

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

October 5, 2018

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, OCTOBER 5, 2018, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, S. STACY CRIVELLO, G. RIKI HOKAMA, YUKI LEI K. SUGIMURA, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ELEANORA COCHRAN, DONALD S. GUZMAN, KELLY T. KING, AND VICE-CHAIR ROBERT CARROLL.

(Councilmembers Guzman, Cochran, and King were not present when the roll was called; however, they arrived at 9:03 a.m., 9:04 a.m., and 10:01 a.m., respectively.)

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

CHAIR WHITE: Thank you, Mr. Clerk.

And for this morning's opening remarks, we will go to Member Sugimura.

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

(Councilmember Guzman arrived during the opening remarks at 9:03 a.m.)

(Councilmember Cochran arrived during the opening remarks at 9:04 a.m.)

CHAIR WHITE: Thank you, Ms. Sugimura.

And, I would like to extend a very warm welcome to our friends from Fukuyama City. And I'd like to ask Tokie Ogawa to please come down and act as our translator. And, and please feel free to tell me to stop, stop talking so you can translate.

MS. TOKIE OGAWA: Sure, Mr. White.

CHAIR WHITE: But I, I wish to, wish a very warm good morning and aloha from all of Maui to our friends from Fukuyama City. This is a tenth year anniversary of the relationship and there's no question in my mind that this is a relationship that will continue to grow as it has over the last ten years. And we welcome the friendship and the partnership that we have begun to establish with you.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: And I know this has grown to where not only have your delegations come to Maui, but we've had delegations come to your wonderful Rose Festival and other events in Fukuyama City. And everyone that has gone to your city has come back with wonderful, wonderful thoughts and memories for the beauty of your city and the, the amount of roses that are growing. And, for us it's something that we aspire to because we would love to have the, the level of, of flowers around our community that you have in yours. And there's no question in my mind that this will continue to be a strong relationship and one that we will always be very thankful for. And--

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: And thank you for participating in the Maui County Fair Parade yesterday. I understand that you were able to spend some time walking around the parade and I hope you had an opportunity to taste some of our local dishes and, because part of the, part of the value of the exchange is that we learn a little bit about each other's cultures and, and that just helps the relationship grow ever stronger.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: So it's with a very warm welcome that we welcome you here to this chamber and to, to Maui overall. And with that I would like to ask the Clerk to introduce each of you and if you could please stand as you're introduced.

MS. OGAWA: *(Translated in Japanese.)*

DEPUTY COUNTY CLERK:

The Honorable Naoki Edahiro, Mayor, Fukuyama City.

Joining the Mayor is Mrs. Masumi Edahiro, wife of Mayor Edahiro.

The Honorable Hiroso Tsukamoto, Deputy Chairman, Fukuyama City Assembly.

The Honorable Hiroyuki Goami, Assemblyman, Fukuyama City Assembly.

The Honorable Shigehiro Kobayashi, Assemblyman, Fukuyama City Assembly.

General Affairs Section Chief Yoshiko Murakami of the Fukuyama City Assembly
Administrative Office General Affairs Division.

Ms. Ayaka Taga, Administrative Officer, Office of the Mayor Secretariat Division.

Ms. Katherine Rice, Coordinator for International Relations, Citizens Consultation
Division.

Ms. Aya Ikuse, "Rose Fukuyama" Tourism Assistant.

Ms. Hikari Aokawa, "Rose Fukuyama" Tourism Assistant.

Ms. Mie Hirai, NTA Travel Agent.

CHAIR WHITE: Thank you, Mr. Clerk.

And at this time I'd like to welcome Mayor Edahiro to say a few remarks. Welcome to our chamber, Mayor.

MS. OGAWA: *(Translated in Japanese.)*

MAYOR NAOKI EDAHIRO: Thank you very much, Mr. Chairman.

Aloha. I am Naoki Edahiro, the Mayor of Fukuyama City. On behalf of our delegation, to our Sister City of the County of Maui, I would like to say a few words in greeting.

First, I would like to express my sympathies to your County for the damage from the recent hurricanes and the brush fires in West Maui. And now, I would like to give my sincerest gratitude to Council Chairman Mike White and the Members of the Maui County Council for taking the time to meet with us despite your busy schedule.

Since arriving on Maui two days ago, we have been welcomed very warmly by various people around the County. In particular while participating in yesterday's Maui Fair parade, we received cheers of encouragement from the many people lined along the street for which we are very happy.

This year marks the tenth anniversary of our Sister City relationship through the exchange between our cities at the citizen level. And the further exchange at the administrative level such as through the County and the County Council. I believe that the bonds of friendship and trust between us will become ever stronger. I encourage the people of Maui to visit our city and further the exchange between our citizens.

In closing, I would like to wish Chairman White and the rest of the Councilmembers the best of health and success. I would also like to wish the Council the best of success in all of its endeavors. Thank you very much. Mahalo. Thank you, Mr. Chairman.

CHAIR WHITE: Thank you very much, Mayor Edahiro. Please come join me here and, and I have to say your English is way better than my Japanese.

And now I would like to call on Mr. Tsukamoto to please come forward and say a few words.

MS. OGAWA: *(Translated in Japanese.)*

MR. HIROSO TSUKAMOTO: Aloha. I can speak Japanese only. Konnichiwa.

(Spoke in Japanese.)

MS. KATHERINE RICE: Hello, my name is Hiroso Tsukamoto and I'm the Deputy Chairman of the Fukuyama City Assembly.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: I would like to thank you, Chairman White and the Members of the Maui County Council for granting us this opportunity to further the relationship between our two cities. Thank you very much for making time in your busy schedule to allow us to meet during this Council meeting.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: As Mayor Edahiro mentioned in his greetings, I would like to convey my sympathies to those who have suffered due to the recent hurricane, tropical storm, and brush fires in West Maui.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: This year's delegation to the County of Maui is led by Mayor Naoki Edahiro, and includes three Members of the Fukuyama City Assembly, Mr. Shigehiro Kobayashi, Mr. Hiroyuki Goami, and myself.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: Mr. Kobayashi was formerly the Chair of the Fukuyama City Assembly and he's from a small island in Fukuyama called Hashirajima.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: And Mr. Goami actually has roots here in Maui.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: This year marks the tenth anniversary of the sister city relationship between Fukuyama and the County of Maui, and during this important year it is a great honor to be a part of this delegation.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: On this important tenth anniversary, the Fukuyama City Assembly hopes for even further exchange between us and we hope that the ties between our citizens grow even further.

MR. TSUKAMOTO: *(Spoke in Japanese.)*

MS. RICE: In closing I hope that the bonds of goodwill and friendship between us will continue to grow and we also wish for the continued success in the endeavors of the County of Maui. Thank you very much.

