

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 15, 2018

THE SPECIAL 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 THURSDAY, NOVEMBER 15, 2018, BEGINNING AT 1:35 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBER ELEANORA COCHRAN.

(Councilmember Cochran was not present when the roll was called; however, she arrived at 1:39 p.m.)

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

CHAIR WHITE: Thank you, Mr. Clerk. Just a reminder for everyone in the gallery and all of us to please put our phones on silent mode. And with that, Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to testify from the District Offices. Individuals who wish to offer testimony from our District Offices should now sign up with the District Office staff or out the door of the chamber, table in the back.

Testimony at all locations is limited to the items listed on today's agenda. And, Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. And, when testifying, please state your name and the name of any organization that you represent.

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

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

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have six individuals who have signed up to provide testimony in the Council Chamber. The first person to testify this afternoon is Kellie Pali, testifying on Committee Report 18-198. To be followed by Tom Cook.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. KELLIE PALI (testifying on Committee Report 18-198):

Good afternoon, my name is Kellie Pali, I'm testifying on behalf of Committee Reports No. 18-199 *[sic]*. Good afternoon, Council Chair and Councilmembers.

CHAIR WHITE: Good afternoon.

MS. PALI: I first want to say, in the event you don't see me for the rest of the year, thank you for your service and I really appreciate the sacrifices you all have made.

I want to just make it simple. You know that we are in a dire crisis need of affordable housing. So, I don't want to sing to the choir, because I know that you all understand the gravity of today's market. I do just want to give you some updated statistics. Based on the Real Estate Association of Maui, their October statement, the average income median price that sold, not will sell, not listed as sold, is \$754,000 for a single-family home.

If you take that number, a person, or a family, or a group of many families would have to have a minimum of \$75,000 down, for a down payment. Not sure when the last time you looked at your bank accounts, but I'm pretty sure most of us don't have that personally. And then even with the \$75,000 down it still would not make 20%, so they would not get a decent interest rate. But let's assume they got really lucky and got today's market rate at 4.625, a mortgage payment would then be \$3,500; not to mention we have to add taxes and insurance. So, families are faced with this crisis today, and that's what makes this project very important and very heavy on our hearts.

(Councilmember Cochran arrived at the meeting at 1:39 p.m.)

MS. PALI: I would like to ask you this afternoon to vote for affordable housing. I don't want you to just say you support affordable housing. I would like you to vote for affordable housing. And I urge you to do that this morning, or this afternoon. Thank you.

CHAIR WHITE: Thank you, Ms. Pali.

Members, do you have any need for clarification? Seeing none, thank you for being here.

MS. PALI: Thanks.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Cook, testifying on Committee Report 18-198. To be followed by Bruce U'u.

MR. TOM COOK (testifying on Committee Report 18-198):

Good afternoon, Councilmembers, Council Chair, Councilmembers. My name is Thomas Cook. I'm here as an individual today. I'm hoping that you have the courage to vote in support of this particular project. There's no perfect project. I know there's a lot of discussion about traffic, about congestion, challenges. This will add to our

affordable rentals and our for sale rentals. It isn't going to solve the problem, okay, cause we know we need thousands. That's pretty scary, isn't it? We need thousands of units to catch up for our local housing.

I'm a super, this particular project doesn't fall into it, but basically the Community Land Trust building available lots, making lots available for small contractors to be able to negotiate and work directly with homeowners, people to be able to build equity in their lot and then basically be able to build on that lot at a later date. I'm going back like 30 years, okay.

But, the prices of lots and the prices of houses is stupid. It's a, it's a artificially limited market. There's no supply limit. There's huge demand. And so, when I look at a lot, Pukalani Terrace; \$365,000. I mean you look at a lot anywhere, okay, it is completely unaffordable.

You, as the Council, and I want to thank all of you for your service, and next year we're going to have a new partial group of people who are dedicated to the community, who are willing to come and serve, and thank you for that.

But if we as a community don't get together, collaborate, bring our skill sets together and have the courage, and that's what I mean, as courage, it's not easy to stand up when people are going, "nah, no we no like because this", and "we no like because that" and "oh, not this, this, this, this". So, like, you know what, my attitude and my feeling is get over it. I want to see local working people, nurses, doctors, technicians, school teachers, Councilmembers, contractors, workers, have an opportunity to have the security of an affordable rental or an affordable home.

And I want, I want, almost pau, I want to underline that. Home ownership, even if you just renting, but you know that you're going to be able to stay there while your kids are in high school, you're going to be able to be there for four or five years. You have a certain amount of security and stability in your life, that is a positive contribution and a positive part of our community. Right now, I'll tell you what, I'm insecure. There's a lot of people who are really, really insecure and it's kind of, and it is unnecessary. Vote, vote yes, vote yes, and the next time, vote yes. Thank you.

CHAIR WHITE: Thank you, Mr. Cook.

Members, any need for clarification? Seeing none, thank you very much.

Mr. Clerk.

COUNTY CLERK: Next testifier is Bruce U`u, testifying on Committee Report 18-198. To be followed by Barbara Henny.

MR. BRUCE U`U (testifying on Committee Report 18-198):

Aloha all. Thank you for allowing me to testify. I would like to echo the same comments said for the people serving and not going be serving the next term. Thank you, guys, very much. Again, it's a big sacrifice. I appreciate each and every one of you.

Bruce U`u, Carpenter's Union. Again, I was Vice-President of Na Hale O Maui, for some years. And, I got involved with affordable housing, and I always going come up in supporting of affordable housing, whether we get it or not, you know. I understand, like what Tom and Kellie said, the situation, the dire need of homes that we lacking.

And again, I going echo my mom. My mom had a house, a low-income home that I have now. And my son, again, lives up Kulamalu. So, it directly affects the families, the local families on Maui. I came here and testified to you guys in saying, if done properly, it works. And I will bequeath that to my son. So now we going be living three generations to have the same house, and my son has an apartment complex, which he smiles every day. He might borrow food from me, more than I like, but nobody going starve.

So, what I'm testifying is, in, I was reading in the news that we have the highest rate of homelessness in the State. We have the highest overcrowding per room in the nation. We have the highest multi-generational family in the nation, right here, the place we call home. And I live with that too. I got more than, I got three generations in my house, so I'm asking you guys for help too.

The studios; we talked about the cost of rents, if this is affordable or not. Right now, if you look at the studio at Iao Parkside, a studio is \$1,500 and they don't have the amenities what these guys going make. This place going be cheaper, by far, way cheaper. You going be closer in proximity to shopping. You going get one swimming pool. You going get three kid playground areas. You going get one community center. I dunno about you guys, but I think my mom missed out on this opportunity. I could have used the pool.

But that's what they giving here and that is what, you know, every kid in Na Hale O Maui, we always was looking at how can we hide in that you get low income, and you get market homes? I think these guys pretty, doing it pretty well, where you not looked upon as, eh, that's the guy from the low-income, like I was growing up. So, I urge you

guys to please pass this. We in dire need. Echo the comments said earlier. Mahalo. Thank you.

CHAIR WHITE: Thank you, Mr. U'u.

Members, any need for clarification? Thank you for being here.

MR. U'U: Thank you. Aloha.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Barbara Henny, testifying on Bill 101, to be followed by Gary Kubota.

