would be part of the historical efforts when we moved from Board to a Charter form of government, and then we had Council, Council Service established. Because, I think that's important.

And I, and I would agree with Ms. Lee too. I think Mr. Fukuoka had a game plan on what he thought would be fair compensation for Council Services employees. But also take into account, Members, the time things were being proposed. Our employees were different type of employees that had different type of work ethics, okay. We didn't deal with the me generation mentality back then, which is an impact today. So, again, we may need to make the appropriate adjustments.

But, a couple of things I will tell you. You know, in my recollection, I think we were fair. We gave what I would say across the board. Maybe not everyone got the step increases. But, I believe when we made compensation we did it across the board in general. Steps were something that we all have to deal with, whether or not that's a good compensation plan to retain or not.

But, part of that thing that I would ask this part of the audit is to also look at then the employees . . . because I believe certain employees abused our efforts of compensation. And that was part of the problem, and she brought it up. And I would agree with her. Why would we allow certain employees to have certain type of leaves or comp time that goes to ridiculous amounts of dollars? We need to change our operations. And we need to be clear to the Councilors, who we, as we pay the bill, what our employees are doing and what type of bills they're cranking up for us in Council Services regarding comp time, vacation time, leave time.

And when they are taking those compensatory leaves; workload, okay. Because I would agree, some employees have had heavy workloads. But is that to compensate for those that cannot perform? That is things we need to ask as employers. So, I'm, I'm open to some of the Chair's recommendations cause I think she's brought up some very solid operational points we need to consider to move forward. So, and I appreciate my last time to speak and I will support Mr. Molina. Thank you.

CHAIR KING: Okay, thank you, Mr. Hokama. I think pretty much everything that can be said has been said. And, I'd like to call for the question. The question is whether or not to support Mr. Molina's resolution to reset the salaries back to prior to our decision of January 2. So, if you support that, vote yes in favor of the resolution, if you support where we at today with our Council Services, you will be voting against the resolution.

Mr., I think we will just go ahead and do a, a voice count first. Well, let's just go ahead and do a roll call vote, Mr. Clerk.

COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

AYE.

COUNTY CLERK: Councilmember Tamara Paltin.  
COUNCILMEMBER PALTIN: NO.  
COUNTY CLERK: Councilmember Riki Hokama.  
COUNCILMEMBER HOKAMA: YES.  
COUNTY CLERK: Councilmember Alice Lee.  
COUNCILMEMBER LEE: NO.  
COUNTY CLERK: Councilmember Mike Molina.  
COUNCILMEMBER MOLINA: AYE.  
COUNTY CLERK: Councilmember Shane Sinenci.  
COUNCILMEMBER SINENCI: NO.  
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.  
COUNCILMEMBER KAMA: NO.  
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.  
VICE-CHAIR RAWLINS-FERNANDEZ: AOLE.  
COUNTY CLERK: Chair Kelly T. King.  
CHAIR KING: NO.

AYES: COUNCILMEMBERS HOKAMA, MOLINA, AND  
SUGIMURA.

NOES: COUNCILMEMBERS KAMA, LEE, PALTIN,  
SINENCI, VICE-CHAIR RAWLINS-FERNANDEZ,  
AND CHAIR KING.

COUNTY CLERK: Madam Chair, that's three "ayes", six "noes", motion fails.

CHAIR KING: Thank you, Members for a very rich discussion. No pun intended. I think we have one more, I think, Ms. Lee, you have a filing you'd like to do on the agenda?

**DISCUSSION AND ACTION RELATING TO  
COUNTY COMMUNICATION NO. 19-71**

COUNCILMEMBER LEE: Let's see. Clerk, are you going to read 19-71?

COUNTY CLERK: Could you, I apologize, Councilmember Lee; if you could restate what County Communication.

COUNCILMEMBER LEE: 19-71.

COUNTY CLERK: Okay.

NO. 19-71 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,  
(dated January 18, 2019)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2018.

COUNCILMEMBER LEE:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 19-71.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Ms. Lee and seconded by Ms. Sugimura. Did you second it?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: Okay.

Ms. Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. This item transmits an annual report to the Council on new utility poles.

CHAIR KING: Okay. Any discussion on this? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero to file County Communication 19-71.

Members, any objections to the previous, to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

FILING OF  
COUNTY COMMUNICATION NO. 19-63

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, after that discussion, don't we have to file County Communication 19-63?

CHAIR KING: Okay. Yes, we need to make a motion to file that.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I MOVE TO FILE COUNTY COMMUNICATION 19-63, WHICH  
WAS MR. MOLINA'S RESOLUTION.

CHAIR KING: Okay.

COUNCILMEMBER KAMA:

SECOND.



CHAIR KING: Moved by Ms. Rawlins-Fernandez, seconded by Ms. Kama.

Any discussion? If not, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,  
MOLINA, PALTIN, SINENCI, SUGIMURA,  
VICE-CHAIR RAWLINS-FERNANDEZ, CHAIR  
KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero to file the resolution.

And, let's see, Mr. Clerk.

COUNTY CLERK: Madam Chair, if we can just get clarification from the Members if there's any other objections to the referrals as read by the Clerk.

CHAIR KING: Oh, yea, I don't think there were, there were no objections for the referrals.

COUNTY CLERK: Madam Chair, there's no further business before the Council.

CHAIR KING: Okay, thank you, Members. It was a productive meeting.

We're adjourning at, I'm going to call with the, the incorrect clock as 12:50.

COUNCIL SERVICES DIRECTOR DAVID RAATZ: Madam Chair, Madam Chair. Excuse me, staff. This is David Raatz, Supervising Legislative Attorney. I just wanted to clarify before you adjourn, I know time's getting short, but staff had understood for County Communication 19-68, there might be a consideration of floor action on the resolution.

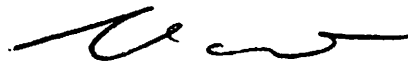
CHAIR KING: Oh, no, I think this is going to, we're going to leave it at a referral.

DIRECTOR OF COUNCIL SERVICES: Thank you.

CHAIR KING: Yea, for that one. Thank you. Okay, if no, there's no further action, then we will adjourn at 12:50

## ADJOURNMENT

The regular meeting of February 1, 2019 was adjourned by the Chair at 12:50 p.m.



---

JOSIAH K. NISHITA, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

June 28, 2016

Budget and Finance Committee  
Chair, Riki Hokama

RECEIVED  
Feb 1 82  
2019 JAN 32 AM 8:18

OFFICE OF THE  
COUNTY CLERK

Dear Council Chair Hokama and Members of the Committee. My name is Nancy Mahi and I am currently a Personnel Assistant for the Department of Public Works and a member of BU03. I started my County of Maui career as an Ops Assistant II (SR-10A at \$2406/mo) in May of 2014. I have recently learned about (BF-38(32)) and desire to add my voice of support for this valuable initiative. I am grateful for your service and time to focus on this topic.

Since hiring on, I have been impressed by the caliber of those I have served with, in my experience, they were all women. I find it very fitting the homeless epidemic was also on the agenda today as we are discussing many of our lowest paid staff. Many of whom might find themselves dependent on other county resources because their wages cannot support housing, utilities and food for their families. Many may be just one paycheck from disaster (even homelessness).

In the press release dated June 23, 2016 by Chair Hokama, he posed two questions, the most important being, "how the administration will fund these programs." This is an excellent question. I can only fathom how daunting this task may be as we each balance our family budgets and have to make difficult choices between what stays and what goes. I understand money was previously allocated and believe it can be done again with your help and creativity. I know the committee members making the proposal have worked fervently for the past 3 years on this bill and the wage gaps are a result of 20 years of weak union negotiations. We are looking to you to pioneer such a valuable change for our community, often the front-line of Maui County.

The second question Chair Hokama asked was about "the justification of the proposed salary increases" and why they didn't take "place during contract negotiations." As mentioned above, this wage gap didn't occur overnight, it was created over years of incrementally lesser contract negotiations. The numbers are the reason for our request. Entry level blue collar workers are making substantially more money than our white collar counterparts.

As an example, I've attached copies of the County Class Specifications which advise the salary, qualifications and duties between a standard white collar entry level position (Clerk III) vs. an entry level blue collar worker (Janitor I). The wage gap is \$670! (this would cover my monthly childcare expense :-). Please notice the difference in minimum qualifications and examples of duties. Then consider the proposal is simply to bring any BU03 employee currently making less than \$3,039 (equivalent to the blue collar entry wage) up to the corresponding step level on the currently approved pay scales (IE: Clerk III would move to an SR-10/G).

These workers are frequently the face of our County, they are the first person you see when you walk into an office or call on the phone. They are committed and knowledgeable workers who support the very fabric of our departments. I urge you to support our working class families and provide them a much needed pay increase to keep up with the burdensome cost of living. Your vote can make a difference. You can show our neighbor islands, our state – that these jobs ARE worth equal pay! We ask for your continued support, along with Mayor Arakawa's support, to make Maui No Ka 'Oi – for those that live and work amongst us.

*Nancy Mahi*



# JANITOR I — on unskilled labor (1st

Bargaining Unit: Non-Supervisory Blue  
Collar Workers (UPW)

Class Code:  
6D.005

COUNTY OF MAUI

Established Date: Jul 10, 1957

Revision Date: Feb 3, 2016

## SALARY RANGE

\$3,076.00 Monthly

\$670 gap Janitor II \$712 gap

\$3,118/mo

"engages in heavy lifting"

## DUTIES SUMMARY:

Performs routine manual work in cleaning and maintaining an assigned public building; may care for grounds surrounding the building; and performs other duties as required.

## Distinguishing Characteristics:

This class differs from that of Janitor II, in that Janitor I performs routine manual work in cleaning and maintaining a public building; whereas Janitor II performs routine manual work in cleaning and maintaining a public building and in addition occasionally engages in heavy lifting.

