

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

May 3, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, MAY 3, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Good morning. It's, today is May 3, 2019. I'm Kelly King, Chair of the Maui County Council. And we are commencing our May 3, Council, full Council meeting at 9:00 a.m.

Mr. Clerk, could you take roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBER TAMARA A.M. PALTIN.

(Councilmember Paltin was not present when roll was called; however, she arrived at 9:02 a.m.)

COUNTY CLERK JOSIAH K. NISHITA: Madam Chair, there are eight Members present and one Member excused. A quorum is present to conduct the business of the Council.

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

And we will begin with opening remarks by Councilmember Yuki Lei Sugimura.

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

(Councilmember Paltin arrived at the meeting at 9:02 a.m.)

CHAIR KING: Thank you, Member Sugimura. Yes, I do. Both my parents were in the intern camps, so it does touch, touch home. And I hope that your own son never has to wear that helmet or anything like it.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: I do want to make one correction, because you said March 7, but I think you meant May 7, for the event.

COUNCILMEMBER SUGIMURA: Oh yea, May 7.

CHAIR KING: So, Members, if you, it'll be right out on the lawn if you would like to participate. And if you'd like to bring flowers, they can always use more flowers. So, thank you for that message.

I would like to also welcome Councilmember Tamara Paltin who has joined us. Thank you.

And those of you who feel so inclined, please stand and join me for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR KING: Okay, thank you very much. And before we proceed with today's agenda, please, may I request that everybody silence their cellphones and, or other noisemaking devices; already done. And, I don't think it's a necessary statement, but it's in here that decorum in this chamber shall be maintained at all times.

So, Members, I'd like to request that the ceremonial resolution on today's agenda be taken up later in the calendar for today. The students being recognized today are currently on their way from Lanai and need a little more time to get here. So, we will take a break at an appropriate time and, and recognize them, if there are no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, thank you. Alright, please proceed, Mr. Clerk.

COUNTY CLERK: Madam 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 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. Please also identify to the Council if you are a paid lobbyist.

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

We have three testifiers signed up to testify in the Council chamber. The first person to testify is Warren Watanabe, testifying on County Communication 19-197. To be followed by Caroline Killhour.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. WARREN WATANABE, MAUI COUNTY FARM BUREAU (testifying on County Communication No. 19-197):

Good morning, Chair King--

CHAIR KING: Good morning.

MR. WATANABE: --Members of the Maui County Council. I'm Warren Watanabe, Executive Director of the Maui County Farm Bureau. The Maui County Farm Bureau appreciates the steady support of the Council for, for the AgFest. This year marks our 12th year. We have grown to a point where we outgrew our site at the Maui Tropical Plantation.

The event has attracted local families where they spend the day together, absorbing various experiences and learning about agriculture on Maui. This year, we are moving to the War Memorial Complex and combining our operation with the 4-H Livestock Fair. We believe this new partnership is our next phase of expansion for, of our event while some, while the support, we, while we support this exciting experience for our 4-H youth. Being part of the AgFest will give them greater visibility for the hard work that they do.

Preparing for such an event such as the AgFest takes significant amount of time of preparation, resulting in the need of a permit that, that will exceed the five days. The purpose of the proposed resolution is to request authorization to use the War Memorial Complex special events arena, its baseball fields, gymnasium, and stadium parking lot from May 27, 2019 through June 3, 2019 for the Maui AgFest and 4-H Livestock Fair, which will be held on June 1, 2019 from 8:00 a.m. to 5:00 p.m.

We respectfully request your support of the proposed resolution. Thank you.

CHAIR KING: Thank you, Mr. Watanabe. Any questions, Members? Seeing none, appreciate you being here.

MR. WATANABE: Thank you.

CHAIR KING: Next testifier.

COUNTY CLERK: Caroline Killhour, testifying on County Communication 19-198. To be followed by Patricia Hunt.