MS. BARBARA HENNY [testifying on Bill No. 101 (2018)]:

Greetings, Chairman Mike White and Honorable Members of the Council. Congratulations to the new Members and to re-elected Members. And condolences to those who no longer will be able to represent us.

My name is Barbara Henny. I represent Front Street Apartments Tenants Group. I am here today to urge you to pass with full approval the second and final reading of Bill No. 101 from 2018, formerly the Budget and Finance Committee Report No. 18-180. This involves appropriation of matching funding by State and Council to enable facilitation of an appraisal of the property. An eventual process toward eminent domain, condemnation on the ground lease, and purchase of the apartment complex. Throughout this almost two years process, we have received wonderful support from many Councilmembers and experienced heartfelt gratitude for ongoing efforts and consideration.

Let's not forget why this process evolved, and let's stop any other type of action; the principle of why we are fighting to retain affordable rental housing at Front Street Apartments. We know that the State and Federal government gave up to \$15.6 million in tax credits. Maui County provided close to \$5 million in benefits, including more than \$2 million in total property tax exemptions for the past 16 years. The landowner, or the property lease holder is Front Street Affordable, "Affordable Housing Partners". The landowner is 3900 Corporation.

The apartment complex opened as a 142-unit affordable housing project in 2001 and houses over 300 people, probably even more now. It was supposed to remain affordable for 50 years. But Front Street Partners used a IRS loophole to put the

project up for sale after 15 years. After it was unable to sell the property, with transparency, Partners were able to begin charging higher market rate rents for units without any formal notification to tenants. Building owners planned to raise the rents from low income to market prices at the apartment units by August 2019, which will not be affordable for tenants who entrusted their futures in this complex when it was available to those on limited incomes.

Affordable housing appears to be one of the major concerns of the Council candidates during mid-term elections. Will this continue? I want to thank you one and all for your worthy consideration in approving this bill and future political and legal conveyances within Council and Legislative bodies. Mahalo and sincere best wishes to you all in future endeavors. Thank you.

CHAIR WHITE: Thank you, Ms. Henny.

Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Gary Kubota, testifying on Bill 101. To be followed by Keoni Gomes.

MR. GARY KUBOTA [testifying on Bill No. 101]:

Hi, thank, thank you for letting me speak. Just wanted to underscore Barbara Henny's testimony and just say thank you very much. I know a considerable number of Councilmembers are leaving the Council and I want to thank them for, for their support, for their hours of work. I know, you know, being away from the family and everything else, I know that's a big sacrifice. And just that, we're happy that in the end we had unanimous support from the Council and that really went a long way in our hearts at least. Thank you very much.

CHAIR WHITE: Thank you, Mr. Kubota.

Mr. Clerk.

COUNTY CLERK: Next testifier is Keoni Gomes, testifying on Committee Report 18-198. To be followed by Nicole DeRego.

MR. KEONI GOMES (testifying on Committee Report 18-198):

Aloha Chair, Councilmembers. My name is Keoni Gomes and I am testifying as an individual in support of the Wailuku Apartments Project.

I manage a company that oversees about 160 employees. And of that 160 employees, I would say close to 80% of them cannot afford to buy their own home. All of these employees are natives of Hawaii, I should say, born and raised in Hawaii. And it's a shame that we're in a position where people that are born and raised here, cannot afford to stay here.

The Wailuku Apartments Project will allow several things that benefit our community; one is the affordable rent. People are able to pay 30-40 percent of their income towards rent, and also be able to save money to, in the future, to buy a home. Right now, they're paying 70-85% of their income, their hard-work money, just to rent somewhere else. I think that's a shame. People cannot get ahead here.

The Wailuku Apartments Project, also, is close to all the amenities that one would need. A lot of our employees are single parents, whether it be male or female and there are schools close by. The place that they work in is in Wailuku, there's doctors nearby, there's grocery stores nearby. This is a perfect location and a perfect project for people that I see each and every day, not only in the company I work in, but businesses that I closely deal with and ones that are at arm's length. They have the same employees which have the same problems. I urge you to vote in support of this project. Thank you.

CHAIR WHITE: Thank you, Mr. Gomes.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Nicole DeRego, testifying on Committee Report 18-198.

MS. NICOLE DEREGO (testifying on Committee Report 18-198):

Good afternoon, everyone. I am here as an individual, single mother, widow of two, raising two young boys. And I think it's very important to support this affordable rentals. For one, it is an ideal location. From what Keoni had said, it is very close to where I

work and it's close to where my children go to school. Not only that, for the individuals that work in Wailea or Napili or it's really close, the location; it's just a strip away.

It is very important, you know, to have this. And yes, I have sat through many mid-term elections, when people come to my job and it's always the topic; affordable housing, affordable rentals. This is the time that you can show our community by passing it. Thank you.

CHAIR WHITE: Thank you, Ms. DeRego.

Members, any need for clarification?

Mr. Clerk.

COUNTY CLERK: Mr. Chair, Ms. DeRego was the last individual who had signed up to provide testimony in the chamber.

If there's any other individual in the Council chamber who wish to provide testimony, please identify yourself and proceed to the lectern at this time.

MS. ZANDRA AMARAL CROUSE [testifying on Committee Report 18-199 and Bill No. 101 (2018)]:

Good afternoon, Council Chair White and Committee Members. Congratulations to those of you that won the election, those of you that are coming in. Kelly, I look forward to working with you. Thank you for a good race and thank you for keeping it nice; appreciate you.

I'm here, Zandra Amaral Crouse--

CHAIR WHITE: Thank you. I was just going to remind you.

MS. AMARAL CROUSE: --testifying of 18-199, the, is that the affordable one?

CHAIR WHITE: Yes.

MS. AMARAL CROUSE: Okay, on the affordable housing. I think it's been said by Kellie and so many of the previous testifiers, and I know that you know that affordable housing is a commodity that our children feel is just not available to them. I have a son, who works in Wailea, at a hotel, trucks from here to there every day, who's thinking about

moving to the mainland when his son graduates from Baldwin High School. They cannot afford to live here.

Now I'm hoping to change that along with everybody else that knows these concerns, who lives these concerns, and that includes every one of you. So, I humbly ask you, not only as Council people, but people of this community, look at your young men and women, know that they are residents of Maui Nui, some of them generations; five, six and seven. They are entitled to be able to live in the community that their parents, grandparents has cultivated for them. So, I humbly ask you to please pass that.

Let's move forward. It is shame when people tell me that they cannot afford a house and there are homeless people. And yet, every day I drive from here to Kihei and in my backyard I see hundreds of thousands of acres of raw land; what a shame. What a shame to stipulate that we don't have the land, to stipulate that we don't have the means to build these homes.

You hear it from contractors who are ready, willing and able to build. What we need to do this next two years is collaboratively work with the community, the private entity. And the wonderful Alike Atay, would say, if you don't mind me, "nuff already". We need to not only talk the talk, but walk the talk. And it is my hopes and prayers that we see, continue to see you, Elle, involved, Alike involved and everybody else that's been involved, and the new ones involved for the betterment of Maui County.

And now I'd like to move onto if I may, the Front Street Housing. This beautiful lady who has come before you many a times, and the young man, have been residents there for some years. And when they moved in, they moved in with the idea that they would be able to stay there long enough to make plans, to move on to somewhere else when the 50 years drew near.