## EXAMPLES OF DUTIES:

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Sweeps and scrubs floors, hallways, corridors, and stairways.
- Dusts and polishes furniture and woodwork.
- Replenishes supplies.
- Empties and cleans receptacles.
- Mops and waxes floors.
- Washes and polishes windows which are easily accessible.
- Cleans table tops and bookcases.
- Cleans drinking fountains and wash basins.
- Scrubs toilets.
- Cleans venetian blinds.
- Arranges chairs, tables, and other light furniture and equipment for scheduled activities.
- Locks and unlocks doors and windows.
- Turns lights on and off.
- Operates polishing machine and vacuum cleaner.
- Runs errands.
- May operate a car in the performance of assigned tasks.
- May work on grounds immediately adjacent to the building in which employed, picking up paper, and watering lawns, trees, and play areas.

- Performs other related duties as required.

This is an amendment to the specification for the class, JANITOR I, approved July 10, 1957, effective February 1, 2016.

APPROVED: February 8, 2016

**MINIMUM QUALIFICATION REQUIREMENTS:**

Experience and Training: None

Knowledge of: Practices, tools, and materials used in janitorial work; building security and sanitation.

Ability to: Perform light manual labor; understand and follow oral and written instructions.

Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

Physical Effort Grouping: Heavy

This is an amendment to the minimum qualification specification for the class, JANITOR I, approved July 10, 1957, effective February 1, 2016.

APPROVED: February 8, 2016

**CLERK III**

Bargaining Unit: Non-Supervisory White  
Collar Workers (HGEA)

Class Code:  
1A.015

**COUNTY OF MAUI**

Established Date: Oct 20, 1964

Revision Date: Dec 22, 2015

**SALARY RANGE**

\$2,406.00 Monthly

**DUTIES SUMMARY:**

Performs a variety of clerical work involving the review, refinement and verification of data for conformance to established requirements; interprets legal provisions, rules and regulations; prepares reports and maintains records; may supervise others; and performs other related duties as required.

**Distinguishing Characteristics:**

This class differs from that of Clerk II in that the Clerk III performs a variety of clerical work involving (1) the review, refinement and verification of data, (2) interpretation of rules and legal provisions, (3) judgment in selecting or adapting alternative methods or procedures, and (4) may supervise others in performing clerical work; whereas, the Clerk II performs a variety of clerical work in checking and processing a variety of clerical material in accordance with established procedures for completion, accuracy and conformance with standard requirements and reference to a variety of established sources.

**EXAMPLES OF DUTIES:**

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Reviews and checks various materials (e.g. forms, reports, records, applications, requisitions, purchase orders, invoices, etc.) for accuracy, completion and conformance with statutes, ordinances, rules and regulations, and policies.
- Posts a variety of data to control records and statements.
- Searches files, assembles and selects a variety of data from records and files for use of a superior or the preparation of operational reports, budgetary estimates, etc.
- Summarizes and briefs materials.
- Prepares reports which require the compilation of materials and data from a number of sources and works out the details of presentation.
- Gives information over a counter or telephone where judgment, knowledge and interpretation of facts are required.
- Composes correspondence from general oral or written instructions.
- Receives cash payments, issues receipts, and deposits cash in a bank or in the

county treasurer's office, and maintains records of cash received.

- Prepares payrolls.
- Reviews, updates, and maintains files of various materials (e.g. records, reports, correspondence, etc.).
- Reproduce various documents and materials (e.g. reports, statements, etc.).
- Answers telephone and provides information, refers callers to proper personnel, and/or makes appointments.
- Maintains supplies and materials inventory.
- May use word processing and other office equipment and technologies in the performance of miscellaneous tasks.
- May follow-up on complaints received from the public.
- May supervise the work of others engaged in clerical work.
- Performs other related duties as required.

This is an amendment to the class specification for the class SENIOR CLERK, approved October 20, 1964, retitled to CLERK III on March 9, 1965, amended January 25, 1993, effective May 27, 2009.

APPROVED: 5/07/09

**MINIMUM QUALIFICATION REQUIREMENTS:**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from high school and two years of clerical work experience.

**Substitutions Allowed - Training for Experience:** Successful completion of a clerical/office support/business technology curriculum leading to a degree, diploma or certificate at an accredited community college, business or technical school which included courses in English, clerical/office procedures, and mathematics may be substituted for the required Clerical Experience on the basis of fifteen (15) semester credits of satisfactorily completed coursework for six (6) months of experience, up to a maximum of two (2) years.

**License Requirement:** Possession of a valid motor vehicle driver's license (equivalent to State of Hawaii Type 3) may be required for specific positions.

**Knowledge of:** office practices and procedures; filing methods and systems; punctuation, grammar, spelling and word usage; use of standard office machines and equipment, including personal computers, peripheral equipment, and software applications.

**Ability to:** use a personal computer; make arithmetic computations; compare names and numbers rapidly and accurately; read and interpret written material; keep records; follow oral and written instructions; operate standard office machines and equipment; deal tactfully and effectively with the public; supervise the work of others; maintain effective working relationships with fellow employees and others.

**Health and Physical Condition:**

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper to perform the essential functions of





I was told before this project started that there would be 2 waterlines, one 12 inches in diameter and one 8 inches in diameter. They would be in about a 4 feet width configuration with 1 foot on either side. So I asked about a 6 foot wide trench and how deep? The answer was 6 feet.

Who does the oversight of the scope of actual work done specially if no permit is needed?

I asked, "Do you know where the burials were discovered?" They did not and could not tell me where the 10 previously identified burials and 62 burials are located from the July 31, 2008 Maui Lani Burial Council Meeting minutes. They were found in this area associated with the well now owned by the county and Maui Lani Parkway.

Where is the oversight and protection of the extensive groups disrupting activities associated with utility lines?

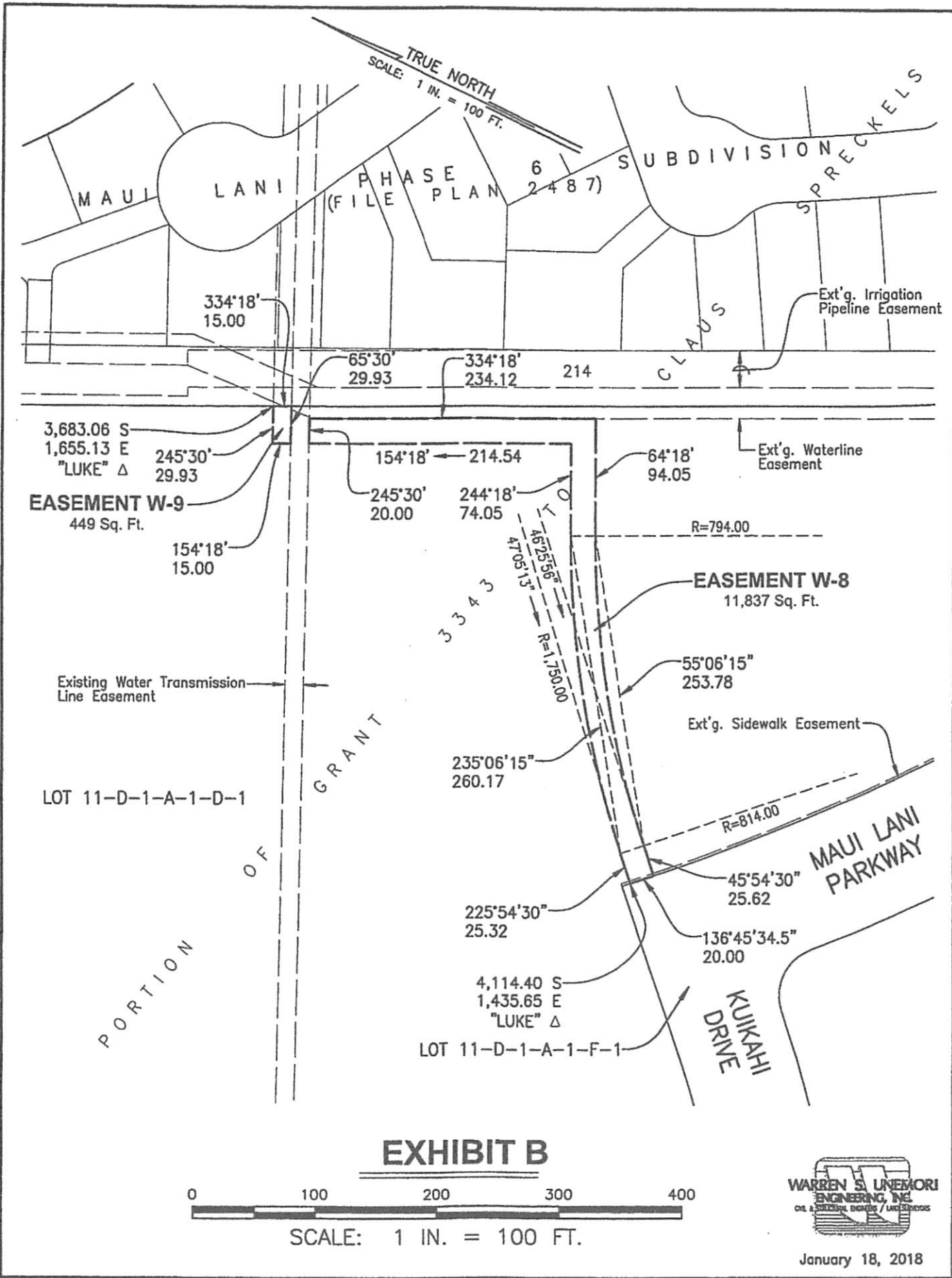
Is this in the current water easement given to the county?

Clare Apona

244-4411



V:\Projdata\13043\dwg\maps\Office-W-E-Ermts-00.dwg



Noelani Ahia  
County Communication 19-46

Aloha Kakou,

I wanted to come this morning to share with you some information about the waterline being put in for Maui Lani phase 6, via phase 9 for which the county is seeking an easement.

Many of you may not know that this water line is going thru two different TMK's with a high concentrations of burials. In fact, in the recent court mediation between Malama Kakanilua and Maui Lani Partners, MLP disclosed that over 700 find sites containing Iwi Kupuna have been disturbed in this 1000 acre project district. One find site may have multiple Iwi Kupuna so the actual number of Iwi is much higher than 700. Maui Lani phase 6, increment 4, where the waterline is going in, has two large Burial Preserves and several burials outside of the established preserves have been discovered since their stop work order was lifted this past June. At last count there were around 85 burials in this small increment of phase 6. In addition, Towne realty who owns phase 6 is currently trying to figure out how to put a sewer line underneath Iwi Kupuna since they cannot go around them. This is happening in the same area as this waterline.