MS. CAROLINE KILLHOUR, HUI NO'EAU (testifying on County Communication No. 19-198):

Good morning, Chair King and Members of the Council. My name is Caroline Killhour, Hui No'eau Visual Arts Center, and I'm the Executive Director. On behalf of the Hui No'eau, I'd like to thank Councilmembers, past and present, who have or will be working on this project, and the County Planning Department for its assistance.

As many of you know, the Hui No'eau is a non-profit located in Upcountry, Maui, dedicated to community arts education. We are free and open seven days a week and welcome the community to our grounds and historic buildings and art studios.

We have recently celebrated our 100th year anniversary. We provide studio art classes for adults and children year-round and our, on our campus, as well as in school

art education and the Plus One Program. The rezoning proposed by the Council will allow the Hui to focus our attention on funding and continuing our mission of accessibility for the visual arts education in the community by relieving the constant pressure of obtaining temporary permits and the cost and time associated with the process. We will have more time and money to use for our mission of serving the community.

The Council's action on this matter will also aide us in fundraising as our donors and patrons can become uncomfortable committing and donating funds with the temporary use permit and lengthy approval time. The zoning will also allow the proper siting on our campus of, we are hopeful, a new construction of a woodworking studio. We have recently been selected to receive a GIA from the State for this woodworking studio and respectfully request the attention to the rezoning, so it could be utilized.

Again, on behalf of the Hui Board of Directors and staff, I extend my thanks to the Council this morning. Thank you.

CHAIR KING: Mahalo. Any questions?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for being here, Ms. Killhour. Just wondering, I heard you mention the GIA, you got a grant from the State--

MS. KILLHOUR: We're--

COUNCILMEMBER SUGIMURA: --granting--

MS. KILLHOUR: We're being recommended to get one, yes.

COUNCILMEMBER SUGIMURA: So, can I ask what the amounts is?

MS. KILLHOUR: Yea, 200,000.

COUNCILMEMBER SUGIMURA: Oh nice. Thank you. Thank you very much.

CHAIR KING: Thank you. And, so, being recommended for one, is that in, are you in the budget for this, in the State's--

MS. KILLHOUR: Yea.

CHAIR KING: --this year? Okay. And how long do you have to use that? I mean, is there any--

MS. KILLHOUR: Probably, I think it's, well, depends on the timing from them. But, I'd say a year and a half probably.

CHAIR KING: Okay.

MS. KILLHOUR: I would guess.

CHAIR KING: Okay, great. Thank you.

MS. KILLHOUR: Thank you. Any other questions?

CHAIR KING: No other questions. Thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Patricia Hunt, testifying on County Communication 19-192. There's no further individuals signed up to testify in the Council chamber or the District Offices after Ms. Hunt.

MS. PATRICIA HUNT (testifying on County Communication No. 19-192):

Ms. King, and County Council. I have my voice back somewhat. I'm speaking today about the Governor *[sic]*, Ethics Committee, Transparency Committee meetings. And, I'm hoping to get some much needed help with this.

CHAIR KING: Ms. Hunt, the item that you're speaking on specifically--

MS. HUNT: 192.

CHAIR KING: --for the appointment of Donna Sterling to the Fire Commission?

MS. HUNT: And this relate, this--

CHAIR KING: It has to relate to her appointment on the Fire, Fire and Public Safety Commission.

MS. HUNT: Oh, I was speaking, having to do with Governor *[sic]*, Ethics, and Transparency Committee.

CHAIR KING: Yea, that's, that's not the, that's not on our agenda. We don't have like an open agenda for that Committee. So, if you have a comment on Ms. Sterling, that, that would be appropriate.

MS. HUNT: Not on Ms. Sterling. But, I do have a comment having to do with your public records--

CHAIR KING: Okay.

MS. HUNT: --request.

CHAIR KING: We don't have that on the agenda right now, so, but we can take, if you want to put a written letter--

MS. HUNT: I have, I actually sent your office some time ago requesting to speak regarding this, so.