It is important that we as a community don't only set rules. It is important that we as a community allow our people to be able to, as my dad would say, "hang their hats" on what we say. Because after this goes for so many years, you find yourself, such as myself, you know, a little older, a little wiser, but not ready to move. I am blessed; I have an affordable house that I got 21 years ago from this County of Maui. These individuals don't, they don't. They sign that lease agreement with the County of Maui and these developers with all intent and purposes of being there, Council Chair, Council Members, for 50 years. And I thank you for moving this forward.

Mahalo for your time. And I appreciate everything every one of you have done. Council Chair, I will especially miss you. You've been a very good leader in keeping the decorum in this Council, and I pray that it continues with the harmony that you have set forth. Mahalo.

CHAIR WHITE: Thank you for your testimony. Members, any need for clarification?

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Thank you for being here, Zandra.

So, you know, just because you talked about in your backyard, and there, we have a project going in that's truly affordable, 30-60%--

MS. AMARAL-CROUSE: The Kaiwahine, yes.

COUNCILMEMBER KING: --so, I just wanted, are you in full support of that?

MS. AMARAL-CROUSE: Yes, I am.

COUNCILMEMBER KING: Okay. Thank you.

MS. AMARAL-CROUSE: Because, and the reason, if I might say, Kelly, is because the infrastructure is there, the housing is there, and the fallow--

COUNCILMEMBER KING: Right. No--

MS. AMARAL-CROUSE: --the land in the back where my cousin, Brandon, raises cows, leasing it from Haleakala Ranch, you know, it's fallow land and I think yes, it contiguous to--

COUNCILMEMBER KING: Yea, I just thought, you answered my question. I just wanted to make sure, because there was some question about whether you were supportive of that--

MS. AMARAL-CROUSE: Yes.

COUNCILMEMBER KING: Thank you.

MS. AMARAL-CROUSE: You're welcome.

CHAIR WHITE: Members, anyone else?

Thank you for being here.

MS. AMARAL-CROUSE: Thank you.

CHAIR WHITE: Mr. Clerk.

MS. ANNA BARBEAU (testifying on Committee Report 18-198 and Bill No. 101 (2018)):

Aloha, my name is Anna Barbeau, I arrive unscripted.

CHAIR WHITE: Aloha.

MS. BARBEAU: Two years ago, I started kind of the ball rolling on trying, when we found about the, the dealings of the developer--

CHAIR WHITE: Could you pull the microphone down a little bit, please?

MS. BARBEAU: --with the developer and of Front Street Apartments. And we were blindsided, because it was presented as a 50-year term and many of us, mwah included, expected to breathe our final breath there.

I'm a 52-year resident of Maui; worked, payed taxes, voted, always. And I believe in government, and to allow a slippery fish to just renege on the contract, after the deal, it was a done deal, I hope that you folks can hold their feet to the fire and make them kowtow to what they agreed upon.

This is the blue collar working class of people, it's not a bunch of low-life hobos or anything like that. Everybody works, everybody, you know, we live there and support the economy. There's families, there's kids that go to school, they can't, you know, don't rip them out of their, they're doing so well in their classrooms now. And they believe in our government and it's just, I hope that you support us, continue to support us.

I received mail-outs, and talking about affordable housing, affordable housing it's prime on your wish list for all of us, and we're already there in an affordable complex. So, don't allow us to be put out to go where, and there's nowhere to go to.

Please support us, as we've supported you. I stand with Gary Kubota and Barbara Henny and the last testifier, and I hope you have our backs, as we've had yours. Front Street Apartments needs to remain affordable.

Thank you very much.

CHAIR WHITE: Thank you for being here this morning. Members, any need for clarification?
Seeing none. Appreciate your testimony.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, going to the District Offices.

Hana Office, are there any additional testifiers?

MS. LONO: There is no one waiting to testify in the Hana Office.

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

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

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

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

COUNTY CLERK: Thank you. Mr. Chair, there's no additional individuals in the District Offices, nor the chamber, who wish to provide testimony at this time, and we have not received written testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Without objections Members, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Testimony is closed.

Let's proceed with the agenda.

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

COUNTY COMMUNICATIONS

NO. 18-401 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 23, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement grant in the amount of \$100,766.10.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would ask the Clerk to bring up all communications up to and including 18-405.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, ordered.

Mr. Clerk.

NO. 18-402 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 23, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Child Restraint grant in the amount of \$62,475.

NO. 18-403 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 26, 2018)

Transmitting a Memorandum of Understanding with the Department of Health, Chronic Disease Prevention and Health Promotion Division for the Prohibiting Tobacco Sales to Persons Under the Age of Twenty-One program in the amount of \$8,000.

NO. 18-404 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 30, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Services grant in the amount of \$105,299.50.

NO. 18-405 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated November 1, 2018)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation
for the MPD Distracted Driving Enforcement grant in the amount of \$78,149.47.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT, TO FILE COMMUNICATIONS AS
READ BY THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the only comment I'll make is that for the
Department of Transportation grants that the Clerk has just provided notice your
Committee already has reviewed and is forwarding its recommendations to Council for
consideration.

Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-406 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 31, 2018)

Informing of the acceptance of Waterline Easements "DWS-1" and "DWS-3" and an Exclusive Water Facilities Easement "DWS-2", Upcountry Phase 10 Pump Station Upgrades, TMK: (2) 2-4-012:001 Por.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 18-406.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Chair. In accordance with Section 3.44.015H, Maui County Code, the Director of Finance is required to notify us, the Council, in writing of any acquisition, conveyance made to the County, pursuant to the section. And according to information given, there was a \$100,000 expended from the Countywide Upgrades and Replacement funding for Upcountry Phase 10 Pump Station Upgrades project, and the easement and exclusive water facilities location and width are acceptable to Department of Water Supply and are in conformance with our County standards. So therefore, I am asking for filing of this communication.

CHAIR WHITE: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: 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, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following communications are being recommended to be referred to the following committees.

NO. 18-407 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 30, 2018)

Transmitting the Budget Implementation Report as of September 30, 2018 (Fiscal Year 2019 First Quarter).

The recommended action is that County Communication No. 18-407 be referred to the Budget and Finance Committee.

NO. 18-408 - RIKI HOKAMA, COUNCILMEMBER,
(dated November 1, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AUDIT OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS RELATING TO THE LAHAINA BANYAN TREE PARK".

The recommended action is that County Communication No. 18-408 be referred to the Budget and Finance Committee.

NO. 18-409 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated November 2, 2018)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of September 30, 2018.

The recommended action is that County Communication No. 18-409 be referred to the Budget and Finance Committee.

NO. 18-410 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION,
(dated November 5, 2018)

Transmitting the Kanaha Beach Park Master Plan.

The recommended action is that County Communication No. 18-410 be referred to the Parks, Recreation, Energy and Legal Affairs Committee.

NO. 18-411 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION,
(dated November 5, 2018)

Transmitting a proposed resolution entitled, "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO THE LAHAINA RESTORATION FOUNDATION".

The recommended action is that County Communication No. 18-411 be referred to the Parks, Recreation, Energy and Legal Affairs Committee.

NO. 18-412 - ROBERT CARROLL, CHAIR, LAND USE COMMITTEE,
(dated October 12, 2018)

Attaching County Communications No. 17-173, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES ON MOLOKAI".

The recommended action is that County Communication No. 18-412 be referred to the Planning Committee.

(COUNTY COMMUNICATION NO. 18-412 WAS LATER
REFERRED TO THE LAND USE COMMITTEE. See pages 31
through 33 for discussion and action.)