The level of disrespect and desecration we are talking about here is inhumane and inexcusable. The company that been doing the archeology work on behalf of the developers is incompetent, or possibly deceitful. We don't even know where all the burials are because Archeological Services Hawaii' has failed to turn in updated required reports.

Somewhere near the junction of Kuikahi and Maui Lani Parkway, where the excavation for this line began last week, is a mass concentration. But we have been unable to find out exactly where they are and have no idea if this waterline will intersect them. They were found in 2008 and were brought before the MLIBC. The minutes read:

"3-8-007: 131 por.(now por 133, 154, 155)

Maui Lani Parkway

12 more burials found within Maui Lani Parkway corridor during monitoring. RH thought more burials will be encountered. RH said approximately 30 burial had been discovered. Fisher wanted to know where burials would be relocated given not all burials within the corridor could be preserved in place.

May 29, 2008

3-8-007: 131 por. .(now por 133, 154, 155)

Maui Lani Parkway

62 in situ burials and 10 previously disturbed individuals in Maui Lani Parkway Corridor. Fisher asked the measurements of the area, RH through the area to be 500 feet long and 120 feet wide. Rodrigues thought greater disrespect is shown when people look for iwi as opposed to mitigating iwi that had been inadvertently encountered. RH: Shallowest burial was 2.5 feet below surface. Deepest burial was

18 feet. average depth was 6-8 feet. Kapu did not feel a burial should be classified as an inadvertent if a burial was found in an area known to contain burials. Rodrigues said previously identified burials were burials identified during an archaeological study usually an AIS and all burial discoveries were classified as inadvertent.

July 31, 2008"

Is the county aware that this work is happening in a known burial area?

Please refer to the map I have provide to help you understand the larger picture of burials in the area. Just looking at segmented TMK's does not give the full scope and breadth of the high concentration of burials in these sand dunes. This map is from 2005 and hundreds more burials have been discovered since then and they roads have been redesigned as well. Find sites have been added by hand to this older map to the general areas they were found based on burial council minutes. You can see a clear pattern in these desecrated dunes.

Why are we still allowing work to continue right through sacred, hallowed, ground. This continued desecration cases harm to myself, as a recognized cultural descendent of this area as well as to many kanaka maoli who still practice our culture in this area.

All decision making is required to investigate and identify kanaka maoli cultural practices that may be affected by decisions in a particular area, and then it must be determined what the feasible protections for those practices are. This is known as the *Ka Pa`akai* analysis, which was a case interpreting article XII, section 7 constitutional protections for kanaka maoli traditional and customary practices. It's especially important where, as here, the developers don't even know where the burials are.

It would be prudent for the County to hire it's own archeologist .



for CLAC

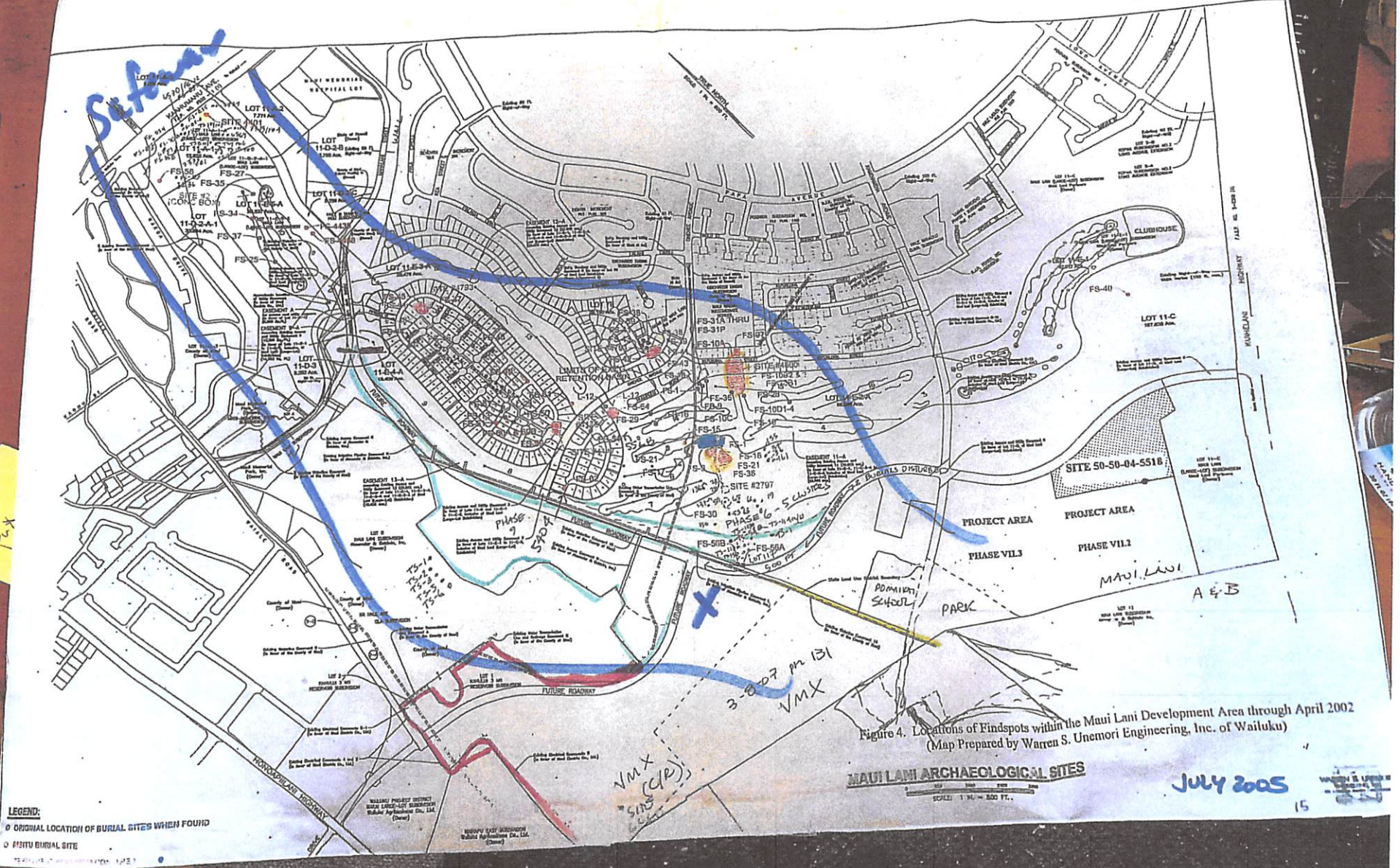


Figure 4. Locations of Findspots within the Maui Lani Development Area through April 2002  
(Map Prepared by Warren S. Unemori Engineering, Inc. of Wailuku)

JULY 2005



KCA testimony to Council 2/1/19 9 AM 19-55; -68; and -56

Chair King and members, Mike Moran testifying for the KCA on items

**19-55. DECLARATORY RULING REITERATING AND AFFIRMING THE REQUIREMENT FOR A PEDESTRIAN OVERPASS OR UNDERPASS ;**

We express a big mahalo to chair King for this action We clearly recall the State LUC meeting over five years ago when this condition was included in granting the requested change, and seeing resistance to following it since then by state agencies. Our district needs the high school as well as a safe way to access it, and the implication that the community must choose one or the other is ludicrous and disrespectful. We look forward to a public hearing by the State Commission on this matter which this action will generate

We ask for approval. .

**19-68 Reso to MCPC re CPA to alter from business to single family at 1488 SKR**

We support the alignment of the plan's land designation with the zoning. We believe this land should remain open space, but in the event somehow construction is done here, a home is preferable to any business. For these reasons we support this very preliminary action

**19-56 MODIFY THE REQUIREMENTS OF CHAPTER 2.96, MAUI COUNTY CODE, IN RELATION TO THE COUNTY'S PURCHASE OPTIONS FOR THE KAIWAHINE PROJECT AND ACKNOWLEDGING THAT TWO OF THE UNITS IN THE PROJECT WILL BE MANAGER'S UNITS".**

Our understanding is this action is required for this valuable housing project to be completed and we wish to support any such requirement. As we have determined this TRULY affordable rental housing project is a first segment to fill a critical need in South Maui, we ask for support of this requirement by the administration so this project already under construction will have no delays. please support it.

Mahalo

RECEIVED  
2019 JAN 30 PM 4:38  
OFFICE OF THE  
COUNTY CLERK

---

**From:** Barbara Baehr <Barbara.Baehr@co.maui.hi.us>  
**Sent:** Thursday, January 31, 2019 10:48 AM  
**To:** County Clerk  
**Cc:** Connie Gouveia; Mike J. Molina  
**Subject:** memo for Council Members concerning pay equality

Dear Council Members,

A copy of a budget amendment was transmitted to Council, which unfortunately, was not put on the agenda last year. Then, documents were transmitted in regards to the Supplemental Agreement to the Bargaining Units 03 and 04 agreement to the newly elected Council members. Maui County Workers had hope that this newly elected administration would listen. But, to our amazement, you quickly approved increases for Council staffers at one of your first meetings. Ms. King stated increases were to try "to get everything equal and fair" based on experience, education and capabilities. Surely if this is what you believe in, you would want to do it for ALL peoples.

It has been 6 years since Maui County clerical workers have been striving for pay equality and to equalize the pay gap between men and woman. Pay equity is an issue of fairness. It should not be an issue of gender. We all would like to be treated equal and fair based on experience, education, and capabilities. I urge you to place the Supplemental Agreement to the Bargaining Units 03 and 04 on the Council Agenda so that ALL County workers are treated fairly.