MR. TSUKAMOTO: Aloha.

CHAIR WHITE: Thank you Deputy Chairman, if you could please join us on the rostrum.

And Members, I'd like to recognize the presence of Ms. Cochran and Mr. Guzman.

And we're open for remarks from the Members.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes, thank you, Chair. And thank you for, I have been, I visited your city before and it is beautiful, and I want to extend my thanks and appreciation for your hospitality when visiting. So I'm happy that we can, we can reciprocate and do the same for you. Mahalo. Arigato gozaimasu.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I too want to express my welcome to Fukuyama City. And we have many sister relationships, sister city relationships here with Maui County. But through the years, I can see that our relationship with Fukuyama has been a very active one and, and reciprocal, and I want to just express our appreciation. I can see that you came here with great spirit and force, by bringing, you know, your, your members here and it reflects your enthusiasm or commitment towards this relationship. So I just want to thank you very much and I look forward to seeing you at the parade, I mean not the parade, the fair this weekend, and all the endeavors that you have at, for our future. I would like to express our appreciation. So, thank you.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I'd like to mahalo your visit. I'd like to welcome you and you know, I'm sure you are aware that Maui County encompasses our little islands of Molokai, which, where I'm from and our sister island Lanai as well as Kahoolawe. And on your next visit, I'd like to ask Ms. Ohigashi, our Ambassador of everything, to extend a visit to, so you can feel the fullness and the specialness of Maui County. So again, mahalo and aloha.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: Thank you. Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I also would add my welcome and appreciation to the Fukuyama Delegation. But I'd like to take it from another point, while we appreciate their kind words regarding our disasters, they too are also sister islanders, they are Pacific Islanders, very far away in the Northwest, but they're Pacific Islanders like we are Pacific Islanders. They too have their challenges. We have tsunamis, they have tsunamis. We have hurricanes, they have typhoons.

As island people, I think we share one common bond, we appreciate and understand the unique homes that we call islands and how it needs to be maintained and nurtured. And I appreciate the Fukuyama people in their understanding of how to take care of culture and still move their community forward in the 21st Century. So, I thank them for their visit and I send my aloha and mahalo also. Thank you.

MS. OGAWA: *(Translated in Japanese.)*

CHAIR WHITE: Thank you. Any further comments? With none, we will be taking a recess to do our gift exchange and then we'll be back in session following that.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:25 A.M., AND WAS RECONVENED AT 9:32 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER KING AND VICE-CHAIR CARROLL, EXCUSED.)

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

We want to once again thank the Fukuyama Delegation for coming to join us today. It's been wonderful to see you, and we look forward to many years to come. Mahalo.

Mr. Clerk, proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, Pledge of Allegiance. Mr. Chair, Pledge of Allegiance.

CHAIR WHITE: Thank you.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you, Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-161

RECOGNIZING THE MONTH OF OCTOBER AS
DOMESTIC VIOLENCE AWARENESS
MONTH IN MAUI COUNTY

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE
AWARENESS MONTH IN MAUI COUNTY".

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Mr. Chair, may I ask the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. October is National Domestic Violence Awareness Month all across the nation. But as we all know, this is a global epidemic that we must be vigilant about every day of the year. It knows no rest, and it behooves all of us to be observant of the signs, and to do whatever we can to assist those that have been affected.

Domestic violence does not discriminate. It affects hundreds of thousands of women, children, and men every year with no regard to ethnicity, religion, or social economic status. It is a scourge of the earth. It is a sickness, a plague, a festering disease that needs to be eradicated from our lives.

You read it every day in the newspapers and see it in the evening news that some woman or child has been sexually assaulted, or worse, murdered. A sobering statistic is that these assaults occur every few minutes somewhere in the United States. Make no mistake, this affects us all. These deaths are not statistics. These are people we know. These are people we could have helped. These are our family.

The greatest disservice we can do is to look the other way. By nature, we have a tendency to not, to not get involved. Domestic violence preys on this and counts on the fact, on this fact to be able to perpetuate its evil. We must not look away. We must not make excuses. We must not allow the violence to continue. We must stand together to break the silence and pull this disease from the depths of its darkness and expose it and its perpetrators to the light.

This month, we will participate in vigils all across this country to remember those whose voices were prematurely silenced. Light a candle in their memory, and remember that they were once a living, breathing, beautiful, productive person that didn't deserve the evil that was visited upon them. Do justice and honor to their memory by taking a stand in wiping out domestic violence in our lifetime.

Remember, it lives and breathes in the shadows and the darkness. Bring it into the light where it can't spin its lies, perpetuate its intimidation, and foster the fears. Together we can make a difference. Thank you, Mr. Chair.

And, may I ask Ms. Sanoë Ka`aihue, Executive Director of Women Helping Women, to come down to the podium to say a few words, and whomever she would like to ask to join her? Thank you.

CHAIR WHITE: We'll be happy to ask her to come down after we have, if you ladies can sit tight for just a minute, we'll ask for comments from the other Members.

Members, any further comments on this item?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I think that I, I know all of us probably know someone or have, you know, experienced this in our lives. And, I appreciate that our fellow Councilmember is bringing this forward, because I think like other subjects, it stays in the dark unless if we bring it out to light as you put, and as you put it. I think it's an important thing that we're doing as a Council. So, thank you very much. I support this resolution.

CHAIR WHITE: Okay. Any other comments?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Just having that experience on the domestic violence unit for several years, I have to really commend those that are involved in the, the process, and those who work with the victims, and also the rehabilitation portion for those that are the assailants. But, there is that circle of violence that we need to stop.

And, and for those that are in the, working in that type of situation, I really hand it to them because it's a tough, every day is a challenge, and it doesn't get any easier, cause you face a lot of different people, very diverse backgrounds involving children, women, and men as well. So, again, try to stick together and hopefully there will be that opportunity that the light will shine through. Thank you.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Quickly, I would just say, you know, violence is everywhere; it's not just the big cities, it's even on Lanai. And, we as a Council, or Council's past, have funded programs to assist our residents with dealing with these challenges, these abuses. So, I am very grateful that we have agencies that provide services and havens of shelter and safety. And, I just want to bring up two more points, Chairman, real quickly; one that it wasn't mentioned in the resolution and that it also goes over age. You don't have to be old to understand abuse; even the young deal with abuse.