NO. 18-413 - STACY CRIVELLO, COUNCILMEMBER,
(dated September 25, 2018)

Transmitting a proposed resolution entitled "SETTING THE PAY STEP OF AN EMPLOYEE IN THE OFFICE OF COUNCIL SERVICES".

The recommended action is that County Communication No. 18-413 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-413 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-185. COUNTY COMMUNICATION NO. 18-413 WAS THEN FILED. See pages 20 through 31 for discussion and action.

NO. 18-414 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated November 7, 2018)

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

The recommended action is that County Communication No. 18-414 be referred to the Water Resources Committee.

NO. 18-415 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated November 8, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION".

The recommended action is that County Communication No. 18-415 be referred to the Water Resources Committee.

NO. 18-416 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated November 8, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER".

The recommended action is that County Communication No. 18-416 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? Thank you.

Ms. Crivello.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-413**

COUNCILMEMBER CRIVELLO: Thank you, Chair.

AND IN REFERENCE TO CC 18-413, I MOVE THAT THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL BE WAIVED.

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. The proposed resolution seeks to set the pay step for Legislative Analyst Saumalu Mataafa at CR-5C, which is the next step up.

Waiver of Committee referral and report is necessary to enable the Council to consider action today on the proposed resolution. A two-thirds vote is necessary to waive the referral and take action on the proposed resolution today.

CHAIR WHITE: Thank you. Any further discussion, Members?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Yea, I, I got some information that there's some other folks in OCS that were overlooked at the last step increase. And so, I'm not sure what the appropriate, if I can make an amendment to this? But I, I feel it's a little bit, you know, as much as I appreciate Mr. Mataafa, I feel like we're singling out somebody when there are other people that have been left behind. So, I guess I would ask you if you would consider an amendment, or can we take this back after we do an evaluation or see the evaluation of the other members that were not included? So, I have some issues with, with singling out one person when I believe that there are other people who also deserve this, this retroactive pay raise.

CHAIR WHITE: Yea, this, this is, as we all know, a recommendation. And after the first of the year, any, any additional resolutions to provide additional compensation can certainly be considered. So, there's nothing, this is not to eliminate anybody. It's just to, to point out that there are some, one individual who is significantly lower on the pay scale than others, and to recognize his contributions and keep him from possibly going upstairs to work.

So, Ms. Crivello, if you'd like to add to that.

COUNCILMEMBER CRIVELLO: Yes. I, I understand where Councilmember King is, where she's going with this and I can appreciate that.

And, I, it is not my intent to single out, except I've had complete working, dedication from Mr. Mataafa throughout the term that we've worked on our Housing as well as, you know, I'll explain further. But the intent is so that he can be authorized to have his next step. And I think we do that with all our employees from the OCS that comes before us anyway for the, the next step. Yea, so I, I would hope my Members will support me with this waiver. And this is not close the door for others. This is, it's I think, gives us the opportunity to move forward to recognize the others that need the next step too. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello. And, and the Chair would just point out that this is not something that is coming from the Chair's office. This is something that was an initiative of Ms. Crivello. I happen to agree with it. But this is, this is out of the normal

timing, but that doesn't mean, that doesn't restrict anybody else from doing exactly the same--

COUNCILMEMBER KING: Okay.

CHAIR WHITE: --type of reso.

COUNCILMEMBER KING: Okay. So, we'll go back and look at the qualifications of others. I was just a little bit surprised because I know that there are others that were overlooked at the same time.

CHAIR WHITE: Oh, there are a lot of wonderful people downstairs in Council Services and we've taken very good care of them for a number of years. We've always had a challenge when we, when we attract young people that are coming in with a, you know, with not a lot of experience. So, we're not able to justify a higher level of pay, then we give them the outset. But when they show that they've, you know, they have performed well, I think it's appropriate for us to recognize that. And the difference in pay between some of the, the new members and some of the more seasoned members is quite significant. And those of us who have been around a while know that we've lost a good number of young, young folks to other departments and other positions. So, I think that's, it is a, this is, it looks like it's singling somebody out, but it's doing something I think is appropriate at this point.

So, any further discussion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Well, Chair, I just wanted to mention that, you know, it was nothing against Mr. Mataafa, because I, I agree that he's a very valued employee. But, I just, I want to make sure that there is still opportunity even beyond January 2 to recognize others who may be deserving with retroactive, so--

CHAIR WHITE: That's totally, that can be done by reso at any, at any time.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: We're not talking about what's the motion on the floor, Chairman.

CHAIR WHITE: I know.

COUNCILMEMBER HOKAMA: So, let's make a call and then we can move forward.

CHAIR WHITE: But I, I think somebody, some of us want to make sure that we're comfortable with waiving the Rules before we do so.

COUNCILMEMBER KING: Right.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND HOKAMA.

CHAIR WHITE: I heard two "noes"; Mr. Atay and Mr. Hokama. Any more? Okay, measure passes with seven "ayes", two "noes"; Mr. Atay and Mr. Hokama.

Back to Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you for the discussion on how we're recognizing the steps that our analysts and their efforts in working.

SO, AT THIS TIME, I MOVE THAT THE PROPOSED
RESOLUTION, ENTITLED "SETTING THE PAY STEP OF AN
EMPLOYEE IN THE OFFICE OF COUNCIL SERVICES", BE
ADOPTED; AND THAT COUNTY COMMUNICATION 18-413 BE
FILED.

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. Saumalu Mataafa has been a Legislative Analyst in the Office of Council Services for the past year. And, I had the wonderful privilege of working with him for eight months as, for the last past months as the Analyst for the Housing, Human Services, and Transportation Committee. During that short time, Saumalu has demonstrated tremendous initiative, creativity and tenacity, and invaluable insight, logic, and the willingness and capacity to learn.

I'm sure you'll all agree that this is a bright young man, as well as the others who work for us. He also serves as my staff for the Hawaii State Association of Counties, HSAC, and is responsible for the minutes and correspondence on behalf of the HSAC meetings. He also rotates in drafting the Chair's three minutes articles, as well as being the point person for Akaku matters. And most recently, he has been assigned to the Land Use Committee to work on the 201H projects. He also has a Master's degree and has ably adjusted to the increasing workload of three separate committees.

Recently, we did the implementation and policy plan, working with SMS. I even had the approach from that particular company, who says, you guys ever want to let him go we'll grab him. So, and the, also is, his efforts to work with the departments and the directors, whether it's for the Public Works or even for developers as to trying to find out how we can make housing better for us; he's done legislation.

So, I don't want to lose him, though I won't be here. I think the Council, the work that he brings is simple, malama the young man. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion on this?

Mr. Hokama, followed by Ms. King, did you have your hand up?

COUNCILMEMBER KING: I did.

CHAIR WHITE: Okay. Mr. Hokama followed by Ms. King.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Chairman, I speak against the motion. I know this gentleman, Mr. Mataafa. This is not about this individual. I would agree, he's been an outstanding employee for the Council within the Office of Council Services. So, I can appreciate the effort that my colleague is putting forth.

However, for me, this is not the time to review this, okay. We've done it every, annually, during the Budget. When the Council comes in, you, whoever is the Chairman reviews the Council's budget for submit. And that is when we review skills, steps, okay.