Respectfully yours,

*Barbara Baehr*  
*Customer Relations Assistant*  
Department of Water Supply  
200 South High Street  
Wailuku, Hawaii 96793  
Phone: (808) 270-7801  
Fax: (808) 270-7136  
[Barbara.Baehr@co.maui.hi.us](mailto:Barbara.Baehr@co.maui.hi.us)

RECEIVED  
2019 JAN 31 AM 11:10  
OFFICE OF THE  
COUNTY CLERK

CC 19-63

---

**From:** Juliane Pokini <juls96790@gmail.com>  
**Sent:** Thursday, January 31, 2019 11:06 AM  
**To:** County Clerk  
**Subject:** CC 19-63 Appointing Staff & Setting Salaries of the office of Council Services

Dear Council Members,

I am writing a testimonial letter to you today in regards to the above subject matter.  
I'm a clerk for the County of Maui and work in the Highways Division.

Ever since I started working for the County of Maui there has been a movement for pay equity for the clerical workers, but I have never seen it become a reality.

Recently raises have been given to Council Services staff but are being reconsidered February 1, 2019 because bargaining Unit 3 members have also not received substantial raises.

Our issue has been on going for the last 6 years, but most recently documents have been sent to Council in May 2018 followed by a budget amendment sent in October 2018. We have been trying to get on the agenda ever since.

How are we supposed to achieve pay equity if we cannot be heard? These actions have made the clerks feel they're not a priority by Council. I'm urging the current Council members to place our item on the next agenda, it's more than overdue.

Thank you for your consideration, I support any raises for clerical staff including Council Services as long as we are fair about them.

Sincerely,  
Juliane Pokini

RECEIVED  
2019 JAN 31 AM 11:10  
OFFICE OF THE  
COUNTY CLERK

**County Clerk**

---

**From:** Gail Martinellie <Gail.Martinellie@co.maui.hi.us>  
**Sent:** Thursday, January 31, 2019 1:17 PM  
**To:** County Clerk  
**Cc:** Connie Gouveia; Alice L. Lee; Keani N. Rawlins; Kelly King; Mike J. Molina; natalie.kama@mauicounty.us; Riki Hokama; Shane M. Sinenci; Tamara A. Paltin; Yukilei Sugimura  
**Subject:** Aloha All Council Members

Aloha All Council Members

As you can only imagine, many of us were all very shocked, upset & curious to know how Council is able to have pay increases allowed to a newly "elected" staff, some reelected staff, keeping in mind that you all already begin with excess incomes that far exceed what us civil service positions make, yet there seems to be no funds available for the pay increases and step movements for the civil service positions for which we have been fighting so hard for over the past 6 years? The cost of living keeps going up but the pay for us civil service positions stays the same...how are we & our families supposed to be able to survive without having to pick-up second, some even third jobs???

Please continue to hear the voices of "your people," the people who elected each of you, the people who continue to work hard for you and our county, and please do what is "PONO," do what is right!!! I appreciate your time and careful consideration to the voices of all who are concerned!

Respectfully Submitted,  
Gail Martinellie  
Dept. Of Water Supply  
Customer Service Rep. II

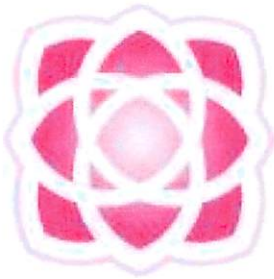
RECEIVED  
2019 JAN 31 PM 1:25  
OFFICE OF THE  
COUNTY CLERK



RECEIVED

2019 JAN 31 PM 1:26

OFFICE OF THE  
COUNTY CLERK



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**Testimony on CC 19-63  
Appointing Staff And Setting Salaries  
Of The Office Of Council Services  
Friday, February 1, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and  
Members of the Maui County Council,

We appreciate Councilmember Molina for bringing this issue back up for discussion and for the opportunity to provide testimony on this resolution.

Employment should provide equal opportunities for employees. When a business looks at pay increases, they consider many areas before offering a raise, including: length of service, performance review (including any areas of exemplary performance, concerns, or disciplinary action), comparison to the pay level of other employees completing the same work, skills required, their level of expertise, and if the increase fits within the budget. Looking at the full picture helps to ensure fairness, consistency and feasibility. While the County is a government entity, it is paid for by and serves the people of Maui County and in that service, operates much like a business should, with respect to budgets and increased cost. Therefore, we ask that the County please spend additional time examining each of the areas noted for the Office of Council Services salaries before providing these salary increases.

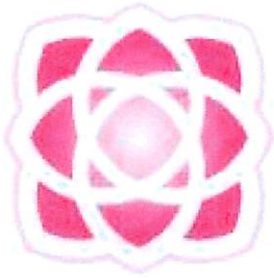
It is also important that the Council look at how the Office of Council Services employees' salaries compare to other County employees (particularly those under HGEA) to be just to all concerned. It is unfair that Council Services employees receive higher salaries and more frequent increases than other County employees. We feel there should be a level and consistent playing field for County employees who perform similar work.

We ask that you please hold the salary increases proposed and refer this resolution to committee so that it may be further vetted, with more research completed, to get the full picture before any increases are implemented.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

RECEIVED

2019 JAN 31 PM 1:26

OFFICE OF THE  
COUNTY CLERK

**Testimony on CC 19-67  
Relating to Renewals for Conditional, Bed and Breakfast Home,  
Short-Term Rental Home and Special Use Permits  
Friday, February 1, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and  
Members of the Maui County Council,

We appreciate the opportunity to provide testimony on the proposed bill.

The proposed bill will codify a current practice in place at the Planning Department to provide a grace period to those in the process of renewing their permits for Bed and Breakfasts, Short-Term Rentals and with Conditional and Special Use permits. We support codifying a best practice so that it may continue in the future. We appreciate that this bill includes language to ensure information is received from the permittee in a timely manner and helps streamline the process.

Therefore, we support this bill and ask that you please refer this bill to committee so that it may continue through the process.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



---

**From:** helaine@maui.net  
**Sent:** Thursday, January 31, 2019 1:39 PM  
**To:** County Clerk; Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Shane M. Sinenci; Mike J. Molina; Tamara A. Paltin; Yukilei Sugimura  
**Subject:** Clerical wages

Dear Council Members,

Please approve the supplemental wage increase for your hard working underpaid clerical section of the county. We do not receive pay that commensurate to the skills and workload required of our positions in Maui County. It is sad that my co-workers, many of the long time county employees struggle to afford housing and basic necessities. At least half of them have second part time jobs to help survive.

I do the payroll for over 30 employees, both HGEA & UPW, requiring knowledge of Union Contracts, rules, pay rates, overtime processing, etc. I am a pCard Administrator for over a dozen employees, process millions of dollars in requisitions & PO's, make travel arrangement for hundreds of trips annually, set up files & procedures for newly hired employees among other duties. I am required to be computer literate and do not even make as much as a starting lowest Labor position for UPW. I love my job but it's not right that my pay is nowhere near the wages I would receive for the same responsibilities in private sector.

Our state representatives are talking of raising the minimum wage to \$15.00 per hour and that is not even the start pay for a Clerk. With the national movement for equal pay for gender and raising minimum wages for the lowest paid worker's this is the time to take this important step for County Employees.

Please act on this now!

Thank you,

Helaine Borge

Clerk III

RECEIVED  
2019 JAN 31 PM 1:46  
OFFICE OF THE  
COUNTY CLERK

RECEIVED

**From:** GAIL FUJIWARA <gnfmaui@gmail.com>  
**Sent:** Thursday, January 31, 2019 1:33 PM  
**To:** Riki Hokama; Kelly King; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; Tasha A. Kama; County Clerk  
**Subject:** County Communication 19-63

2019 JAN 31 PM 1:46

OFFICE OF THE  
COUNTY CLERK

Dear Council Chair and Members,

My name is Gail Fujiwara and have been a County employee for the past 25 years. I am writing this testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019).

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. We believe this is not fair and could impact staff morale. This increase is further troublesome because OCS staff is already one of the highest paid staff in the County.

Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most of us civil service employee's annual salary increase ranges from 1.5% to 2.25%. How is this fair? What does that tell the rest of us County Employees not working for OCS? Is this some sort of **discrimination**?

Additionally, the increases offered to OCS staff includes "Step" increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or "Step" increases.

I believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer **all** county staff higher annual salary and "Step" increases.

As a County employee I am asking for fairness and to be treated consistently throughout the County. You are sending your dedicated employees the wrong message: *that you can help **YOUR staff, but you can't help the rest of us.***

Therefore, I respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and you take the time to assess salary and step increases for ALL as opposed to a few.

Sincerely,

Gail Fujiwara



RECEIVED

**From:** Grace Andam <mgraceagapay@aol.com>  
**Sent:** Thursday, January 31, 2019 2:03 PM  
**To:** County Clerk  
**Subject:** County Communication 19-63 Resolution 19-10

2019 JAN 31 PM 2:19

OFFICE OF THE  
COUNTY CLERK

Dear Council Chair and Members,

I am a current employee of the County of Maui Department of Finance. I am writing this testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019).

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. We believe this is not fair and could impact staff morale. This increase is further troublesome because OCS staff is already one of the highest paid staff in the County.

Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employee's annual salary increase ranges from 1.5% to 2%. How is this fair?

Additionally, the increases offered to OCS staff includes "Step" increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or "Step" increases.

We, county employees, believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer all county staff higher annual salary and "Step" increases.

We are asking for fairness and to be treated consistently throughout the entire County. You are sending your dedicated employees the wrong message: *that you can help YOUR staff, but you can't help the rest of us.*

Therefore, we respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and you take the time to assess salary and step increases for ALL as opposed to a few.

Sincerely,

Grace Andam

RECEIVED

**From:** Victoria Constantino <Victoria.Constantino@co.mauie.hawaii.us>  
**Sent:** Thursday, January 31, 2019 2:00 PM  
**To:** Alice L. Lee; County Clerk; Keani N. Rawlins; Kelly King; Mike J. Molina; Shane M. Sinenci; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura; riki.hokama@mauicounty.us  
**Subject:** County Communication 19-63

Dear Council Chair and Members,

My name is Victoria Constantino and I am a employee with the Department of Finance / Claims Division. I am a Pre-Adit Clerk and have been in this position for the past 12 years. Prior to that I was in the Real Property Department for 2 years, as a clerk.

We County employees are writing this testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019).