And, I would say the last comment I would give this morning is, we can see the physical abuse right? You can see the bruise, you can see the cut, you can see the tears. We are getting a better grip on trying to understand mental abuse. But, one abuse that is, I would think in between that works on the mind is not truly physical is verbal abuse; of how words can be just as hurtful and damaging besides the physical or mental approach. So, I say we've got a lot to educate and learn ourselves. But, I appreciate that our people of this County has put forth the financial resources to support the non-profits that take care of our people. Thank you.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. And briefly, I just want to, words really can't express the gratitude of the service of everyone standing there and accepting this resolution. But, the, we as a County too, we put a lot of, we give a lot through our budgetary process to the services that help assist this community. And, it's a tough, it's a tough topic to talk about and to bring out. But, so I'm just, I'm confident and I'm grateful that we have the services and the skills of our people, and the passion and the love to take care of this and to break that cycle as been stated. And it is something that, you know, we can't only remember on this month but every day, all day, and at all, every moment. So with that, I just, I'm grateful to everyone in the service, and for taking care of this community. So, mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. For me, I've been involved in helping the youth of Maui for some 35-plus years in the community, and it came from agencies taking care first of, as an outreach counselor, at-risk youth, and then going into the homes, visiting with the families, spending time trying to strengthen families. And the work that these people in all these agencies do to strengthen family, to address eliminating

domestic violence is all connected to our, the work that the non-profit agencies do in our community.

So, for me, it's a 35-year problem that's still, still around. And we still need to address the problem, maybe still need to invest in prevention from the budgetary side, maybe we need to give a little bit more in investing in prevention. So, this is a necessary awareness that we need to stop. We need to ask you, do you have all the tools to eliminate it? So, we pledge to support you, and by doing this, we recognize you, all of you, in the trenches involved in eliminate domestic violence here in Maui County.

CHAIR WHITE: Thank you, Mr. Atay.

I would just like to add, I was blessed to grow up in a house with a social worker mom who was a juvenile probation officer for 25 years. And so, she came into contact with a lot of kids, as did Mr. Atay, who were affected by domestic violence. I was blessed to grow up in a house where my mother and father were very respectful of each other. I was also blessed that the only domestic violence that took place was we got the belt when we misbehaved. And I still think that was just fine.

But, I do have, have experienced domestic violence in my own family. My, the important part of it is that I have a lot of aloha for Women Helping Women. My wife and I have had a lot of aloha for the, the arrangement for many years. One of my daughters was involved in a abusive relationship. And, the story is that she got services on Maui. When she moved to the Big Island, those same services were not available.

And so, I take pride in the fact that Maui has done such an incredible job over the years. And it wasn't started by the Council when I was here. It was started long before that. But, I take pride in being a part of a community that gives to various organizations that then step forward and take care of these issues, because families can't do it on their own. They need help from outside. And, I'm just very thankful that we have organizations such as yours that are there willing to take, take responsibility for providing the level of assistance that significantly makes a difference in everybody's lives.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING AND
VICE-CHAIR CARROLL

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; Mr. Carroll and Ms. King.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Members, we come together to recognize the work that you all do and be fully aware of the problems that we encounter daily. Mahalo.

MS. SANOE KA'AIHUE: Thank you. You guys have such beautiful words, and it encompasses everything that all of us do. All the non-profits that do this DV work and Department of Health as well, you know, we all come together and we do this work, and we are in the trenches.

I'm one of the lucky ones. I'm, I get to hear all the praise that comes through from people such as yourselves. And so, just a reminder, my name is Sanoe Ka'aihue, I am the Executive Director for Women Helping Women. And I have a hard time believing that it's been a year already since the last resolution. For myself, I can say that being a year as the executive has been challenging, and yet so rewarding. And I know that I am older and wiser. I can count the number of hairs that have, white hairs that have sprung up over this past year, and that just proves I'm, I'm a little bit wiser this year. And so, I am so grateful that we are here honoring survivors and victims of domestic violence in October.

And I'm going to brag, because Maui County programs and collaboration efforts are some of the best that we have in the State, and I've heard it. At the coalition level, we've heard it said that, how are you guys doing this work together, collaboratively? It's simple. This is not just my work, it's not our partner agencies work; it's all of our work. And, you know, nationwide the statistics are still the same. One in four women, and one of seven men have been victims of severe physical violence by their partner in their lifetime, and yet, we press on. At our highest month at Women Helping Women, we served close to 8,000 meals in one month, and had over 700 bed nights in one month; that's 30 days; 30 days of serving people that were in crisis; women and children that needed safe shelter.

And we have to admit that abusers are getting smarter and more creative, and yet so are we. Over the course of this year, we've participated in many trainings and seminars to get the latest information of how abuse is changing. Other counties in our State, again, ask us how we're doing it so well here. And, for myself, I like to think of the work that we do as partners and advocates, as us paddling in one canoe. If one of us doesn't paddle or moves the opposite way, the journey will be difficult or even worse, stagnant. We all must move as one to go forward. When one of us gets tired, we jump out of the canoe and a replacement is ready to take over with seamless effort. It is an extremely beautiful thing to see.

I encourage my fellow advocates to keep fighting. We are getting there, and what you do matters to so many. Partners and allies, be ready to sub out when advocates can no longer paddle. Councilmembers, continue supporting domestic violence programs and their partners, because you are also in that canoe with us. Thank you very much, and you all have a very beautiful weekend.

CHAIR WHITE: Members, I'd like to greet them all and thank them for their work. Mahalo, Member Crivello. And mahalo to all of you for joining us this morning.

Mr. Clerk, please proceed with the agenda.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-161.

Proceeding with the 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 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, there are no testifiers waiting at our District Offices. We have two testifiers signed up to testify in the Council chamber. The first person to testify is Dave Ward, testifying on Committee Report 18-159. To be followed by Kristi Ono.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. DAVE WARD, NA HALE O MAUI (testifying on Committee Report 18-159):

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. WARD: --Members of the Maui County Council. My name is Dave Ward, and I am currently the President of the Board at Na Hale O Maui Community Land Trust. And, I'm testifying on item 18-159, which is to grant a home at Waikapu Gardens Phase II to Na Hale O Maui to allow the property to remain in workforce housing into perpetuity.

Executive Director Cassandra Abdul is not able to attend today; she's off island. But, she has provided written testimony, which I believe you have.

I want to thank the County Council for considering adding another affordable home for Maui's families into perpetuity. Housing, housing for Maui's families on Maui is a really complex problem, and there's really no silver bullet. But, on behalf of the organization, we want to thank the County Council for its previous support and its continuing support; adding one home at a time for our families moving forward into perpetuity. Thank you.

CHAIR WHITE: Thank you, Mr. Ward.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kristi Ono, testifying on Bill 79.

MS. KRISTI ONO, DEPARTMENT OF PUBLIC WORKS [testifying on Bill 79 (2018)]:

Good morning, Chair and Councilmembers.

CHAIR WHITE: Good morning.