CHAIR KING: Yea. Right. I know we've been talking with you about that, but I'm sorry I just can't--

MS. HUNT: Yea. Okay. No, I understand. If I can request again to speak about this public records. It's Hawaii Statute 92F-25 correction amended for review procedures. I'll send it to your office. Thank you.

CHAIR KING: Thank you.

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. Currently, there's no other testifiers who have signed up in the Council chamber or at the District Offices. And we have received written testimony for this meeting.

CHAIR KING: Okay, if there's anybody--

Oh, we have one more person. Come on down, Mr. Franco.

MR. STAN FRANCO (testifying on County Communication No. 19-194):

Good morning.

CHAIR KING: Good morning.

MR. FRANCO: Sorry, my voice is a little bit froggy. Council Chair and Members of the Council. I'm speaking for my friend, Mike Williams, this is 19-194--

CHAIR KING: Can you, can you just say your name and--

MR. FRANCO: My name is Stan Franco.

CHAIR KING: We all know it, but for the record.

MR. FRANCO: Sorry.

CHAIR KING: That's okay.

MR. FRANCO: And I'm speaking for myself.

CHAIR KING: Okay.

MR. FRANCO: I'm speaking for my friend Mike Williams to be appointed to the Cost of Government Commission. I got to know Mike maybe two, three years ago. And he was the Affordable Housing Chair for the Maui Tomorrow Foundation. And he came and sought us out to have a conversation with our housing committee. And since then, he has been a major clog *[sic]* in our, our work. He has done wonderful research and information for our discussions in our committee. He is a brilliant man as I see it. He's very good at, as I mentioned, research.

But, I think the more important thing for me of all of that, besides his brilliance as a former trial lawyer and all that stuff, is that he has a heart for the people of Maui. You know, he's going to do what the, his best for the people of Maui. He has an interest, even though he's an outsider that had moved recently to Maui, created a farm up in Kula, that he has always been, in my conversation with him, somebody that has the heart of the people.

So, I ask as a favor to me, and to Mike, and to the people of Maui, because I think he'll do great work for the people of Maui, that you appoint Mike Williams for the Cost of Government Commission. Thank you.

CHAIR KING: Thank you, Mr. Franco. Any questions?

Can I just make one correction in your, in your testimony? I think you said he was a major clog, but I think you meant major cog.

MR. FRANCO: I told you I'm not all there today. Thank you.

CHAIR KING: Okay, I just, in deference to Mr. Williams, I thought I'd make that correction.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there are no other individuals signed up to testify. Oh, Madam Chair, I believe we have one more.

CHAIR KING: One more. Okay. And, we can ask the testifiers who are coming down to, to fill out the form after the fact just so we have the record of your testimony.

Please state your name and who you're testifying for.

MR. ANGELITO CUARESMA: Yes, ma'am.

CHAIR KING: Are you both together or?

MS. LESLIE LAU HEE: So, can I just say what, we are not on the agenda.

CHAIR KING: That's okay. You can testify if it's, as long as it's something on the agenda.

MS. LAU HEE: We are not.

CHAIR KING: Okay.

MS. LAU HEE: It's, I, I apologize.

CHAIR KING: Okay.

MS. LAU HEE: But, he came far to come and speak.

CHAIR KING: Yea, I can't, because, because of our format, I can't allow like testimony that's not relevant to anything that's on the agenda.

MS. LAU HEE: Okay. Thank you.

CHAIR KING: So, I appreciate you coming down though. Thank you.

MR. CUARESMA: Thank you, ma'am.

CHAIR KING: Thank you. Sorry about that.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there's no further testimony. And we have received written testimony for this meeting.

CHAIR KING: Okay, so with no objections, we'll close testimony.

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. Warren Watanabe, Maui County Farm Bureau;
1. Hawaii Fire Fighters Association;
2. Kara Teng;
3. Robert E. Rowland, Hui No`eau;
4. Andrew Walker, Hui No`eau; and
5. Robb Cole, Hawaii Land Use Group.

CHAIR KING: Alright. Thank you. And we will, when we get to our, our ceremonial resolution, we will open up testimony for the ceremonial resolution if there is any. But, right now, that general testimony is concluded.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 1, 2019, were presented at this time.