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. We believe this is not fair and could impact staff morale. This increase is further troublesome because OCS staff is already one of the highest paid staff in the County.

Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employee's annual salary increase ranges from 1.5% to 2%. How is this fair?

Additionally, the increases offered to OCS staff includes "Step" increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or "Step" increases.

We believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer all county staff higher annual salary and "Step" increases.

County employees are asking for fairness and to be treated consistently throughout the entire County. You are sending your dedicated employees the wrong message: *that you can help YOUR staff, but you can't help the rest of us.*

Therefore, we respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and you take the time to assess salary and step increases for ALL as opposed to a few.

Sincerely,

Victoria Constantino  
Pre-Audit Clerk  
County of Maui  
Dept. of Finance / Claim Div.  
200 South High Street  
Wailuku Maui , Hawaii  
96793  
[victoria.constantino@co.maui.hi.us](mailto:victoria.constantino@co.maui.hi.us)  
808-270-5577



RECEIVED

**From:** Teresa Rebolledo <Teresa.Rebolledo@co.maui.hi.us>  
**Sent:** Thursday, January 31, 2019 1:50 PM  
**To:** County Clerk  
**Cc:** Connie Gouveia; Mike J. Molina  
**Subject:** Pay Equality/Fairness for ALL County Workers

2019 JAN 31 PM 2:19

OFFICE OF THE  
COUNTY CLERK

Dear Council Members,

A copy of a budget amendment was transmitted to Council, which unfortunately, was not put on the agenda last year. Then, documents were transmitted in regards to the Supplemental Agreement to the Bargaining Units 03 and 04 agreement to the newly elected Council members. Maui County Workers had hope that this newly elected administration would listen. But, to our amazement, you quickly approved increases for Council staffers at one of your first meetings. Ms. King stated increases were to try "to get everything equal and fair" based on experience, education and capabilities. Surely, if this is what you believe in, you would want to do it for ALL peoples.

For AT LEAST the past 6 years, Maui County clerical workers have been striving for pay equality and to equalize the pay gap between men and women. Pay equity is an issue of fairness and should not be an issue of gender or "brain vs brawn". We all would like to be treated equally and fairly based on experience, education, and capabilities. I urge you reconsider the raise for ONLY council staffers and to place the Supplemental Agreement to the Bargaining Units 03 and 04 on the Council Agenda so that ALL County workers are treated fairly.

Respectfully yours,

*Teresa Rebolledo*

Department of Water Supply  
200 South High Street  
Wailuku, Hawaii 96793  
Phone: (808) 270-6175  
Fax: (808) 270-7136  
[Teresa.Rebolledo@co.maui.hi.us](mailto:Teresa.Rebolledo@co.maui.hi.us)



---

**From:** Colleen Chur <cmats808@yahoo.com>  
**Sent:** Thursday, January 31, 2019 2:39 PM  
**To:** County Clerk  
**Subject:** Supplemental Agreement for Bargaining Units 3 & 4

Dear Council Members,

Please find it in yourselves to approve this supplemental wage increase for the clerks in Bargaining Units 3 & 4. I was an SR-10 clerk for 17 years and I struggled to make each paycheck count while raising a daughter by myself. I can tell you that it wasn't easy. Till this day, I still have two jobs just to pay rent on Maui (which is not cheap), put food on the table and gas in the tank. It still isn't easy.

I am now an SR-13 but I still struggle. I see the workload the clerks who work for me do and they do it for so little pay. I feel bad for them, as I know their worth is so much more. They are barely surviving on what they make and cannot afford anything extra, having to choose what expense is most important at the moment.

Please consider and approve this agreement for the clerks who deserve so much more than what they are receiving now.

Thank you for your time.

Colleen Chur, ASA II  
Dept. of Environmental Management  
Wastewater Reclamation Division

RECEIVED  
2019 JAN 31 PM 3:06  
OFFICE OF THE  
COUNTY CLERK

---

**From:** Shari Papagayo <sharilynnec@gmail.com>  
**Sent:** Thursday, January 31, 2019 2:55 PM  
**To:** Riki Hokama; Kelly King; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; Tasha A. Kama; County Clerk  
**Subject:** County Communication 19-63, Resolution 19-10

Dear Council Chair and Members,

My name is Sharilynne Papagayo and I am a Control Accounts Clerk in the Finance Department, Accounts Division. As a county employee, I would like to submit this as my written testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019).

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. We believe this is not fair and could impact staff morale. This increase is further troublesome because OCS staff is already one of the highest paid staff in the County.

Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employee's annual salary increase ranges from 1.5% to 2%. How is this fair?

Additionally, the increases offered to OCS staff includes "Step" increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or "Step" increases.

I believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer ALL county staff higher annual salary and "Step" increases. **Especially since the union has informed us that our new contract is at an impasse, and our Employer has stated a ZERO for our salary increase.**

County employees are asking for fairness and to be treated consistently throughout the entire County. You are sending your dedicated employees the wrong message: *that you can help YOUR staff, but you can't help the rest of us.*

Therefore, we respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and you take the time to assess salary and step increases for ALL as opposed to a few.

Sincerely,  
Sharilynne Papagayo

RECEIVED  
2019 JAN 31 PM 3:06  
OFFICE OF THE  
COUNTY CLERK

*"Keep on asking, and you will receive what you ask for. Keep on Seeking, and you will find. Keep on knocking, and the door will be opened to you."* ~Matthew 7:7

---

**From:** Sarah Reichert <sarahbva79@gmail.com>  
**Sent:** Thursday, January 31, 2019 2:34 PM  
**To:** County Clerk  
**Subject:** Council of the County of Maui, Agenda February 1, 2019  
**Attachments:** Supplemental Agreement Unit 3 and 4.pdf; BD-BA\_19-49\_Oper\_Finance\_Countyywide Costs\_Fringe Benefits\_Clerks Repricing.pdf

Aloha Councilmembers,

I am writing in reference to the Council of the County of Maui, Agenda February 1, 2019, CC19-63. I urge the Councilmembers to bring to their agenda the review and approval of the HGEA Supplemental Agreement and Budget Amendment submitted for "Clerk Salary Increase". I implore all the Councilmembers to hear our voices and see our need while you look at the needs of your own staff.

My name is Sarah Reichert, I am currently an employee of Maui County in the Planning Department where I am an Office Operations Assistant II. I currently have to work two jobs to afford housing and living expenses. I work seven days a week because I've always wanted to work as a Civil Servant, however, the salary is not enough in Maui County. I need a supplemental income on the weekends just to afford minimal housing and living expenses. If the Council was to bring this forward and approve it this would enable me to just work my County job and spend time with family and rest on the weekends.

My story is typical throughout Maui County's clerks, we want to improve our quality of life. Not live to work, but thrive and live. So once again, I urge you to bring this forward to next agenda and agree to the Amendment. I appreciate your time and consideration regarding this matter.

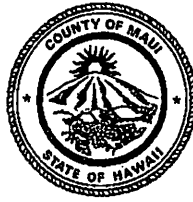
Attached is documents relating to this matter.

Mahalo,

Sarah Reichert

RECEIVED  
2019 JAN 31 PM 3:06  
OFFICE OF THE  
COUNTY CLERK

ALAN M. ARAKAWA  
MAYOR



KEITH A. REGAN  
MANAGING DIRECTOR

**OFFICE OF THE MAYOR**

Ke'ena O Ka Meia  
COUNTY OF MAUI – Kalana O Maui

May 8, 2018

Mr. Randy Perreira  
Executive Director  
Hawai'i Government Employees Association  
AFSCME Local 152, AFL-CIO  
P.O. Box 2930  
Honolulu, Hawai'i 96802-2930

Dear Mr. Perreira:

Re: Supplemental Agreement Proposal for Bargaining Units 03 and 04

In response to your letter dated November 26, 2014 and in light of subsequent discussions, the County of Maui is proposing a Supplemental Agreement to the Bargaining Units 03 and 04 agreement. The proposed Supplemental Agreement would provide for compensation adjustments for qualifying employees as outlined in the enclosed agreement. The Supplemental Agreement would be in effect through June 30, 2019.

Enclosed is a copy of the proposed Supplemental Agreement. Please let us know whether you would be open to this proposal. Should you have any questions, please contact David J. Underwood, Director of Personnel Services, at (808) 270-7850 or via email at [David.Underwood@co.maui.hi.us](mailto:David.Underwood@co.maui.hi.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Arakawa".

Alan M. Arakawa  
Mayor

Enclosure

cc: David J. Underwood, Director of Personnel Services  
Michele Mitra, HGEA Maui Division Chief

SUPPLEMENTAL AGREEMENT  
BARGAINING UNITS 03 and 04  
COUNTY OF MAUI

This SUPPLEMENTAL AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by and between the County of Maui (hereinafter "County") and the Hawai'i Government Employees Association, AFSCME, Local 152, AFL-CIO, (hereinafter "Union") on behalf of Employees in Bargaining Units 03 and 04 (hereinafter "Employee" or "Employees").

WHEREAS, the Public Employer and the Union are parties to a Collective Bargaining Agreement (CBA) dated July 1, 2017 for Bargaining Units 03 and 04 for the contract period July 1, 2017 through and including June 30, 2019;

WHEREAS, the County and the Union (collectively referred to as the "Parties") wish to implement a Supplemental Agreement concerning the minimum compensation of employees in the bargaining units.

NOW, THEREFORE, the Parties have mutually agreed:

- A. Employees who are in bargaining units 03 and 04 as of the date mentioned in Paragraph I. and whose pay is less than \$3,335 per month, shall be placed on the lowest step in their salary range which is greater than or equal to \$3,335 per month, effective July 1, 2018 or the employee's latest date of entry into the bargaining units, whichever is later.
- B. Employees who enter a bargaining unit 03 or 04 position in the County by transfer or promotion as defined in Article 14, Compensation Adjustment, on or after the date mentioned in Paragraph I., and whose pay would be less than \$3,335 per month shall be placed on the lowest step in their current salary range which is greater than or equal to \$3,335 per month effective the date of the transfer.
- C. Employees who enter a bargaining unit 03 or 04 position in the County after the date mentioned in Paragraph I. shall be placed on the lowest step in the salary range which is greater than or equal to \$3,335 per month. Employees not administratively assigned to the salary schedule shall be compensated at a rate not less than \$3,335 per month.
- D. Employees who are demoted on or after the date mentioned in Paragraph I., and whose demotion would result in a rate which is less than \$3,335 per month, shall be placed on the lowest step in their new salary range which is greater than or equal to \$3,335 per month. This provision shall not apply to disciplinary or involuntary demotions.