MS. ONO: My name is Kristi Ono, and I'm an engineer with the Department of Public Works. I'm here to testify on the proposed Bill 79, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN

INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES
DEPARTMENT OF THE ARMY REGARDING A FEASIBILITY COST SHARING
AGREEMENT FOR THE IAO STREAM, MAUI HAWAII – FLOOD RISK
MANAGEMENT".

The Corps of Engineers has sent us a revised version of the agreement, which includes a few minor revisions. I'd like to explain what those revisions include. The first revision is to revise paragraph 1 of the agreement, which states that the County of Maui is "represented by the Director" and that will be revised to "represented by the Mayor".

The second revision is to Article III.C., which identifies the Corps of Engineers as the "Honolulu District", now will be changed to the "Honolulu District (J3)", which is their official title.

The third revision is changing the signature block of the agreement from "David Goode, Director of Public Works" to "Alan Arakawa, Mayor".

And the last revision is to the signature block for the Certificate Regarding Lobbying from "David Goode, Director of Public Works" to "Alan Arakawa, Mayor".

These revisions have been reviewed by Corporation Counsel and the Department believes these revisions are acceptable since Bill 79 authorizes the Mayor to enter into the agreement. Thank you.

CHAIR WHITE: Thank you, Ms. Ono.

Members, any need for clarification?

Mr. Hokama.

COUNCILMEMBER HOKAMA: We appreciate you being here, Ms. Ono. Thank you very much for your representing your Department. When our Committee reviewed this and we vetted the request, what happened since then that now the Mayor's representative is not good enough to represent our County?

MS. ONO: I don't know. I was just given this revised agreement last week.

COUNCILMEMBER HOKAMA: From the Corps?

MS. ONO: Yes. But, it does revise the, you know, the signatory to match the, the verbiage of the bill.

COUNCILMEMBER HOKAMA: Right, right.

MS. ONO: Which is authorizing the Mayor.

COUNCILMEMBER HOKAMA: Thank you, and then on the Corps side, what is the adjustment please, again, once more?

MS. ONO: It's simply adding the term "J3" to their Honolulu District, which is their official title. It's just clarifying which district.

COUNCILMEMBER HOKAMA: Okay, so we're still working with the District?

MS. ONO: Yes.

COUNCILMEMBER HOKAMA: Not the division. Because I would say, you know, if they want the Mayor, that's fine. Maybe we should ask for the Commanding General to sign for the Corps.

Thank you, Ms. Ono.

MS. ONO: Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber or at the District Offices. And, we have received written testimony today.

CHAIR WHITE: Thank you.

Members, without objection, we'll receive the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

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

1. John Blumer-Buell; and
2. Cassandra Abdul, Na Hale O Maui.

CHAIR WHITE: Thank you. And without objection, we'll close public testimony for this morning.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you very much. Public testimony is closed.

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-337 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated September 18, 2018)

Transmitting the notice of grant awards from the Federal Highway Administration for the Transportation Alternatives Program Grant in the amount of \$151,500.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. With no objections from the Members, I would request the Clerk to bring up the additional two county communications.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

NO. 18-338 - HERMAN ANDAYA, EMERGENCY MANAGEMENT
ADMINISTRATOR, (dated September 11, 2018)

Transmitting a notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency for the Emergency Management Performance Grant in the amount of \$100,000.

NO. 18-339 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 19, 2018)

Transmitting 53 contracts/grants for August 2018.

(Councilmember King arrived at the meeting at 10:01 a.m.)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COUNTY COMMUNICATIONS, AS READ BY
THE CLERK, BE FILED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

COUNCILMEMBER SUGIMURA: No. Crivello.

COUNCILMEMBER CRIVELLO: Crivello.

CHAIR WHITE: Oh I'm sorry, Crivello.

COUNCILMEMBER HOKAMA: Chairman, I reviewed all communications, and
recommendation is to file.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Carroll. And, recognize the presence of Ms. King. Good morning.

COUNCILMEMBER KING: Good morning, Chair.

CHAIR WHITE: Mr. Clerk.

NO. 18-340 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 11, 2018)

Informing of the acceptance of a Waterline Easement 54, Land Court Application No. 52, Wailuku Agribusiness Co., Inc., TMK: (2) 3-5-002:005 Por.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, may I also, may I request the Clerk also bring up CC 18-341 and 18-342?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 18-341 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 25, 2018)

Informing of the acceptance of Access Easement "A", Puu Pahu Subdivision, TMK: (2) 2-3-005:003 Por.

NO. 18-342 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 25, 2018)

Informing of the acceptance of Waterline Easement "B", Puu Pahu Subdivision, TMK: (2) 2-3-005:003 Por.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. These items are all housekeeping type. And, in accordance with our Section 3.44.0, oh sorry.

CHAIR WHITE: We need a motion.

COUNCILMEMBER COCHRAN:

CHAIR, I, I MOVE TO FILE COUNTY COMMUNICATIONS
18-340, 18-341, AND 18-342.

COUNCILMEMBER SUGIMURA:

SECOND.

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

(Councilmember Hokama was excused from the meeting at 10:03 a.m.)

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, housekeeping items. And they are in accordance with Section 3.44.015(H) of our County Code. And the Director of Finance is required to notify us in writing of any acquisition, conveyance made to the County in pursuant to the Section.

And according to the information given, the, no County funds were utilized, and to acquire any of the properties, and the easement locations and widths are acceptable and in conformance with our County standards. So therefore, I am requesting to file these recommendations.

CHAIR WHITE: Okay. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, KING, SUGIMURA, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA AND
VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; Mr. Hokama and Mr. Carroll.

Mr. Clerk.

NO. 18-343 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated September 8, 2018)

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

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, could I also have the Clerk bring up County Communication No. 18-344?

CHAIR WHITE: Certainly. So ordered.

COUNCILMEMBER COCHRAN: No objection.

NO. 18-344 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated September 14, 2018)

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

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, I'd like to request that both of these items be transmitted over, or transferred over to Committee, Water Resource Committee, should we utilize any of the data in County water proceedings.

CHAIR WHITE: Certainly. Any objections to committee referral?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Thank you, Mr. Atay.

The recommended action is that County Communication Nos. 18-343 and 18-344 be referred to the Water Resources Committee.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following Committees as noted.

NO. 18-345 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated September 12, 2018)

Transmitting a copy of the notice of grant obligation from the State of Hawaii, Department of Transportation, for the Maui MPO FY 2019 Unified Planning Work Program in the amount of \$100,000.

The recommended action is that County Communication No. 18-345 be referred to the Budget and Finance Committee.

NO. 18-346 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 17, 2018)

Informing that funds from the Countywide Costs Program totaling \$1,368,511.95 have been transferred to the various programs to cover shortages occurred because of collective bargaining agreement increases and related executive orders.