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ACCEPT THE REGULAR MEETING MINUTES OF
FEBRUARY 1, 2019.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sinenci.

Any discussion or questions or comments? Seeing none, call for the question. All those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes unanimously.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-181 - SANANDA K. BAZ, ACTING MAYOR,
(dated April 25, 2019)

Informing of a vacancy on the Maui Planning Commission due to the resignation of Alalani Hill effective May 15, 2019.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION 19-181.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Alalani Hill's resignation from the Maui Planning Commission will be effective May 15, 2019 per her resignation letter received by the Mayor. While on the Commission, she served as the Native Hawaiian traditional and customary practices expert and we would like to thank her for her service to the community. Thank you.

CHAIR KING: Okay, thank you. Any other discussion, comments? Otherwise, I'll call for the question to file County Communication 19-181. All those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes unanimously.

Mr. Clerk.

NO. 19-182 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 15, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lots 50 and 51,
Haiku Town Acres Subdivision, TMK: (2) 2-7-038:050 & 051.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Chair, may I request that County Communication Nos. 19-183, 19-184, and 19-185 also be brought up at this time?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, Mr. Clerk.

NO. 19-183 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 15, 2019)

Informing of the acceptance of a Sewerline Easement, Alawai Road, Paia Force Main, TMK: (2) 2-5-005:046 Por.

NO. 19-184 - SCOTT TERUYA, DIRECTOR OF FINANCE,
(dated April 17, 2019)

Informing of the acceptance of a Warranty Deed for Roadway Lot 3-C, Virginia Caires Subdivision, TMK: (2) 2-7-014:051 Por.

NO. 19-185 - SCOTT TERUYA, DIRECTOR OF FINANCE,
(dated April 23, 2019)

Informing of the acceptance of a Warranty Deed for Road Widening Lot 2-E, Richard Antone Subdivision, TMK: (2) 2-7-002:163.

CHAIR KING: Thank you.

Councilmember Lee.

COUNCILMEMBER LEE:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-182,
19-183, 19-184 AND 19-185.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, been moved by Councilmember Lee, and seconded by Councilmember Sugimura to file County Communications 19-182 through 185.

Any discussion? If not, all those in--

COUNCILMEMBER LEE: Ma--

CHAIR KING: Oh, I'm sorry. You have discussion?

COUNCILMEMBER LEE: Okay.

CHAIR KING: Go ahead.

COUNCILMEMBER LEE: This is for information purposes only. And I had a page and a half to read, but you know, it's just routine.

CHAIR KING: Okay. Housekeeping.

COUNCILMEMBER LEE: Housekeeping.

CHAIR KING: Alright, all those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed.

NOES: NONE.

CHAIR KING: Motion carries unanimously.

Mr. Clerk.

NO. 19-186 - KELLY T. KING, COUNCIL CHAIR,
(dated April 26, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JOHN RAPACZ AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR KING: Okay, I have Vice-Chair Rawlins-Fernandez on this one. Do you want to make the motion?

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-186, AND
FILE COUNTY COMMUNICATION 19-186.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Any discussion, Ms. Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. John Rapacz is a graduate of Northeastern University Law School in Boston. He ran his own law practice in Wailuku from 2001 through 2013, where he handled legal matters relating to planning, land use, and zoning.

Mr. Rapacz has many years of County experience, having worked as a Deputy Corporation Counsel from 1991 to 1997, and as a Planning Program Administrator for the Planning Department since July 2013. He also worked as an Executive Assistant to the Office of Council Services for former Councilmember Sol Kahoohalahala, from 1997 to 1998.

I met with Mr. Rapacz and I, I'm excited about the tremendous institutional knowledge that he brings with him and I believe that it will be an asset for us moving forward. Mr. Rapacz's extensive background in County government will prove helpful to the Office of Council Services and I highly recommend your support of this resolution. Mahalo.

CHAIR KING: Thank you, Vice-Chair Rawlins-Fernandez.