- E. Employees whose maximum step in their salary range is below \$3,335 per month shall be placed on the maximum step in their salary range and receive a temporary differential that is equal to the difference of \$3,335 per month and the monthly rate of the maximum step.
- F. For Employees placed on a new step as a result of the above provisions, time earned toward eligibility for a step movement shall begin with service rendered from the date the employee entered the new step.
- G. Employees who are in bargaining units 03 and 04 as of the date mentioned in Paragraph I., who are not administratively assigned to the salary schedule and whose pay is less than \$3,335 per month, shall be compensated at \$3,335 per month, effective July 1, 2018 or the employee's latest date of entry into the bargaining units, whichever is later.
- H. Any retroactive pay resulting from the above shall be limited to basic rate of pay and shall not include any other remuneration for services such as, but not limited to, overtime, temporary assignment, hazard pay, temporary reallocation, standby pay, and call back pay.
- I. This Supplemental Agreement shall be effective July 1, 2018 through and including June 30, 2019.
- J. This Supplemental Agreement shall be subject to the appropriation of funds by the Maui County Council.

Either Party may terminate this Supplemental Agreement at any time during the life of this agreement. If either Party terminates this agreement, it shall provide the other Party with thirty (30) calendar days prior written notice of its decision.

Supplemental Agreement BU 03 and 04  
Page 3

IN WITNESS WHEREOF, the parties hereto, by their authorize representative, have executed this  
SUPPLEMENTAL AGREEMENT on the day and year first written above.

EMPLOYER:  
County of Maui


  
\_\_\_\_\_  
Alan M. Arakawa  
Mayor

Date: 5/2/18

UNION:  
Hawai'i Government Employees  
Association

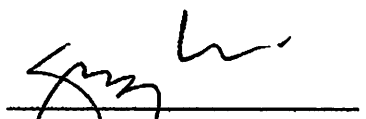
  
\_\_\_\_\_  
Randy Perreira  
Executive Director

Date: 5-11-18

  
\_\_\_\_\_  
David J. Underwood  
Director of Personnel Services

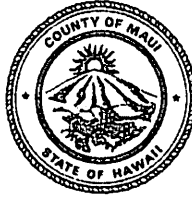
Date: 5/7/18

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gary Y. Murai  
Deputy Corporation Counsel

Date: MAY - 7 2019

ALAN M. ARAKAWA  
MAYOR



KEITH A. REGAN  
MANAGING DIRECTOR

**OFFICE OF THE MAYOR**

Ke'ena O Ka Meia

COUNTY OF MAUI – Kalana O Maui

October 25, 2018

REFERENCE NO. BD-BA 19-49

Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Michael White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
*Alan Arakawa* 10/25/18  
Mayor Date

Dear Chair White:

**SUBJECT: AMENDMENT TO THE FISCAL YEAR 2019 BUDGET**

On behalf of Mayor Arakawa, I am transmitting the attached proposed bill for the purpose of amending the Fiscal Year 2019 Budget by increasing the appropriation under Department of Finance, Countywide Costs, Fringe Benefits in the amount of \$1,971,355.

Mayor Arakawa is requesting an additional \$1,556,538 to increase the salaries of 292 Bargaining Unit 03 positions currently at an SR and step level below that of an entry level laborer under Bargaining Unit 01 to an equivalent step level of \$3,404 per month, retroactive from July 1, 2018. The remaining \$414,817 will fund the resulting increase to ERS and FICA contributions.

For your information, attached is a Certification of Additional Revenues for Fiscal Year 2019 certifying the availability of General Fund Carryover/Savings in the amount of \$1,971,355 to fund this request.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at ext. 7212.

Sincerely,

*Sananda K. Baz*  
SANANDA K. BAZ  
Budget Director

Attachments (2)

cc: Keith Regan, Managing Director  
Mark Walker, Director of Finance



ORDINANCE NO. \_\_\_\_\_

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

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF FINANCE, COUNTYWIDE COSTS;  
TOTAL OPERATING APPROPRIATIONS; AND  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4861, Bill No. 57 (2018), as amended, "Fiscal Year 2019 Budget", is hereby amended as it pertains to Section 2, Estimated Revenues, by increasing Carryover/Savings from the General Fund in the amount of \$1,971,355; and by increasing Total Estimated Revenues in the amount of \$1,971,355, to read as follows:

"ESTIMATED REVENUES"

FROM TAXES, FEES AND ASSESSMENTS:

Real Property Taxes	321,907,576
Circuit Breaker Adjustment	(421,854)
Charges for Current Services	149,631,691
Transient Accommodations Tax	23,484,000
Public Service Company Tax	7,500,000
Licenses/Permits/Others	39,500,999
Fuel and Franchise Taxes	24,311,000
Special Assessments	7,602,000
Other Intergovernmental	18,425,000

FROM OTHER SOURCES:

Interfund Transfers	38,485,216
Bond/Lapsed Bond	71,755,000
Carryover/Savings:	
General Fund	[20,254,424] 22,225,779
Sewer Fund	4,494,008
Highway Fund	10,318,711
Solid Waste Management Fund	3,135,751
Golf Fund	419,510
Liquor Fund	945,163
Bikeway Fund	11,733
Water Fund	17,385,400

TOTAL ESTIMATED REVENUES [759,145,328] 761,116,683"

SECTION 2. Fiscal Year 2019 Budget is hereby amended as it pertains to Section 3.B.4.f.(1), Department of Finance, Countywide Costs, Fringe Benefits, by increasing the B – Operations and Total appropriation in the amount of \$1,971,355, to read as follows:

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
"4. Department of Finance				
a. Administration Program	583,754	90,612	1,500	675,866
(1) Provided, that disbursement for salaries and premium pay is limited to 8.8 equivalent personnel.				
(2) Provided, that funds for the Internal Control Officer position are available in the Department of Finance, Countywide Costs and shall be available for transfer upon completion of the Council's audit of the Department of Finance, review of the final report, and recommendations by the appropriate Council Committee. Said transfer shall be completed in accordance with law.				
b. Accounts Program	1,071,549	423,100	0	1,494,649
(1) Provided, that disbursement for salaries and premium pay is limited to 18.0 equivalent personnel.				
(2) Provided, that funds for the Assistant Accounts System Administrator position are available in the Department of Finance, Countywide Costs and shall be available for transfer upon completion of the Council's audit of the Department of Finance, review of the final report, and recommendations by the appropriate Council Committee. Said transfer shall be completed in accordance with law.				
c. Financial Services Program				
(1) General	5,017,276	2,349,511	11,000	7,377,787
(i) Provided, that disbursement for salaries and premium pay is limited to 99.7 equivalent personnel.				

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
(2) Countywide Service Center – Annual Lease Costs	0	570,000	0	570,000
d. Purchasing Program	400,448	70,081	3,600	474,129
(1) Provided, that disbursement for salaries and premium pay is limited to 7.0 equivalent personnel.				
e. Treasury Program	703,286	688,814	14,330	1,406,430
(1) Provided, that disbursement for salaries and premium pay is limited to 14.0 equivalent personnel.				
f. Countywide Costs				
(1) Fringe Benefits	0	[96,048,913] <u>98,020,268</u>	0	[96,048,913] <u>98,020,268</u>
(2) Fringe Benefits Reimbursement	0	(20,683,536)	0	(20,683,536)
(3) Bond Issuance and Debt Service	0	40,395,403	0	40,395,403
(4) Supplemental Transfer to the Golf Fund	0	3,172,170	0	3,172,170
(5) Supplemental Transfer to the Environmental Protection and Sustainability Fund	0	3,937,382	0	3,937,382
(6) Insurance Programs and Self Insurance	0	14,245,384	0	14,245,384
(7) Transfer to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund	0	3,214,857	0	3,214,857
(8) Transfer to the Affordable Housing Fund	0	6,429,714	0	6,429,714
(9) General Costs	108,332	1,140,126	6,000	1,254,458
(10) Overhead Reimbursement	0	(19,401,799)	0	(19,401,799)
(11) Transfer to the Emergency Fund	0	6,500,000	0	6,500,000

	<u>A - Salaries</u>	<u>B - Operations</u>	<u>C - Equipment</u>	<u>Total</u>
(12) Post-Employment Obligations	0	18,126,930	0	18,126,930
(i) Provided, that the funds are paid to the State of Hawaii Employer-Union Health Benefits Trust Fund prior to September 30, 2018.				
(13) One Main Plaza Lease	0	373,451	0	373,451"

SECTION 3. Fiscal Year 2019 Budget is hereby amended as it pertains to the Total Operating Appropriations to reflect a B – Operations and Total increase of \$1,971,355, to read as follows:

"TOTAL OPERATING APPROPRIATIONS	189,535,671	[399,614,379] <u>401,585,734</u>	9,919,486	[599,069,536] <u>601,040,891"</u>
---------------------------------	-------------	-------------------------------------	-----------	--------------------------------------

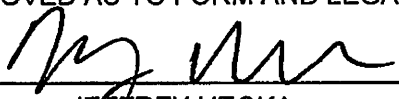
SECTION 4. Fiscal Year 2019 Budget is hereby amended as it pertains to the Total Appropriations (Operating and Capital Improvement Projects) to reflect an increase of \$1,971,355, to read as follows:

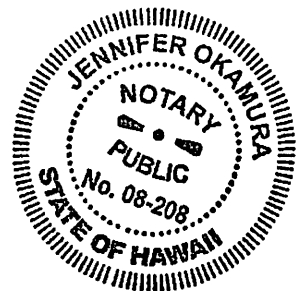
"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)	[759,145,328]	<u>761,116,683"</u>
---	---------------	---------------------

SECTION 5. Material to be repealed is bracketed. New material is underscored.