The recommended action is that County Communication No. 18-346 be referred to the Budget and Finance Committee.

(Councilmember Hokama returned to the meeting at 10:06 a.m.)

NO. 18-347 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND"; and
4. "Very Low Income Housing Feasibility Studies".

The recommended action is that County Communication No. 18-347 be referred to the Budget and Finance Committee.

NO. 18-348 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, PARKS AND RECREATION, UPCOUNTRY SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL

APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. A proposed bill entitled "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 PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, UPCOUNTRY SKATE PARK";
3. "GOODFELLOW BROS. INC. CHANGE PROPOSAL"; and
4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 18-348 be referred to the Budget and Finance Committee.

NO. 18-349 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 2018)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and related documents; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 18-349 be referred to the Budget and Finance Committee.

NO. 18-350 - KEITH REGAN, MANAGING DIRECTOR,
(dated September 20, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, HAWAII

HOUSING FINANCE AND DEVELOPMENT CORPORATION AND DEPARTMENT
OF ACCOUNTING AND GENERAL SERVICES".

The recommended action is that County Communication No. 18-350 be referred to the Housing, Human Services, and Transportation Committee.

NO. 18-351 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 24, 2018)

Transmitting a Change in Zoning application filed by Christopher Ondatje for the 266 Dickenson Street Apartments, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 4-6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 18-351 be referred to the Land Use Committee.

NO. 18-352 - STACY CRIVELLO, COUNCILMEMBER,
(dated September 26, 2018)

Relating to a Council-initiated Change in Zoning for the 6.943-acre parcel identified for real property tax purposes as tax map key (2) 3-9-004:141, Kihei, Maui, Hawaii.

The recommended action is that County Communication No. 18-352 be referred to the Land Use Committee.

NO. 18-353 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 26, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF 'LOT WIDTH'".

The recommended action is that County Communication No. 18-353 be referred to the Land Use Committee.

NO. 18-354 - DAVID C. THYNE, FIRE CHIEF,
(dated September 20, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".

The recommended action is that County Communication No. 18-354 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 18-355 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated September 21, 2018)

Relating to establishing guidelines for Sister City and Friendship City relationships with the County.

The recommended action is that County Communication No. 18-355 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-356 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated September 27, 2018)

Transmitting a document entitled "EMI WATER DELIVERY AGREEMENT".

The recommended action is that County Communication No. 18-356 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk. Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So we'll refer those as noted by the Clerk.

Mr. Clerk.

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

GENERAL COMMUNICATIONS

NO. 18-10 - RYAN CHURCHILL, MAUI R&T PARTNERS, LLC,
(dated September 12, 2018)

Submitting the Conditions of Zoning Compliance Report for Ordinance No. 4348, Maui Research and Technology Park.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, this item and the next item, 18-11, I know the Clerk has not brought that up, but Mr. Carroll has requested that both general communications be referred to Land Use Committee with no objections.

CHAIR WHITE: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

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

CHAIR WHITE: Okay. So ordered. We'll send those to the Land Use Committee.

CHAIR WHITE: Proceed with committee reports.

DEPUTY COUNTY CLERK: Thank you, Mr. Chair.

NO. 18-11 - DANIEL Y. YASUI, A&B PROPERTIES, HAWAII, LLC,
(dated September 7, 2018)

Submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

The recommended action is that General Communication Nos. 18-10 and 18-11 be referred to the Land Use Committee.

CHAIR WHITE: Thank you.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-155 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 84 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (VOLUNTARY CONTRIBUTIONS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I would request, if you and the Members have no objections, I would request that the Clerk also bring up Report 156 and 157?

(Councilmember Guzman returned to the meeting at 10:11 a.m.)

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Thank you. So ordered.

COMMITTEE REPORT
NO. 18-156 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 85 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, EMERGENCY FUND; APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,

DEPARTMENT OF PUBLIC WORKS, PAIA-HAIKU COMMUNITY PLAN AREA, EMERGENCY REPAIRS TO PU'U WAY," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 18-305, from Council Chair Mike White, be FILED.

COMMITTEE REPORT

NO. 18-157 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 86 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, HAWAIIAN HOMES FORCE MAIN REPLACEMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 87 (2018), entitled "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 ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, HAWAIIAN HOMES FORCE MAIN REPLACEMENT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-311, from the Budget Director, is FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS, AS READ BY THE CLERK, ALONG WITH ITS RECOMMENDATIONS WITH THE ATTACHED LEGISLATION, BE ADOPTED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee vetted all requests. We are recommending passage of first reading, be ordered to print.

The main component is 18-156. We are moving forward the emergency funding for Pu'u Way in Haiku, Maui, which received severe damage during our last disaster. And therefore, this funding would be critical to ensure the Department's ability to perform and ensure safe and healthy areas. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, relative to Committee Report 18-155, BILL 84 (2018). Relative to Committee Report 18-156, BILL 85 (2018). Relative to Committee Report 18-157, BILLS 86 and 87 (2018), respectively.

COMMITTEE REPORT
NO. 18-158 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That the Miscellaneous Communication from the County Clerk, referring Grant G4551, between the County of Maui and FABMAC Homes, Inc., relating to \$1,500,000 for an affordable housing project, be FILED; and
2. That the Miscellaneous Communication from the County Clerk, referring Grant G4551-1, between the County of Maui and FABMAC Homes, Inc., relating to an extension of the completion date of the affordable housing project to June 30, 2020, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-158.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on September 20, 2018, to discuss County Grant G4551, between the County and FABMAC Homes, Inc. in the amount of \$1,500,000 for an affordable housing project.

The Committee also discussed G4551-1, a subsequent amendment, extending the completion date of the affordable housing project to June 30, 2020. The extension request was due to unforeseen grant application and hearing delays.

The Housing Administrator informed the Committee that project subdivision and building permits are pending County approval. Project infrastructure is slated for completion in December of 2018, with construction of the homes to be completed within

the first quarter of 2019. Six single family lots will be available for families earning 80 percent or below the County's AMI, with three lots available for families earning 90 to 100 percent AMI.

Your Committee recommend adoption of the proposed bill. I ask for your support.

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND
VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Cochran and Mr. Carroll.

Mr. Clerk.

(Councilmember Cochran returned to the meeting at 10:16 a.m.)