Any other comments, or? Okay, I'll just add my, my support for Mr. Rapacz as well. And I did meet with him. I think it's a really good fit for us as well, because previously our, our supervising attorney worked in the Planning Department with Mr. Rapacz and now Mr. Rapacz will be working with our supervising attorney. So, I, I'm excited to continue that association as well.

And, if there are no other comments or questions, I will call for the question. Alright, all those in favor of appointing Mr. John Rapacz as Legislative Attorney in the Office of Council Services say "aye".

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

CHAIR KING: Any opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes eight "ayes", one "no"; Mr. Hokama.

Congratulations, Mr. Rapacz and welcome aboard.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-81.

NO. 19-187 - KELLY T. KING, COUNCIL CHAIR,
(dated April 26, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF LESLEE MATTHEWS AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-187, AND TO
FILE COUNTY COMMUNICATION 19-187.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, it's been moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sinenci.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Ms. Leslee Matthews has been a Legislative Analyst with the Office of Council Services since October 2018. She obtained her law degree from the University of Hawaii, Richardson S., William S. Richardson School of Law; I should know, I should know better, in May 2018 where she was a member of the Student Bar Association.

After being hired by the Office of Council Services, Ms. Matthews learned that she passed the bar exam. The Legislative Attorney position would be a natural progression to her, for her to utilize her law degree.

She was my Committee's Legislative Analyst and she did such an amazing job, especially for my Committee with Economic Development and Budget. It's, it was a really big job. She poured her heart into it, worked long hours. She really gives, you know, 110 percent in anything she does. So, I highly recommend the appointment of Ms. Leslee Matthews as Legislative Attorney in the Office of Council Services and respectfully request your support of this proposed resolution.

CHAIR KING: Mahalo. Any other comments or discussion? Otherwise, I'll just add my support as well. And, while Ms., Ms. Matthews was gone for a couple of days on a family emergency, as soon as she got back, now she's now pouring her heart and soul into the HSAC Conference that we'll be hosting on Maui. So, I agree with you that, you know, we, we get, we get 110 percent of this person. So, I'm happy to support this resolution.

If there are no other discussion, I will call for the question. All those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes eight "ayes", one "no"; Councilmember Hokama.

Mr. Clerk.

COUNTY CLERK: Madam Chair, for the record, RESOLUTION 19-82.

NO. 19-188 - KELLY T. KING, COUNCIL CHAIR,
(dated April 26, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF
WESLEY CRILE AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL
SERVICES".

CHAIR KING: Alright, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-188, AND TO
FILE COUNTY COMMUNICATION 19-188.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Council Vice-Chair Rawlins-Fernandez, seconded by
Councilmember Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. A graduate of Eckerd College in Florida, with a bachelor's arts, Bachelor's of Arts Degree in Applied Anthropology in addition to a Master's Degree in Natural Resource Management and Peace Studies from the United Nations University for Peace in Costa Rica, Wes, Wesley Crile has over 15 years of experience in project design, implementation, monitoring, and evaluation of community development projects in the natural resource sector.

He is an experienced land use planner and restoration specialist, having worked as a senior ecologist since June 2018. Through this experience, he worked on erosion and sediment mitigation planning, land management and community plan design, watershed restoration project design, and wetlands delineation and restoration.

I, I met with Mr. Crile and I found him to really be a pleasure to work with. He seems to be very excited to join us. And, I recommend the appointment of Mr. Wesley Crile as Legislative Analyst in the Office of Council Services, and respectfully request your support of this proposed resolution. Mahalo.

CHAIR KING: Thank you, Vice-Chair Rawlins-Fernandez.

Any other comments or discussion? Okay, I also met with, with Mr. Crile and second everything you just said, so I'm not going to belabor the, the appointment.

But, I'm going to go ahead and call for the question. All those in favor of the resolution on the floor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, Mr. Crile, unanimous support. Welcome aboard.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-83.