SECTION 6. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
 \_\_\_\_\_  
 JEFFREY UEOKA  
 Deputy Corporation Counsel



---

**From:** Julie Powers <jumaepow@gmail.com>  
**Sent:** Thursday, January 31, 2019 3:08 PM  
**To:** County Clerk  
**Subject:** Fwd: council memo  
**Attachments:** To Maui County Council members.docx  
cc 19-63

Please include this written testimony for council meeting for Feb 1, 2019. Thanks, Julie M Powers

Sent from my iPhone

Begin forwarded message:

**From:** "Julie Powers" <[Julie.Powers@co.maui.hi.us](mailto:Julie.Powers@co.maui.hi.us)>  
**Date:** January 31, 2019 at 2:58:20 PM HST  
**To:** <[jumaepow@gmail.com](mailto:jumaepow@gmail.com)>  
**Subject:** council memo

RECEIVED  
2019 JAN 31 PM 4:12  
OFFICE OF THE  
COUNTY CLERK

To Maui County Council members:

I am offering written testimony about the raises for the council staff. I have no problem for the council staff getting raises, but please include raises for the unit 3 members who have been waiting six years for a raise.

As unit 3 represents a cross section of clerks within the county, it is about time our pay equals with our training and education. In the last twenty years our pay raises have not kept up with the training and education required to do our jobs. Forty years ago, everything was done manually and there were less people that needed help. Since that time, technology, population growth have changed our jobs.

The clerks in the county keep the wheels moving, without them, people wouldn't get their driver's licenses, permits, building plans approved, and their bills on time. The cost of living is very high in Hawaii and our pay has not kept up with the living costs.

Because you physically can't see what we do, such as building bridge or paving a street, doesn't make it less important. Visit the various departments and see how the clerks keep the County government functioning!

Thank you for time and consideration in this matter.

Julie M Powers

Pre-audit Clerk -DWS

County Clerk

---

**From:** Renee Medeiros <r.l.medeiros@icloud.com>  
**Sent:** Friday, February 01, 2019 8:13 AM  
**To:** County Clerk  
**Subject:** Raises

What a slap in the face. We have been waiting YEARS for the council to hear our voices regarding fair wages and others get raises practically on their first day Please do what is right

Sent from my iPhone

RECEIVED  
Feb 1 8  
2019 JAN 32 AM 8:18  
OFFICE OF THE  
COUNTY CLERK



**County Clerk**

---

**From:** Laureen Perreira <laureen.perreira@gmail.com>  
**Sent:** Thursday, January 31, 2019 11:09 PM  
**To:** County Clerk  
**Subject:** RE: Proposed Resolution CC 19-63 Setting the Salaries of the Office of Council Services

Dear County Council Members,

I am an Administrative Assistant with the Department of Public Works and have been employed with the County of Maui for nearly 15 years.

As a member of the Repricing Committee (former Mayor Arakawa) for the past 6 years, I have been rallying for our own pay raises. I support the pay increases for the council services staff however, we (Bargaining Units 03 and 04) would also like to be valued for our work.

I plead with you to please assign our supplemental agreement and budget amendment to the next agenda so we too can get a fair chance at getting our pay raises become a reality.

Sincerely,

Laureen Perreira

RECEIVED  
2019 Feb 12 AM 8:18  
OFFICE OF THE  
COUNTY CLERK

## County Clerk

---

**From:** LQ <jqjqlq@hawaii.rr.com>  
**Sent:** Friday, February 01, 2019 7:25 AM  
**To:** County Clerk  
**Subject:** Supplemental Agreement Proposal for Bargaining Units 03 and 04

Aloha Council Members,

Per an article in the Maui News dated January 25, 2019, County Council Member Mike Molina requested that the council revisit salary increases approved for council staffers because the increases were not available for public review and because of complaints from other county workers.

In light of this, I am respectfully requesting that in addition to revisiting the above issue, that council members also place the BU03/04 Supplemental Agreement on the full council agenda and then the Budget and Finance Committee agenda as soon as possible.

Obtaining pay equity is an issue that exists for many county clerical employees. The County should be at the forefront of providing **equal pay for work of equal value** as an example for all citizens and businesses to emulate. Unfortunately, the county is falling short on this important matter.

Pay equity is a method of eliminating discrimination in determining appropriate wages. Clerical positions have historically been underpaid and undervalued; many times due to the gender of the people who fill those positions. I believe the county should be establishing comparable worth considerations for female dominated positions, and the BU03/04 Supplemental Agreement should be considered as a method to achieve fairness in compensation.

Your attention to this important issue is truly appreciated!

Sincerely,

Lory Quipotla

CSR II, Department of Water Supply

RECEIVED  
Feb 1 8a  
2019 JAN 32 AM 8:18  
OFFICE OF THE  
COUNTY CLERK

County Clerk

---

**From:** Tessi Sambrana <sammi4t@yahoo.com>  
**Sent:** Friday, February 01, 2019 7:00 AM  
**To:** Riki Hokama; Kelly King; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; County Clerk; Tasha A. Kama  
**Subject:** Resolution 19-10

RECEIVED  
Feb 1 &  
2019 JAN 32 AM 8:18  
OFFICE OF THE  
COUNTY CLERK

Dear Council Chair and Members,

We County employees are writing this testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019).

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. We believe this is not fair and could impact staff morale. This increase is further troublesome because OCS staff is already one of the highest paid staff in the County.

Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employee's annual salary increase ranges from 1.5% to 2%. How is this fair?

Additionally, the increases offered to OCS staff includes "Step" increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or "Step" increases.

We believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer all county staff higher annual salary and "Step" increases.

County employees are asking for fairness and to be treated consistently throughout the entire County. You are sending your dedicated employees the wrong message: *that you can help YOUR staff, but you can't help the rest of us.*

Therefore, we respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and you take the time to assess salary and step increases for ALL as opposed to a few.

Sincerely,

Theresita Sambrana  
Finance - Payroll

## County Clerk

---

**From:** Chad Au <chadau@hawaii.edu>  
**Sent:** Thursday, January 31, 2019 10:24 PM  
**To:** County Clerk  
**Subject:** Testimony in reference to County Communication 19-63

I am not in favor of the resolution proposed by Council member Mike Molina. The purpose of this communication is not on the merits of the performance and productivity of the staff in the Office of Council Services. As evidenced in one of the whereas paragraphs, "in no way shall this resolution reflect on the job performance of the staff of the Office of Council Service" It is however a political tactic.

The raises have been earned, they're long over due, and that the council, as the managers of our department were correct in granting the raises. The vote was taken properly.

The OCS Research Section is not fully staffed. All of the Legislative Analysts are staffing at least two committees with the Legislative Attorneys not only serving as backup for multiple committees but also serving as primary as well. These hard working employees are pulling more than their fair share.

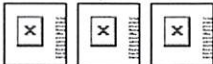
Mike Molina has not even made an effort to get to know the employees he seeks to harm by reducing their pay. They employees are hard working, committed to serving the Council and the people of Maui. This has not been a morale booster. This is not how you manage employees. These employees never signed up to be pawns in political games.

Let your yes be yes. Mike Molina voted yes on the revised resolution. He should stand by that.

Best Regards,  
Chad Au



Chad Au, JD, MPH  
chad.lee.au@gmail.com  
Honolulu, HI



RECEIVED  
Feb 1 8<sup>2</sup>  
2019 JAN 32 AM 8:19  
OFFICE OF THE  
COUNTY CLERK



1/31/19

Dear County Council Members:

I am asking for your kind consideration in granting the long awaited pay increase for the Maui County employees of BU03 and BU04.

Knowing that the cost of living in the state of Hawaii is quite HIGH, it will greatly help all employees to receive this raise. It is only fair that these hard working members are paid what is due to them.

Thank You for your time.

Sincerely,  
Prudencia B Bugtong  
OOAII

RECEIVED  
Feb 1 82  
2019 JAN 32 AM 8:19  
OFFICE OF THE  
COUNTY CLERK

**County Clerk**

---

**From:** Laurence Fabrao <pineapplejamprod@aol.com>  
**Sent:** Thursday, January 31, 2019 10:00 PM  
**To:** Riki Hokama; Kelly King; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; County Clerk  
**Subject:** Resolution 19-10

Honorable Ladies and Gentlemen of the Maui County Council,

My name is Laurence Fabrao and am an employee of the Department of Finance here at the great County of Maui.

I am writing you out of concern for Resolution 19-10 in regards to the granting of salary raises to certain council services administrative staff.

I am against the resolution for a couple of reasons. First, the way the resolution was brought about, voted on, and approved without first being open to public opinion. This may be viewed as underhanded and even leaning toward favoritism. The council should be open and above that. Secondly, the amount of the raises are exceedingly high. Though you may feel it justifiable, please remember that there are literally hundreds of loyal county employees whose contract negotiations are at an impasse, and due to this, have not gotten a proper raise or step movement for the past 2 years. Funding these raises are unfair and should not take place.

Thank you for your time, consideration and service to the people of Maui County.

Sincerely,

Laurence Fabrao  
Employee and Community Member

Sent from my iPhone

RECEIVED  
Feb 1 8  
2019 JAN 32 AM 8:19  
OFFICE OF THE  
COUNTY CLERK

January 31, 2019

TO: County of Maui Council Members

Dear Council Members for the County of Maui,

For the past 6 years BU03 and BU04 staff have met with an uphill battle in seeking to rectify the inequality of salaries for the workers who make less than the unskilled laborers in the County of Maui. It is far past time for our voices to be heard, for our efforts to be recognized, and for this change to happen.

Attached is a letter I drafted last year when I held the position of Office Operations Assistant II which is an SR-10. I am still under the purview of BU03 but I have a new position as Staff Services Assistant which is an SR-13. In this role I have these responsibilities:

#### **Duties Summary**

Plans, organizes and assists in administrative services; may supervise a clerical assistant; and performs other related duties as assigned.

#### **Distinguishing Characteristics:**

This class is distinguished by its responsibility for assisting in administrative services in support operations and activities in a division, including significant participation in budgetary and fiscal matters, purchasing, contracts, personnel, and other administrative functions.