COMMITTEE REPORT

NO. 18-159 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Resolution 18-162, entitled "AUTHORIZING THE GRANT OF THE REAL PROPERTY LOCATED AT 95 OHANA HANA LOOP, WAILUKU, MAUI, HAWAII, TO HOUSING AND LAND ENTERPRISE OF MAUI DBA NA HALE O MAUI," be ADOPTED; and
2. That County Communication 18-312, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-159.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Your Housing, Human Services, and Transportation Committee met on September 20, 2018, to discuss a proposed resolution entitled "AUTHORIZING THE GRANT OF REAL PROPERTY LOCATED AT 95 OHANA HANA LOOP, WAILUKU, MAUI, HAWAII, TO HOUSING AND LAND ENTERPRISE OF MAUI DBA NA HALE O MAUI".

The purpose of the proposed resolution is to grant the County-owned property identified for real property tax purposes as tax map keys (2) 3-5-036:046 and a 50 percent interest in (2) 3-5-036:057 (collectively referred to as "the property"), to the Housing and Land Enterprise of Maui, dba Na Hale O Maui to allow the property to remain in the workforce housing inventory in perpetuity.

On June 15, 2018, the Council adopted Resolution 18-109, in which the County exercised its rights regarding the buyback provisions contained in the Waikapu Gardens Phase II Affordable Housing Agreement, authorizing County acquisition of the real property identified as tax map keys (2) 3-5-036:046 and the undivided one-half interest in tax map key (2) 3-5-036:057.

The Department of Housing and Human Concerns considered multiple methods of disposal and recommended the granting of the property to Na Hale O Maui was in the best interest of the County.

Na Hale O Maui is a nonprofit organization dedicated to securing and preserving a permanent supply of affordable housing alternatives for low and moderate-income households in Maui County.

They utilize the community land trust model. The land is held in trust, and the home is sold to income-qualified homeowners at a below-market price, subject to a 99-year sustainable ground lease.

Your Committee recommended the adoption of the proposed bill. I ask for your support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-162.

COMMITTEE REPORT

NO. 18-160 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending the following:

1. That Resolution 18-163, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HALE MAKUA HEALTH SERVICES," be ADOPTED;
2. That Resolution 18-164, entitled "URGING THE MAYOR OF THE COUNTY OF MAUI TO DEVELOP A MASTER PLAN FOR TAX MAP KEY (2) 3-8-007:097, IN COORDINATION WITH HALE MAKUA HEALTH

SERVICES, TO PROVIDE HEALTH CARE FACILITIES, SERVICES, AND PROGRAMS FOR THE ELDERLY POPULATION OF THE COUNTY," be ADOPTED; and

3. That County Communication 17-361, from the Mayor, be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 18-160.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on March 13, May 15, and September 18, 2018, to consider the proposed lease for all portions of the Kahului Community Center Park to Hale Makua Health Services.

The Mayor initially proposed a 75-year lease for the entire 34.082-acre parcel, with the control and management of the portions of the parcel to be turned over in phases.

At your Committee's meetings, Mr. Lo presented on the anticipated need for the increased services for the aging population, healthcare delivery issues, the shortage of home and community-based services that seniors can afford, and the failure of the Medicaid rates and the payments to keep up with inflation.

At its meeting in September, your Committee considered a revised proposed resolution for the lease of two contiguous portions of the Kahului Community Center Park, totaling 7.401-acres, rather the entire parcel. The lease would be for a period of 75-years. The property involved Phase I, including a gateball field and field house, while the property involved in Phase II includes the community center and annex. Neither of these phases include the Kokua Pool.

Preliminary plans for the first phase of Hale Makua's development are to be created, a 42-bed care home, with possible memory care capacity, in one to three years. The

second phase would include a rehabilitation center, with a 45-bed skilled nursing facility and a therapy gym, with expanded services to support aging in place. The estimated time to start the second phase is three to five years.

Your Committee also considered and recommended adoption of a proposed resolution to urge the Mayor to develop a master plan for the entire parcel, in coordination with Hale Makua, to provide healthcare facilities, services, and programs for the elderly population of the County. I ask for the Council's support of the Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 18-163 and 18-164, respectively.

COMMITTEE REPORT
NO. 18-161 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Bill 88 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE

STATE OF HAWAII, DEPARTMENT OF HEALTH," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 18-112, from the Chief of Police, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request the Clerk to also bring up Bill No. 78. Oh, with no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered. So 77 and 78.

DEPUTY COUNTY CLERK: Mr. Chair, we're on Committee Report 18-161.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER HOKAMA: My apologies.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thanks.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-161.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, and Agriculture Committee met on September 17, 2018, to consider a bill to authorize the Mayor, through the Chief of Police, to enter into an intergovernmental agreement with the State of Hawaii, Department of Health, authorizing the Department of Police to provide case records related to deaths occurring in the County attributed to

drowning, suicide, and homicide, and deaths for which the cause or circumstances were undetermined, using funds granted by the Department of Health. The data will be collected and submitted to the Centers for Disease Control National Violent Death Reporting System and Hawaii Violent Death Reporting System, to help identify trends in violent deaths in Maui County compared to other County's and the State.

Funding will be provided using a portion of a \$7,500 sub-grant provided the, by the Department of Health by the CDC. The Counties of Hawaii, Kauai, and City and County of Honolulu are looking to adopt a similar memorandum of agreement once Maui County's agreement is finalized.

Your Committee expressed support for the project and acknowledged this would be a tool to help us, help with suicide awareness and prevention. I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 88 (2018).

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 77 (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 PUBLIC WORKS,
WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE,
IAO STREAM FLOOD CONTROL;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, request the Clerk to bring up Bill 78.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

ORDINANCE NO. _____
BILL NO. 78 (2018)

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 PUBLIC WORKS,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
IAO STREAM FLOOD CONTROL

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS, BOTH BILLS READ BY THE
CLERK, PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, your Committee vetted this request from our departments. We are recommending final passage today. We also have Director Goode from Public Works, and Mr. Andaya from Emergency Management. If there are any questions regarding the status of our FEMA components, I believe Mr. Andaya has some additional communications that he is transmitting to Council regarding the Presidential Declaration.

But, I would still recommend that we move these bills toward final approval to ensure that those projects and the Iao Stream Control, we call, the Feds call it Iao Stream, we've gone back and called it using the name of Wailuku River, Chairman. So, if the Members have, we do have our two Directors present to respond to Members concerns. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 79 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY)
REGARDING A FEASIBILITY COST SHARING AGREEMENT (FCSA)
FOR THE IAO STREAM, MAUI, HAWAII – FLOOD RISK MANAGEMENT

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, IN, I MOVE THAT BILL NO. 75, 79, EXCUSE ME,
PASS SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

(Councilmember Atay was excused from the meeting at 10:28 a.m.)

COUNCILMEMBER HOKAMA: Chairman, I am going to be proposing an amendment to the Council this morning. I want you to know, Members, to know that in review, I believe this is a non-substantive adjustment that is allowed by our Rules. And, therefore, I'm going to, Members, if you have any concerns, I would ask that, please question Mr. Wong and see if there's grounds for us to consider this in another manner. But, in my review, we're just making clarifications, Chairman, as requested by the Corps to their document that they submitted to the County for review and approval.