NO. 19-189 - MICHAEL P. VICTORINO, MAYOR,
(dated April 16, 2019)

Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 11, INCLUDED EMPLOYEES".

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO DISCHARGE YOUR ECONOMIC DEVELOPMENT
AND BUDGET COMMITTEE FROM FURTHER
CONSIDERATION OF THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-189.

CHAIR KING: Is there a second?

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Lee.

CHAIR KING: --Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Your Economic Development and Budget Committee discussed the cost items for Bargaining Unit 11 during its discussion on the proposed Fiscal Year 2020 Budget. Your Committee recommended these cost items be included in the Fiscal Year 2020 Budget and no further Committee discussion is needed on this resolution.

CHAIR KING: Okay. So, the first motion is to discharge this from the Economic Development and Budget Committee. And, and then we have another motion to waive Committee referral, and then another motion to adopt and file.

So, the first motion that's on the floor, all those in favor say "aye".

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

CHAIR KING: Any opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Measure passes eight "ayes", one "no"; Councilmember Hokama.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, been moved by Vice-Chair Rawlins-Fernandez and seconded by Councilmember Lee to waive the requirement for Committee referral.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As noted in Exhibit "1" to the proposed resolution attached to the county communication, certain cost items become effective July 1, 2019. Waiver will allow the Council to consider the cost items today, and to approve them prior to passage of the Fiscal Year 2020 Budget. Nothing further, Chair.

CHAIR KING: Okay, any discussion? If not, all those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes eight "ayes", one "no"; Councilmember Hokama
Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-189, AND TO
FILE COUNTY COMMUNICATION 19-189.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Okay, moved by Council Vice-Chair Rawlins-Fernandez, and I give the second
to Councilmember Kama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND THE PROPOSED RESOLUTION BY
SUBSTITUTING IT WITH THE REVISED PROPOSED
RESOLUTION DISTRIBUTED AT TODAY'S MEETING.

The revised proposed resolution corrects a typographical error at the bottom of page 2
of Exhibit "1", below the phrase "TOTAL ADDITIONAL COST", which referenced Fiscal
Year 2019 and Fiscal Year 2020 in the original version and should have instead
referenced Fiscal Year 2020 and Fiscal Year 2021 as set forth in the revised version.
These are only, these are the only changes made to the resolution distributed today.
Nothing further, Chair.

CHAIR KING: Okay. Thank you. Discussion, questions? Does everybody, did everybody
get the revised amended proposal, proposed resolution?

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Rawlins-Fernandez, you said there was a, a heading of total expenses on page 2. I don't see that. Oh, it's, is it on, is it actually on the page 2 of the attached letter?

VICE-CHAIR RAWLINS-FERNANDEZ: The res--

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR KING: So, it's actually, of your handout it would be page 3.

VICE-CHAIR RAWLINS-FERNANDEZ: The last page.

CHAIR KING: It would be on the back page.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR KING: Okay. Oh, I'm sorry, did we get a second to Ms.

COUNCILMEMBER LEE: There's one coming.

SECOND.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Lee.

CHAIR KING: Alright, moved by Council Vice-Chair Rawlins-Fernandez, seconded by Councilmember Alice Lee.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Oh, Mr. Nishita, did we already have a, a motion and a second on that?

COUNTY CLERK: Madam Chair, well, if, if there was, if, is it Councilmember Sugimura was.

COUNCILMEMBER SUGIMURA: I have a question.

CHAIR KING: I think we, I think we original--

VICE-CHAIR RAWLINS-FERNANDEZ: I, I moved to adopt, Member Kama seconded.

CHAIR KING: I think we originally moved and then Ms. Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Kama seconded.

CHAIR KING: Maybe you missed that.

COUNTY CLERK: Yea, for the resolution, but is there currently an amendment on the floor?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, I moved to amend, and Member Lee seconded.

COUNTY CLERK: Yea, just recently, yea.

CHAIR KING: Okay, so the motion is for the amendment and then the second.

COUNTY CLERK: Yea, we were just asking for clarification on the second for the amendment.

CHAIR KING: Okay. Okay, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Clerk.