#### **Examples of Duties**

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Drafts budget estimates for supplies and equipment in the required format for discussion and revision with division head;
- Proposes expenditure plan for approval based on allotment;
- Establishes recordkeeping of encumbrances and expenditures, reports possible shortfalls, etc.;
- Maintains fund expenditure controls on County projects;
- Reviews requests for payment, insuring charges to the appropriate projects and accompanied by appropriate documentation and approvals;
- Manages and maintains all files in the division;
- Assists unit staff in preparing reports, project specifications, change orders, etc.;
- May serve as secretary to advisory commissions and committees as necessary;
- May take and transcribe minutes of meetings and hearings; insures that agendas, announcement of meetings and notifications of affected persons are completed and in compliance with laws, ordinances, rules and regulations;
- Maintains control on correspondence requiring response;
- Maintains operating manuals;
- May supervise others;
- Performs other related duties as assigned.

RECEIVED

Feb 1 82  
2019 JAN 32 AM 8:19

OFFICE OF THE  
COUNTY CLERK

### **Minimum Qualification Requirements**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from high school and four (4) years of office and administrative work experience which would have included records and file maintenance, document processing, and related services, and responsibility for budget preparation or fiscal recordkeeping, or inventory control or personnel services.

**License Requirement:** Possession of a valid motor vehicle driver's license equivalent to State of Hawaii Type 3 may be required for specific positions.

**Knowledge of:** office practices and procedures, including records maintenance and filing, document processing, and related services; the use and operational maintenance of standard office equipment; administrative services, including fiscal recordkeeping, purchasing, inventory and personnel recordkeeping.

**Ability to:** plan, organize, and carry out a variety of basic administrative service functions and activities; learn budget preparation and expenditure control; learn and understand office automation; understand general organization functions and activities; deal with a variety of administrative services and seek advice and assistance as necessary; deal effectively with staff and schedule and coordinate work in order to meet established deadlines; give and receive oral and written instructions and direct the work of others as required.

As you can see from the job description there is quite a bit entailed in this position. In addition, there are many other duties associated with the job that require a higher degree of responsibility and knowledge to perform effectively. The salary for this position is \$3,061.00 per month versus the \$2,722.00 per month in my former position. This equates to a \$1.95 per hour raise. Even at that I am still behind the Laborer I position I referenced in my May 2018 letter. At that time the Laborer I salary was \$3,244.00 per month and now it is \$3,348.00 per month which is \$287.00 more a month, or \$3,444.00 more per year, than I make and their job qualifications still remain the same:

### **MINIMUM QUALIFICATION REQUIREMENTS**

- **Training and Experience:** NONE
- **Knowledge of:** Use of common hand tools.
- **Ability to:** perform heavy manual work; understand and follow written and oral instructions.

It is abundantly clear that there is a severe disparity between pay predicated upon minimum job qualifications. I hope that the council will recognize this fact and see that it is time to remedy this imbalance and award BU 03 and BU 04 employees a salary commensurate with the requirements of our positions, and the necessary skills and qualifications required to perform our work which is a critical element in contributing to the success of the County of Maui. Please champion our cause by assigning our supplemental agreement and budget amendment to the next agenda in order to achieve an opportunity at procuring a fair and living wage.

Mahalo, in advance, for your consideration.

Warm Regards,

Janene Franklin



May 31, 2018

TO: County of Maui Council Members

Dear Council Members for the County of Maui,

I would like to address an issue that is very significant for me, personally, and many other employees working for the County of Maui. In doing so, I am also seeking your support an advocacy to recognize and remedy the significant wage disparity that currently exists within the County amongst skilled and unskilled workers.

In 1964 the US passed the Equal Pay Act. Here it is 54 years later and American women still face a substantial gender wage gap across the spectrum. Women, on average, earn less than men in nearly every single occupation for which there is adequate wage data available for men and women in order to calculate an earnings ratio. It is shameful that in the 21<sup>st</sup> Century women still suffer from a tremendous disparity in wages, compared to those of men, simply because of their gender. It is easy to identify these wage disparities when comparing apples to apples in job title, duties, and responsibilities. However, it's extremely disheartening, discouraging, and downright disconcerting upon discovering how little women are valued when learning they earn considerably less in an occupation that requires experience and education; especially compared to an unskilled labor position predominantly held by men. What reason(s) could there be for this lack of consideration for experience, skills, and apparent discrimination?

Case in point is the position I hold as an **SR-10 Office Operations Assistant II**. As a pre-requisite for my position I am required to have the following:

**Minimum Qualification Requirements**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from high school and two years of clerical experience which shall have included some typing or keyboarding. Substitutions Allowed - Training for Experience: Successful completion of a clerical/office support/business technology curriculum leading to a degree, diploma or certificate at an accredited community college, business or technical school which included courses in English, clerical/office procedures, and mathematics may be substituted for the required Clerical Experience on the basis of fifteen (15) semester credits of satisfactorily completed coursework for six (6) months of experience, up to a maximum of two (2) years.

**Certificate/License Requirement:** A current typing or keyboarding proficiency certificate from an authorized agency with a minimum speed of 40 net words per minute. Possession of a valid motor vehicle driver's license (equivalent to State of Hawaii Type 3) may be required for specific positions.

**Knowledge of:** office practices and procedures; filing methods and systems; punctuation, grammar, spelling and word usage; use of standard office machines and equipment, including personal computers, peripheral equipment, and software applications.

**Ability to:** use a personal computer; type/keyboard accurately at the rate of 40 net words per minute; make arithmetic computations; compare names and numbers rapidly and accurately; read and interpret written material; follow oral and written instructions; deal tactfully and effectively with the public; maintain effective working relationships with fellow employees and others.

RECEIVED  
Feb 1 82  
2019 JAN 32 AM 8:19

OFFICE OF THE  
COUNTY CLERK

My responsibilities include time sheet review and input of 50+ employees, P-Card review and input for staff of 5, the creation of purchase requisitions, the reconciliation of the Central Parks budget, invoice processing for payment, review of contracts and quotes, contact with vendors and park patrons, filing, drafting of correspondence, data input, spreadsheet creation, payroll historical edits, and many other office administration duties as assigned. For all of this I am compensated at a rate of \$2,531.00 a month or \$30,372.00 per year. I am the sole income provider for my family living in a state with the highest cost of living.

Now let's compare my duties and job requirements to the Unskilled Labor Class which are jobs predominantly held by men, versus the Office Administration jobs that are predominantly held by women. There are several positions that reside under this classification so I will choose the UPW job titled Laborer I for illustration purposes.

Here is what is required for this position:

**Minimum Qualification Requirements**

**Training and Experience:** None

**Knowledge of:** Use of common hand tools.

And here is a brief summary of required duties for this position: Performs a variety of routine, repetitive manual labor tasks: and performs other related duties as required.

The pay for this position is \$3,244.00 monthly which is \$713.00 more a month than I make or \$8,556.00 per year. How can this make sense or be fair to women who are required to have far more experience and education in order to obtain their position?

Women are almost half of the workforce. They are the sole or co-breadwinner in half of American families with children. They receive more college and graduate degrees than men. In Hawaii 10.2% of women live in poverty. The national figure is 12.8%. According to the 2017 U.S. Census Bureau 80% of 12 million single parent families were headed by single mothers. In Hawaii, 23.9% of single mothers live in poverty and women typically make only .83 cents for every dollar paid to men. These statistics are shameful!

As a society, and more importantly as a Government entity, we MUST be proactive by leading the way and taking care of employees to ensure the sustainability of our key resources and work force. Working full time and still being unable to sustain a living wage is unacceptable. Government should set the precedent in establishing equitable wages and equal treatment of employees; not lag behind the times. The message being sent is women do not matter to the County of Maui and their contributions are insignificant when, in reality, they are at the heart and at the very core that leads to the success of this organization.

Please consider raising the salaries of workers across the board who currently make far less than the unskilled labor classes.

Mahalo for your time and consideration!

Warm Regards,

Janene Franklin

**County Clerk**

---

**From:** Debra Hayase <dhhayase@gmail.com>  
**Sent:** Thursday, January 31, 2019 7:58 PM  
**To:** Riki Hokama; Kelly King; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Yukilei Sugimura; Tasha A. Kama; County Clerk  
**Subject:** County Communication 19-63, Resolution 19-10

Aloha Council Chair and Councilmembers,

My name is Debra Hayase and I am a Control Accounts Clerk in the Department of Finance. I am writing this testimony in support of the resolution attached to County Communication 19-63 relating to setting the Office of Council Services (OCS) salaries back to the salaries at the end of the previous council term (2017-2019.)

The increases attached to Resolution 19-10, Draft 1, approved by the Council at its January 2, 2019 meeting, offers OCS staff increases from \$5,000 to as high as \$14,000. The increases are not across the board; 33% of the OCS will not receive an increase. I believe this is not fair and could impact staff morale. This increase is further troublesome because the OCS staff is already one of the highest paid staff in the County. Furthermore, the OCS salaries increase range from 4% to 28%, which is incredibly frustrating for most County staff. Most civil service employees' annual salary increase range from 1.5% to 2%. How is this fair? Additionally, the increases offered to OCS staff include step increases from 1 to 4 steps. These increases will be realized within a matter of months, whereas many regular civil service County employees have been waiting up to 6 years to receive a single step increase.

It appears hypocritical that OCS staff can be provided significant pay increases when civil service County staff are told that revenue is not available for higher salary increases or step increases. I believe that if the Council can find the revenue to offer OCS staff significant increases, the Council can find resources to offer all County staff higher annual salary and step increases.

County employees are asking for fairness and to be treated consistently throughout the entire County. You are sending your dedicated employees the wrong message: *that you can help YOUR staff, but you can't help the rest of us.*

Therefore, I respectfully request that you support the proposed resolution attached to County Communication 19-63, setting OCS salaries back to the previous council term and that you take the time to assess salary and step increases for ALL as opposed to a few.

Mahalo for your attention and consideration,

*Debra Hayase*

RECEIVED  
Feb 1 42  
2019 JAN 32 AM 8:20  
OFFICE OF THE  
COUNTY CLERK