And, Chairman, what we made adjustments during Budget was for a component where we recognize there is differences of responsibility, level of required work to be done. And while I will say yes, we have people with years of service downstairs, I wouldn't agree that all of them should be getting raises. Cause we know who does the work and who doesn't do the work from the top to the bottom of that seventh floor, okay.

I know who can pass off work, I will know who will make this Committee or this Council wait when they're ready to produce our work, you know, that's not the employees that I want to work for us. But, Chairman, regarding the review of when we make payroll adjustments, I would agree with the comment of my colleague from South Maui, this should be done comprehensively, like we did during Budget. We reviewed everybody, and we came up with a recommendation after reviewing. So, I would be more opened to that. And at this point of time in the term, I can wait to make my decision on December 2 of who I want returning to the Council Services Office and who I don't want returning. And that's when I'll make my decision, Chairman. Thank you.

CHAIR WHITE: Thank you.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I have, in concept I agree with Mr. Hokama. But, if this is going to pass out, I would like to make an amendment, to propose an amendment that we also include Carla Nakata up to step K, and Traci Fujita, both Legislative Attorneys up to the highest step K. I've worked with both of these women throughout the last two years. They've given excellent work. They, they are both objective and helpful. And so, I don't have a whole history of their, their resumes on me, because I didn't expect this to come up and be passed today. But, I think this needs to be, if, if we are going to do this, I would propose that both of these women get moved up to step K.

CHAIR WHITE: You know, the Chair's not going to recognize the motion at this time. This is a bill that should be handled on its own up or down. I, because I think there's been a significant amount of, of thought put into this specific reso. You disagree with it, you disagree with it, but I'm not going to expand it.

COUNCILMEMBER KING: Okay, well, yea, I disagree with it for the reasons that were talked about earlier.

CHAIR WHITE: Okay.

COUNCILMEMBER CRIVELLO: Mr. Chair.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER CRIVELLO: I, in, in response to Mr. Hokama. This wasn't something that I looked at as we were just going to exit or, or return. This matter, I think has been in full discussion with your office and trying to see how he could be recognized. I just want to say this is, this is not an attempt to, just to try and push it through because the term is ending. And you're well aware of the efforts that we're trying to have this discussion on.

CHAIR WHITE: You proposed this quite a while back.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Thank you.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I think the motion on the floor is appropriate, and I support it. Thank you.

CHAIR WHITE: Thank you.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. You know, I, I continue to stand in, in opposition of this. However, I do support the individual. I do recognize the excellent work that he does. But, my stand in opposition is not about him, but about the timing. You know, we have, every year, a certain period where we can address individuals' compensation horizontally and vertically. This is, to me, ill-timed request. And we're at the changing of the guard so to say. You know, I will stand in opposition.

CHAIR WHITE: Thank you.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. So, the pay, the step increase trying to go through, does that, is it retro? Is it just start from, you know, the next paycheck on or next new term? How does that kick in.

CHAIR WHITE: It starts after the passage. It's not retroactive.

COUNCILMEMBER COCHRAN: The new, oh, okay.

COUNCILMEMBER HOKAMA: It's retro.

COUNCILMEMBER KING: It's retro.

COUNCILMEMBER COCHRAN: It is retro. Oh, okay. So, okay. Yea, I mean, I think the timing and process seems to be off here. Not, nothing personal towards the gentleman himself. I think he does awesome as others have stated. But, I'm not in favor of just how the process is going down right now. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. So, it's my understanding that if passed, this would apply retroactively to September, from September? Cause that's what the, the reso says.

CHAIR WHITE: I'm, I'm not sure what the, September? Okay, I was mistaken then.

COUNCILMEMBER GUZMAN: Yea, so then he would get back pay from September at the higher scale if passed. And then, after this term is over, everyone gets reappointed, but they're not guaranteed whether or not they're going back to the same pay scale. Because it's basically, it's up to the new Council to determine the pay scale for everybody upstairs.

CHAIR WHITE: Correct.

COUNCILMEMBER GUZMAN: I mean in Council Services.

CHAIR WHITE: Right. But it, I don't, Mr. Hokama may know more about this, but I'm not aware that we've taken people backwards on the pay scale in the past.

COUNCILMEMBER GUZMAN: But there's no guarantee that, that--

CHAIR WHITE: There's no, no, there's no guarantee.

COUNCILMEMBER GUZMAN: Right, right. So, the, you could basically wipe out the entire slate and say, look, Council Services employees are at ex-amount of pay scale across the board.

CHAIR WHITE: Correct. Because we, the Council sets the, sets the pay scale by ordinance, so whatever we put in the ordinance can be changed by a future Council.

COUNCILMEMBER GUZMAN: So, my question is, it's my understanding that there may have been other employees at the Council Service level that may have gotten bump ups. And this particular employee did not get a bump up in salary?

CHAIR WHITE: We did increases. And my recollection is that we did increases last year, I believe it was after these two individuals, or the two newer individuals. It wasn't during the timeframe when they would have been considered for the increases.

COUNCILMEMBER GUZMAN: So, it came after the, after the fact; the increases? Okay. So, this, by doing so would bring this individual at the same par level as the other ones that got the increases?

CHAIR WHITE: No. No, no, no.

COUNCILMEMBER GUZMAN: No.

CHAIR WHITE: No, and that's the, the challenge that we've had, as I stated earlier, is that when we have people who are brought in with, with limited experience, they start at a relatively low pay scale. The difference between, between the lower end and the higher end is in the neighborhood of 35, 30 and \$35,000. So, it's important for us to recognize those that are at the, at the beginning stages when we see that they're producing well. And could be, the thing with all of our staff, because of the exposure they get to other departments, we're the farm team for the other departments in many cases, because they pay higher than we do on the lower end of the scale. So, this is simply a way that we can justify a higher pay so that we hopefully can keep this individual for the next Council.

COUNCILMEMBER GUZMAN: Okay. Got it. Thank you.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Any, yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: I wish to add that, I think in August he made one-year. And, that's, I think that's the norm. But I started to work on the proposal from September.

CHAIR WHITE: Correct.

COUNCILMEMBER CRIVELLO: I wish for Members to note that.

CHAIR WHITE: Okay. Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I'm supporting this just based upon watching this individual. I still remember when he, when we appointed him, right. And he was sitting in that corner over there. His family were all there in support of him; and just this well-rounded kid. Well, he's not a kid. But, I respect his professionalism. I respect his diligence. If you ever talk to him, he understands how this, this place works; I mean truly. I mean, sometimes people who are not necessarily in this political world just think that we're, you know, one issue at a time. They don't understand how these things pulls together.

I respect that he also came from the Legislature. Not, I mean, if you talk about his overall knowledge of what's happening in this building; I think he brings that forward with him. Besides having a very solid family background, he's very centered and we see his work, you know. But, I, I support this. So, I just voice my support.

CHAIR WHITE: Thank you. Any further discussions? Seeing none, all those in favor please signify by saying "aye".

COUNCILMEMBER CRIVELLO: Aye.

COUNCILMEMBER SUGIMURA: Aye.

VICE-CHAIR CARROLL: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER ATAY: No.

COUNCILMEMBER KING: No.

CHAIR WHITE: Roll call vote please.

COUNTY CLERK: Councilmember Alike Atay.

COUNCILMEMBER ATAY: NO.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Council Pro Tempore Stacy Crivello.

COUNCILMEMBER CRIVELLO: YES.

COUNTY CLERK: Council Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: AYE.

COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, HOKAMA,
AND KING.

COUNTY CLERK: Five "ayes", four "noes", Mr. Chair.

CHAIR WHITE: Okay. Measure passes.

Members, are there any other items for referral that are in need of consideration?

Seeing none, Mr. Clerk.

COUNTY CLERK: Mr. Chairman, brief recess please.

CHAIR WHITE: Yes. Brief recess. Please stay in your chairs.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:33 P.M., AND WAS RECONVENED AT 2:36 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS COCHRAN AND HOKAMA, EXCUSED.)

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

And we'll go to Mr. Carroll. Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-412**

VICE-CHAIR CARROLL: Thank you, Chair. May I request reconsideration, consideration of County Communication 18-412?

CHAIR WHITE: Any objection, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-412, AND TO
RETAIN COUNTY COMMUNICATION 17-173 IN YOUR LAND
USE COMMITTEE.

CHAIR WHITE: Do I have a second?

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: I have a motion from Mr. Carroll, and a second from Ms. Crivello.

Mr. Carroll.

(Councilmembers Cochran and Hokama returned to the meeting at 2:37 p.m.)

VICE-CHAIR CARROLL: Thank you, Chair. I had earlier hoped to request your Land Use Committee be discharged of the communication to allow the communication to be referred to another standing committee for scheduling prior to the end of the Council term. However, given this is mid-November it appears unlikely there is sufficient time for this to happen. Therefore, I would ask that the communication remain in your Land Use Committee and be allowed to auto-refer to the Council Chair for the 2019-2021 Council term pursuant to Rule 23 of the Rules of the Council. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

Yes, Ms. King.

COUNCILMEMBER KING: I just wanted to say I agree. There's not time to have it heard in, in Planning. So, I think it's good that it goes, stays on the Land Use Committee agenda.

CHAIR WHITE: Okay. Thank you, Ms. King.

Any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

And we're back to committee reports. Mr. Clerk.

COUNTY CLERK: Mr. Chair, for 18-413, RESOLUTION 18-185. And, Mr. Chair, can you advise whether or not the other referrals are okay as read by the Clerk.

CHAIR WHITE: There were no objections.

COUNTY CLERK: Thank you.

CHAIR WHITE: Thank you.

COUNTY CLERK: Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-190 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-186, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2019 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request the Clerk to bring up all items under Budget and Finance Committee.

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Okay. No objections. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-191 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 109 (2018), 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, DEPARTMENT OF THE ATTORNEY GENERAL, REGARDING GRANT OF FUNDS FOR THE STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-278, from the Chief of Police, be FILED.

COMMITTEE REPORT

NO. 18-192 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 110 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-372, from the Director of Water Supply, be FILED.

COMMITTEE REPORT

NO. 18-193 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 111 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE

AUDITOR, STATE OF HAWAII, TO CONDUCT AN AUDIT TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 18-373, from the Director of Finance, be FILED.

COMMITTEE REPORT

NO. 18-194 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 112 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-368, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-195 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 113 (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, EMERGENCY MANAGEMENT AGENCY (STATE HOMELAND SECURITY GRANT (SHSG) PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-196 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 114 (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, EMERGENCY MANAGEMENT AGENCY (FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PRE-DISASTER MITIGATION PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill 115 (2018), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF DEFENSE, STATE OF HAWAII FOR PRE-DISASTER MITIGATION GRANT FUNDS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 18-197 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 116 (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, KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-370, from the Budget Director, be 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, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee did its due diligence and has reviewed all items that we are recommending adoption this afternoon. Thank you.

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, VICE-CHAIR CARROLL AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, Committee Report 18-190, RESOLUTION 18-186. Committee Report 18-191, BILL 109 (2018). Committee Report 18-192, BILL 110 (2018). Committee Report 18-193, BILL 111 (2018). Committee Report 18-194, BILL 112 (2018). Committee Report 18-195, BILL 113 (2018). Committee Report 18-196, BILLS 114 and 115 (2018). And Committee Report 18-197, BILL NO. 116 (2018).

COMMITTEE REPORT

NO. 18-198 - LAND USE COMMITTEE:

Recommending the following:

1. That Resolution 18-187, entitled "APPROVING WITH MODIFICATION THE WAILUKU APARTMENT RENTAL HOUSING PROJECT BY LEGACY

WAILUKU LLC, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;

2. That the proposed resolution, entitled "APPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY LEGACY WAILUKU LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED; and
3. That the proposed resolution, entitled "DISAPPROVING THE AFFORDABLE WORKFORCE HOUSING PROJECT BY LEGACY WAILUKU LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-198.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Land Use Committee received the application for the development of the proposed Wailuku Apartment Rental Housing Project, pursuant to Section 201H-38, HRS, on October 4, 2018. Legacy Wailuku LLC's application is for the development of 195 affordable rental units and 129 market rental units on approximately 14.4 acres bordered by Waiale Road and East Kuikahi Drive, and Honoapiilani Highway, Wailuku, Maui, Hawaii. As proposed, the project will include nine residential structures, and recreation and leasing center, four outdoor play areas, a pool, and community center.

Of 195 affordable units, 55 will be offered for rent at 50 to 80 percent of the area median income, based on HHFDC rental guidelines. Fifty-five units will be offered for rent at 81 to 100 percent AMI, 55 units will be offered at 101 to 120 percent AMI, and 30 units will be offered at 121 to 140 percent AMI.

Final Environmental Assessment for the project was prepared and provided for your Committee along with the application.

The matter of the State Land Use District Boundary Amendment for the property was transmitted separately and is the subject of Committee Report 18-199. Along with other modifications, your Committee recommended a modification to establish commencement and completion deadlines for construction of the project.

The Developer's representative said the project would first deliver Building 1, comprised of the first 38, 36 affordable units. Building 2 would be the first set of 36 market-rate units. Therefore, after each building would alternate between affordable and market-rate units.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution approving the project with modifications and filing of the other two proposed resolutions. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I, this afternoon, I speak in support with reservations. You know, I know we try to get the perfect projects, Chairman. But, we do what we can. So, am I satisfied with this project? No. I wish I could get more for existing community concerns. But, it is what it is, Chairman. And we understand where we are with the need of the housing as we heard from testifiers, including those that already have houses that understand what it was like to be without a house. So, that is much appreciated.

My concerns is still yet, Chairman, and you know I'll support this, because I want the affordable units; I really don't need the market units. But, I will, like I said, I will make my adjustments because I want the affordable numbers. I still think the location is not the smartest place, Chairman; Maui Lani intersection, Waiale, and Kuikahi. Cause I know we're going to get the calls about traffic. And so, my comment this afternoon is I want the people to know that, especially those in Waikapu, Piihaha, Mokuhaui, Happy Valley, that people like me will not forget your comments about how we not, need now to be smarter on our planning for the roads and how we're going to start being smarter on regional housing plans where people in the future will build where we tell them to build; not where they ask us to build.

And so, I appreciate this opportunity, Chairman. And again, I will support it with my reservations, but I will continue to fight for the small existing communities that wish to retain their character and identity. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-187.