CHAIR WHITE: Yea, the Chair would agree that these are non-substantive changes. Does anyone have any concern about the, the changes being substantive?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So, please proceed, Mr. Hokama.

COUNCILMEMBER HOKAMA:

OKAY, CHAIRMAN, THEREFORE, AT THIS TIME, CHAIRMAN,
I MOVE TO AMEND BY SUBSTITUTING EXHIBIT "1"
ATTACHED TO BILL 79 (2018) WITH MY PROPOSAL,
SUBSTITUTION THAT IS ATTACHED TO MY MEMORANDUM
TO THE COUNCIL DATED OCTOBER 5, 2018.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER SUGIMURA: Is that a motion? Second.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. The substitution does what our representative this morning from Public Works, when she gave us her comments on behalf of the Director and Department of the recommendations that the Corps is presenting. So, again, Members, striking out the Mayor's representative or the Director, and to be replaced by the Mayor.

(Councilmember Atay returned to the meeting at 10:30 a.m.)

COUNCILMEMBER HOKAMA: "FAO, USAED, HONOLULU DISTRICT" is now "FAO, USAED, Honolulu District (J3)".

(Councilmember Crivello was excused from the meeting at 10:30 a.m.)

COUNCILMEMBER HOKAMA: We also made addition, adjustments by their request to the signature blocks that's part of, following Article X, that was moved to page 8, we've revised it so Director Goode is now deleted and replaced with Alan Arakawa, Mayor.

As well as the last page regarding the "Certification of Regarding Lobbying". The signature block, again, is to place Mayor Arakawa and delete Mr. Goode as Director of Public Works. Thank you, Chairman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR CARROLL.

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

Mr. Clerk.

COUNCILMEMBER HOKAMA: Chairman, back on the main motion as amended.

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

Any further discussion on the main motion?

COUNCILMEMBER HOKAMA: No, Chairman. We would like to get this squared away for the County to move forward.

CHAIR WHITE: Thank you.

COUNCILMEMBER HOKAMA: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 80 (2018)

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 MANAGEMENT, COUNTYWIDE,
PUBLIC SAFETY RADIO SYSTEM REPLACEMENT

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL NO. 80 (2018) PASS SECOND
AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we made adjustments as requested by our various department, including the Fire Department regarding placement of new equipment. We also have a, an amendment that's adjust our public safety radio system project, whereby through the Department of Management, we are adjusting our microwave links and additional equipment, as well as specifically some work on Lanai at Waiakeakua. Thank you, Chairman.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 81 (2018)

A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE
OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE THAT BILL NO. 81 (2018) BE PASSED ON SECOND
AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: No discussion, Chair.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 82 (2018)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO ZONING DISTRICTS AND MAPS

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE THAT BILL NO. 82 (2018) BE PASSED ON SECOND
AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: No discussion.

CHAIR WHITE: Any discussion, Members? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND
VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 83 (2018)

A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT
AREA REVOLVING FUND

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE THAT BILL NO. 83 (2018) BE PASSED ON SECOND
AND FINAL READING.

(Councilmember Crivello returned to the meeting at 10:34 a.m.)

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: No, no discussion other than to just note that this is, this was amended in the previous meeting to start the first day, July 1 of 2019.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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


Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk. Thank you all for being here this morning. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of October 5, 2018 was adjourned by the Chair at 10:35 a.m.


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

JOHN BLUMER-BUELL
Post Office Box 787, Hana, Hawaii, 96713
Email blubu@hawaii.rr.com Telephone 248-8972

RECEIVED
2018 OCT - 1 PM 3:41
OFFICE OF THE
COUNTY CLERK

October 1, 2018

Maui County Council, Mike White, Chair
200 South High Street, Wailuku, Hawaii, 96793.
Email to Maui County Clerk county.clerk@mauicounty.us
Email to County Council Members [Maui_County_Council_mailbox](mailto:Maui_County_Council_mailbox@mauicounty.us)
<county.council@mauicounty.us>

Subject: Public Testimony for October 5, 2018, Meeting Regarding BILL NO. 81 (2018) "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI".

Aloha Council Chair White and Council Members,

I am writing to try to guarantee Bill No. 81 will actually protect the rights of the Citizens of Maui County and property owners from arbitrary, subjective or illegal actions by the Maui County Planning Department or future Maui County Administrations.

Streamlining and digitizing for convenience and "efficiency" is not necessarily the most intelligent or acceptable substitute for "hard copies" of vital information that profoundly impacts our lives.

Frankly, I do not trust the Maui Planning Department to be the "keeper of records" or the "creator of records" that have so much impact upon the community. I suggest the County Council consider a secure "County of Maui Records Division" to keep and secure vital information. Initially, that would include both historic physical and digitized information. It could also serve as an oral history and genealogy repository.

Following is an example to illustrate some of my concerns regarding an “out of control” Maui Planning Department and possible “unintentional consequences” of Bill 81.

In this and other discussions, it is worth noting one the most important statements in the 1994 Hana Community Plan. “Encourage community-based dialogue regarding proposed land use changes in order to avoid unwarranted conflict”. I have always been an advocate for this statement of *ALOHA*.

Example. The Proposed Nahiku Community Center

The current County of Maui proposed and taxpayer funded Nahiku Community Center is a very good example of arbitrary, subjective and illegal “planning” by the Maui County Planning Department. The proposal already includes a history of documented fraud. Requests have been made to and ignored by County of Maui for a forensic audit that would fully disclose information and prosecute any crimes.

Please consider; Over the period of nearly ten years, the County of Maui has TWICE fraudulently exempted **itself** from the legal due process of Hawaii Revised Statute 343 requiring an Environmental Impact Statement. The “Exemptions” follow as 1 and 2.

1. The fraudulent 2012 and 2017 “Declaration of Exemption” from Hawaii Revised Statute 343 requiring an Environmental Impact Statement. The County Planning Department is currently using the same fraudulent 2012 “Declaration of Exemption” signed by former Parks Director Correa in its SECOND attempt to illegally change the “Community Plan Designation” and “Zoning” without complying with HRS 343.
2. **In addition**, the secretive, fraudulent and self serving 2012 “Memorandum” recently disclosed in the Planning Department report dated October 26, 2017, states on page 4, “Although Chapter 343, Hawaii Revised Statutes states that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) shall be submitted along with the application for a community plan amendment, the County of Maui, Department of Planning issued a memorandum dated May 11, 2012 which confirmed that the preparation of an EA is not triggered for community plan amendments initiated by the County,

whether by Council or Administration, per the direction from the State of Hawaii OEQC". This "Memorandum", ruling and interpretation needs to be fully documented, vetted and challenged in court, if necessary, on behalf of the three island Maui County Community, statewide communities and taxpayers. Why does the County of Maui continue to want to avoid the law and the legal intent of Hawaii Revised Statute Chapter 343? Why does the County of Maui continue to want to avoid the law and the legal intent of the State Land Board "Set Aside" decision in 2007?