COMMITTEE REPORT

NO. 18-199 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 117 (2018), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.416 ACRES SITUATED AT WAIKAPU, MAUI, HAWAII, TAX MAP KEY (2) 3-5-001:064," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the County Clerk RECORD the unilateral agreement; and
3. That County Communication 18-303, from Councilmember Robert Carroll, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-199 BE APPROVED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. This Committee Report relates to the District Boundary Amendment for the proposed Wailuku Apartment Rental Housing Project just considered by the Council. Nothing further.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I again will speak in support with reservations. I understand the need of doing this District Boundary Amendment. And so, I don't have a problem with the process. My problem is with the Department processing the request. Like any other Land Use Commission application, Chairman, I expect our Planning Department to do a thorough and comprehensive review and present to the Council a thorough point upon submittal of the application itself; the findings of fact and their conclusion of law on the request of the application. That is what the Commission gets from the Commission staff. I expect our Department to provide us with those things; not just give us little blurbs that within the narrow parameter they don't see any concerns.

Part of a District Boundary Amendment is to look at the regional concerns, Chairman. And that is what I'm bringing up. I'm tired of looking at spots within the picture. I'm going to start looking at the big picture and work on that regional planning perspective,

okay. Cause this is not working for our communities the way we continue to process, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 117 (2018).

COMMITTEE REPORT
NO. 18-200 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 118 (2018), entitled "A BILL FOR AN ORDINANCE GRANTING SPRINT WIRELESS A CONDITIONAL PERMIT TO ALLOW THE INSTALLATION OF A WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF A THIRTY-FIVE (35) FOOT MONOPALM TOWER WITH AN ADDITIONAL FIVE (5) FEET OF PALM FRONDS AT THE TOP, AND A 200 SQUARE-FOOT LEASE AREA TO CONTAIN EQUIPMENT ON THE GROUND; LOCATED IN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 3740 LOWER HONOAPIILANI ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 4-3-006:004, LAHAINA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-314, from the Planning Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The proposed bill would grant Sprint Wireless a five-year Conditional Permit to allow for installation of a wireless telecommunication facility in an existing parking lot at 3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication.

CHAIR WHITE: We need a motion.

VICE-CHAIR CARROLL: Oh. Yes, we're trying to expediate the meeting.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-200.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll, any further discussion?

VICE-CHAIR CARROLL: I think everybody heard my original statement, so no further discussion, Chair.

CHAIR WHITE: Any discussion, Members?

Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, during the Committee meeting I did pass it through and voted for an "aye" to pass it through for Council to hear it because of the deadlines attached to this particular measure. We are under a mandate to pass this out, or at least if not done so within 150 days, the applicant has a right to take us to court for an injunction.

I don't like and I've stated this before, I don't like this strong-arming of the Federal government and the limitations of the way that we are to justify saying "no" or voting

"no", particularly that the priority of aesthetics is the basic, only standard to oppose this in court. The safety and health reasons are not as indicated in the Federal legislation. So, even if we thought this was a health issue or a safety issue, it's not legitimate rationale or defense in, in the injunction if we were to bring it to court. So, I oppose this measure based off of the strong-arm principles of the Federal government, and then they box us in. So this is on, my "no" vote is on principle. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. I too would want to go on record that I oppose this, primarily on the grounds of holding staunch position of home rule and the kuleana and responsibility that I look at as to the health and safety of our people; especially the children and elders. For, for me, that's, that was my vote to, to protect the people. And I will still question if a 5G location in the community is safe irregardless of the directives from the Federal government.

CHAIR WHITE: Thank you, Mr. Atay.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I would also note to the Members that aren't aware of it that the people in the area were, is approved of this. Also, what has been discussed by Mr. Guzman and Mr. Atay, States are now appealing to the Federal government and the proper authorities to try to get more power in the, back to the Councils, back to the Counties; and that's in the process. But, as this particular application, we worked with what we had and the deciding factor for me was that the people where this is at had no opposition to it. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank, thank you, Chair. Yea and I agree with the naysayers on this particular item. And it's, you know, I stand by the precautionary principle when I make my decisions. And there is doubt about the health and safety aspects of this. It reminds me of different companies here that when you leave their,

their company, you have to sign on the dotted line that should you get any adverse effects from doing the work that they paid you to do, any medical adverse effects, you cannot go back on them. And so, just why would you have that type of stipulation when, you know, in their; number one, take you to court; number two, you can't have, file an injunction based on health reasons. Well, kind of gives me room for pause and red flags already. So, anyways, I am, yea, I'm not in favor of this at this time. Thank you.

CHAIR WHITE: Thank you.

Any further discussion?

Ms. King.

COUNCILMEMBER KING: Well, I think everybody's said it all. I agree with my colleagues and I think this is a bigger issue. I, it's, whether we get the right to, to be concerned about health and safety of our community may be an issue. But I'll go on record as saying I don't like the big palm tree either, so aesthetics. Thank you.

CHAIR WHITE: We, well, we just have to remember that if we don't get five votes then we go to court. And I'm not sure that that's a great outcome either.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
AND KING.

CHAIR WHITE: I heard three. I heard Mr. Atay, Ms. Cochran, and Mr. Guzman.

COUNCILMEMBER KING: --Chair.

CHAIR WHITE: Okay, so the vote passes five to four.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 118 (2018).

Mr. Chair, brief recess.

CHAIR WHITE: Okay. Brief recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:59 P.M., AND WAS RECONVENED AT 3:00 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER CRIVELLO, EXCUSED.)

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-201 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-188, entitled "AUTHORIZING SETTLEMENT OF LESLI LYN OTANI VS. COUNTY OF MAUI, ET AL. CIVIL NO. 17-00281 JAO-KJM," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-201.

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 October 30, 2018 to discuss the settlement of the, the case read by the Clerk.

The Complaint alleges violations from the, of Ms. Otani's constitutional rights, including invasion of privacy, employment retaliation. The claims also regarding her retention as the Chief Field Operations Maintenance, Department of Public Works in the time period of her probational appointment.

The, your Committee voted 5-0 to adopt the, the recommendations. I ask the Committee for its full support.

CHAIR WHITE: Thank you, Mr. Guzman.

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, VICE-CHAIR
CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 18-188.

COMMITTEE REPORT
NO. 18-202 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-189, entitled "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON ANDREWS KURTH LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, DOCKET NO. 18-260, SUPREME COURT OF THE UNITED STATES," be ADOPTED.

(Councilmember Crivello returned to the meeting at 3:02 p.m.)

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO, TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-202.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on October 30, 2018 to discuss the matter and to increase the compensation for the special counsel Hunton Andrews Kurth LLP in the Hawaii Wildlife case versus County of Maui. This is for 500,000 for the total compensation not to exceed 4.3 million.

Your Committee voted 6-0 to adopt the recommendation. I ask the Council for its full support. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item?

Seeing none, oh I'm sorry, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I've stated my frustration with this particular item for years now. Since I am on my way out the door, I am going to stand by my, I am not in support; I have never been. But, you know, I have to go through the motions of this litigation. And we have steadily increased and increased and increased, and the maddening most frustrating part of this entire thing, and I've said it before, was that it could have been prevented from day one before I even got on this Council.

And when I stepped foot on this eighth floor, I brought in the powers that be within Corporation Counsel, and the Mayor's Office, and DEM's office to explain why, and yet, it fell on deaf ears. And now here we are. So, I am continuously not in favor. I know we have to stand by as a County to, you know, put up a good fight. But at this time, I think we should have been, and I know we've, you know, through IEM I have been trying to raise the bar and level of our facilities. But, you know, it just continues to skyrocket in the, in the fees of our taxpayer dollars.