Please consider; **How does the May 11, 2012, County of Maui Planning Department memorandum and self serving interpretation legally "square up" with Maui County Council Chair Mike White's recent comments on the requirement for an Environmental Assessment at the Regular Meeting of the Council of the County of Maui July 28, 2017?** Following is an excerpt from page 4 of the official County of Maui minutes..... "We have changed the attitude in the Administration to acknowledge that we're not going to let something go by without the same kind of review that's required of others". "And from a standpoint of an **environmental assessment**, it's very clear to me that one was absolutely required. And so, I think the Administration, this Administration and future Administrations have been put on notice that **we're not going to allow government to use its own power to give itself a pass on things that it holds everyone else, everyone else's feet to the fire on**".

"So, I appreciate the Auditor's Report, and I'm pleased that they were as clear and objective as they were".

Chair White's observations and conclusions are directly applicable to my objections and my support of HRS 343.

Apparently, Mayor Arakawa, Corporation Council and the Maui Planning Department did not get the message or "notice". Regardless of Chair White's statement, they all continue to ignore the law.

3. The State Land Board "Set Aside" decision of 2007 to transfer use of the Nahiku parcel to the County of Maui **required** the County of Maui to produce an Environmental Impact Statement as required by Hawaii Revised Statute

343. This violation has been brought to the attention of former Governor Abercrombie and State Department of Land and Natural Resources Chairperson Suzanne Case. They took no action to remedy the situation. Both recent Maui County Planning Director William Spence and recently confirmed Planning Director Michele McLean are well aware of the facts stated in 1, 2, 3 and 4. Both have done nothing to resolve the unethical behavior and law breaking within the Maui Planning Department.

4. In addition: * The ownership of the subject parcel has been a publicly raised issue and question since the 2012 Maui News story. The question of legal ownership remains unresolved. In addition: * The County of Maui has no proven or legally claimed access or jurisdiction from the Hana Highway to the subject parcel in Lower Nahiku. This is a substandard and dangerous "road". Historically, an old trail. The County of Maui and Hawaii State Legislature are well aware of the jurisdiction and use issues as disclosed in numerous Council Committee meetings and the 2008 State House Resolution 303. Yet, the County of Maui has spent more than \$250,000 plus "in kind" county expenses to promote the project proposal, design, redesign to permit a building that is not legal on the Agricultural Zoned land. Mayor Arakawa publicly estimated costs at 2 million dollars for a project represented as costing \$450,000 in the fraudulent SMA Permit. The County is proposing a use that will clearly have urban impacts on a small and unique community while fraudulently claiming "No Significant Impacts".

There are many, many more facts already in the public record. Please note, in 2017 the Hana Advisory Committee to the Maui Planning Commission advised the Maui Planning Commission to defer the proposal until an Environmental Assessment process was completed as required by Hawaii Revised Statute 343. The Maui County Planning Department and Maui Planning Commission IGNORED that well informed and considered advice.

Are these enough facts to demonstrate the subjective, arbitrary and illegal behavior of the "out of control" Maui Planning Department and Arakawa Administration? Please do not give the Maui Planning Department or future administrations any loopholes to carry out or implement a larger and currently undisclosed agenda through Bill 81.

Please be certain and legally guarantee that Bill 81, if passed, will meet the following concerns.

1) Require legal protection of Interim Zoning. Require physical preservation of the current paper records, notes and maps regarding Interim Zoning. Require physical preservation of all County of Maui Real Property Tax Division records including notes, maps and the “working files” for Interim Zoning. Require public access to the records.

2) Require legal protection of all Zoning designations. Require physical preservation of the current paper records, notes and maps regarding all Zoning. Require physical preservation of all County of Maui Real Property Tax Division records including notes, maps and the “working files” for **all** zoning categories. Require public access to the records.

I anticipate comments/testimony stating, “That is already in the law”. Or, “not relevant”. That would not be a surprise. Therefore, I suggest adding 3) Require a forensic audit and required yearly hearing by the County Council of Bill 81 administration and impacts for five years. And, 4) The audits shall include information showing compliance with existing legal requirements and laws. Please make it unambiguous that employee acts going beyond job descriptions and law will lead to personal financial liability.

Thank you for your careful consideration.

Sincerely yours and Malama Pono,

John Blumer-Buell



OFFICE OF THE
COUNTY CLERK

2018 OCT - 1 PM 3:41

RECEIVED

October 5, 2018

via email: county.clerk@mauicounty.us

Honorable Mike White, Chair
Maui County Council
200 High Street
Wailuku, Hawaii 96793

Subject: CR 18-159 Adoption of a Resolution granting the real property identified for real property tax keys (II) 3-5-036:046 and an undivided 50% interest in (II) 3-5-036:057 to Housing and Land Enterprise of Maui, dba Na Hale O Maui, to allow the property to remain in the workforce housing inventory in perpetuity.

Dear Chair White and Council Members:

Na Hale O Maui (NHOM) is a grass roots, community-based nonprofit created in 2006. We are the only operating community land trust in the State of Hawaii. We are very appreciative of the County of Maui for partnering with NHOM from our inception. Together, we provide truly affordable housing alternatives to families earning between 80% - 120% of the Area Median Income (AMI) in Maui County.

The Waikapu Gardens Phase II home, identified above, was originally sold by the developer in January 2016, subject to a 10-year deed restriction. The Department of Housing and Human Concerns' (DHHC) exercise of an Option to Purchase prevented the sale of home at market price. This decision effectively prevented the home from disappearing from Maui's affordable housing inventory. This decisive action, coupled with the NHOM's Community Land Trust model, will ensure the home never goes to market price.

The County of Maui, including the Mayor, DHHC, and the Council are to be highly commended for recognizing and acting upon an opportunity to keep a workforce home affordable forever by partnering with Na Hale O Maui.

The Council's passage of this Resolution will permanently change the nature of one more home, from a relatively short-term deed restriction to a permanently affordable home that will never go to market.

Your caring and generosity make a genuine difference for our Maui workforce. The approval of this Resolution will give hope to our island 'ohana, and provide one additional income-qualified family in Maui a life-changing opportunity to realize their dream of owning a truly affordable home. Mahalo!

Sincerely,

Executive Director