And I just really, yea, frustrated. And I'm going to just state on the record right now I'm, it's a "no" for me and always has been. But I'm going to leave this Council with good luck to everyone else about this situation. So, that's my statement at this time. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Ms. King.

COUNCILMEMBER KING: Chair, you know, I, I have mainly the same feelings as Ms. Cochran, although I was watching it from the outside of the Council for years and watching this amount skyrocket, and no, with no end in sight. One of the questions I did ask in the PRL Committee when this issue came out was is this is the final, is this the final amount? And I was told yes, that after this next step, we're going to, because I think this ceiling that says, "not to exceed 4.3 million" now keeps getting raised every time this Council approves more money, and what I was told. So, just wanted to get Corp. Counsel's confirmation is that, this is the last step of this lawsuit and one way or another this is the end of it? So, I, you know, I just, can I ask if that is still the position of Corp. Counsel?

CHAIR WHITE: Mr. Kushi.

DEPUTY CORPORATION COUNSEL EDWARD KUSHI, JR.: Mr. Chair, Member King, I'm not sure if this is the last step or not. It depends what the Supreme Court rules. He may, they may remand the case back to the District Court for further proceedings; it doesn't end, it may not end. What they may just say, the district court, you're playing, playing it wrong; case dismissed. So, I'm not sure if this is the end or not.

COUNCILMEMBER KING: Okay. Well, thank you for that the honesty in that. But just for the record, I'll support this, but this is the last support I'm giving for this lawsuit, so for me it's the end.

CHAIR WHITE: Okay. Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, thank you. You know, I too, I'm amazed that litigation coming to the table, you know, approaching four million, now supposedly saying there's a cap of 4.3 million in litigation to fight this issue of injection wells and the problem is

still there. People, we live on an island. What are we going to do with our wastewater? Insanity is doing the same thing and expecting different results. So, the solution they get is we go to court, and we battle and hope we win in an appeal.

Meanwhile, from the concept of aloha aina, from the concept of malama aina, we still have wastewater issues; whether it be westside of Maui, now southside of Maui, we got to learn through hindsight of what we going do. This issue is just talking about continuing the litigation. But we also must learn what we going do to keep this island safe. And so, I hope that the Administrations and the Council, new County Council, also moves forward towards finding solutions. I will stand with reservations of this, mainly because I don't fully believe that litigation route, hoping that we win an appeal is the solution.

CHAIR WHITE: Yea, this is, well, any further discussion on this item?

The Chair would just share, this has been a very frustrating item for us as well, for those of us who have been here all this years.

I share Ms. Cochran's frustration, possibly from a little bit different angle. The concern that I've had is that when this issue was brought up, Federal government that had been permitting our processes and funding our processes for 30-something years, along with the State who had been approving the processes for the same amount of time and helping with the funding, they all said the County is on its own. So, the Federal government and the State government left us out hanging.

We happen to be the first ones in the country to be involved in a suit involving a dispute between two different, the Safe Drinking Water and the, I can't remember what the other one is, Mr. Hokama I'm sure does. But, because we were the first, unfortunately, the State and the Feds don't step up to the plate and help out. It takes a very long time to resolve the issues. I know the Department has made some steps towards resolving some of the concerns, but we do have a ways to go. And I agree with you, I don't think any of us want the continued water issues.

The concern that I have always had is that we talked about reuse. Well, if it's, if it's wrong for us to pump R-1 water into a 250-foot deep well more than a quarter of a mile away from the ocean and at least let it, you know, mix and so forth. If that's the wrong thing to do, then how is it the right thing to do if we reuse that water by putting it in a tank and then distributing it down to the resorts in Kaanapali and having them use it on the lawn which is ten feet from the ocean and, you know, it gets there much quicker than if it is put in a, in an injection well.

So, that's the issue I've had; is that I don't know that that's a solution, is any better than what we're doing now. We do have to come up with solutions. We had some discussions about the, the idea of going to R-0, which communities elsewhere have done in which case virtually everything is taken out of the water and it is reinjected into the drinking water table. And, communities have done that across the nation. I think that is probably the better way to go.

But, and I believe that Ms. Cochran might have the, have the numbers. But, my recollection is that that solution was less costly in the long run than putting together the distribution system and putting in all the piping to transport R-1 water. So, the solutions are there. Unfortunately, we have no choice but to continue this litigation through to the end because there's a, there's a significant disagreement between how the Feds and the Counties, Feds and the State have looked at this and the Counties.

And you know, unfortunately, we've been trying to get the MPDES permit from the State and the Feds, I think since 2012, and they won't issue it. Why? I don't know. But, it's been one of the more frustrating issues that we have had to deal with. And, it's become even more frustrating for all of us, because a lot of what we discuss is in executive session and we can't, you know, we can't discuss it until it shows up in the, you know, in the court documents and shows up in the newspaper.

And it doesn't always happen that what shows up in the newspaper is accurate, which leads the public to have yet another level of discomfort with what we're doing. So, it has been very frustrating, but I don't think we have much of a choice but to keep looking for solutions through our Department and continue to challenge this, this original ruling.

With that, I'll call for the vote. All those in favor signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

CHAIR WHITE: I heard Ms. Cochran a "no", and Mr. Atay "no". Anyone else? Okay, measure passes with seven "ayes", and two "noes"; Mr. Atay and Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-189.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 101 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING
FINANCE AND DEVELOPMENT CORPORATION RELATING TO THE FRONT
STREET APARTMENTS

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I'm going to ask you and my colleagues, if you have no objections, I would ask the Clerk to bring up all bills for second and final reading that's been under the jurisdiction of your Budget and your Finance Committee.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER COCHRAN: No, oh, wait.

CHAIR WHITE: Okay. Thank you.

Mr. Clerk.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Oh, I'm sorry. Ms. King.

COUNCILMEMBER KING: No, I just wanted to ask if we could hear this one first, because we have people waiting that have been here since this morning. And if we could--

CHAIR WHITE: They're all going to be taken at, with one vote.

COUNCILMEMBER KING: Right, but I mean if we can just get this one off the table first so that they can, they can excuse themselves.

CHAIR WHITE: If I know Mr. Hokama, this is all going to be off the table in more time than it's taking us to have this discussion. So, so, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, with no objections then, Clerk please read all remaining bills for second and final.

ORDINANCE NO. _____
BILL NO. 102 (2018)

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 THE PROSECUTING ATTORNEY
(EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM)

ORDINANCE NO. _____
BILL NO. 103 (2018)

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 PUBLIC WORKS
(FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND
OTHER TRANSPORTATION GRANTS)

ORDINANCE NO. _____
BILL NO. 104 (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, COUNTYWIDE,
COUNTYWIDE FEDERAL AID PROGRAM

ORDINANCE NO. _____
BILL NO. 105 (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 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)

ORDINANCE NO. _____
BILL NO. 106 (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 PARKS AND RECREATION,
MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA,
UPCOUNTRY SKATE PARK

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIRMAN, I MOVE THAT ALL BILLS AS 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, only one comment. The first bill as read by the Clerk does specifically relate to 505 Front Street, which we are taking final action this afternoon. Thank you.

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, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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 afternoon. And we will see you on Molokai tomorrow. We are adjourned.

ADJOURNMENT

The special meeting of November 15, 2018 was adjourned by the Chair at 3:17 a.m.



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