CHAIR KING: Thank you. There's a lot of motions on this one, so it's confusing.

Any other questions or comments on the amendment to the motion? If not, all those in favor of the amendment say "aye".

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

CHAIR KING: Any opposed.

NOES: NONE.

CHAIR KING: Motion passes unanimously.

And we're back to the main motion, which was moved by Vice-Chair Rawlins-Fernandez, and seconded by Councilmember Kama.

Any further discussion on this item? Councilmember Hokama.

COUNCILMEMBER HOKAMA: Chair, I won't be supporting the motion this morning. I think we should be asking questions about how they arrived at the bonus that the contract is proposing to, for us to pay two years, they adding a new step. I'm wondering why did the employer agree to the terms?

CHAIR KING: Okay, would you like us, would you like me to allow the maker of the motion to respond?

COUNCILMEMBER HOKAMA: Anyone who can.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez, would you be able to respond to Councilmember Hokama's question?

VICE-CHAIR RAWLINS-FERNANDEZ: Perhaps we can ask Administration.

CHAIR KING: I don't see, I don't see anybody here. There was nobody requested to be here.

So, Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. You know, generally, even though I don't know all the specific details of this resolution, this is a statewide contract. And under the circumstances, this is, this is almost routine. However, this, if there's questions about this, we can refer the, the item to Committee. And, but in the meantime, this seems to be time-sensitive and I would still support it. Thank you.

CHAIR KING: Okay. Thank you, Councilmember Lee.

And just to be clear that we've already taken it out of Committee, so it is on the floor and we need to make a decision on this resolution in full Council.

Councilmember Paltin.

COUNCILMEMBER PALTIN: Yea, at the bottom of the first paragraph it said it was an arbitrated decision. So, usually, the employer, the union side both get to choose one arbitrator and then one mutual arbitrator, and then they analyze the finances and they come to this decision that was similar to what we went through for Unit 14. It's mostly

the State is involved and the County just goes along with it. Like Member Lee said, it's pretty standard operating procedures.

CHAIR KING: Okay, thank you, Member Paltin.

Member Lee.

COUNCILMEMBER LEE: Madam Chair, I didn't mean for us to send the resolution to Committee.

CHAIR KING: Oh.

COUNCILMEMBER LEE: I meant the item.

CHAIR KING: Oh.

COUNCILMEMBER LEE: Just the subject matter for further, you know, for further, if further questions are warranted and answers.

CHAIR KING: Okay, thank you.

Councilmember Sugimura, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: So, I just, on this item, because we've passed the budget out of Committee already, right, so we're saying all our finances have been balanced, it's been approved. And so, how does this fit in, because this would be new information to our budget that we just approved? You already--

CHAIR KING: I, I believe it's addressing that, one of the items that we approved in the budget.

COUNCILMEMBER SUGIMURA: So, we put this numbers? We put the numbers in our budget exactly, so it wouldn't throw off the--

CHAIR KING: I'll, I'll ask Vice-Chair Rawlins-Fernandez to respond to that if it's alright with you?

COUNCILMEMBER SUGIMURA: Please.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for that question, Member Sugimura. We, we did discuss this. I brought it up when we went through the bills. And at the time, we did have the Budget Director here. So, at that time, if there were any questions, that would have been the appropriate time to bring it up. And we did factor in these numbers into the Fiscal Year 2020 Budget that we voted on, as well as the Bargaining Unit 01, which we haven't received a resolution on yet. But, we did get the numbers and we factored in.

COUNCILMEMBER SUGIMURA: Question. So, just as a follow-up question.

CHAIR KING: Wait, wait, wait. Okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: So, you're saying that at that time we had all the numbers already. So, this is just a formality? You had, and you have, what other Bargaining Unit is it?

VICE-CHAIR RAWLINS-FERNANDEZ: Bargaining Unit 01.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, sorry Chair.

COUNCILMEMBER SUGIMURA: Oh, Bargaining Unit 01.

CHAIR KING: Councilmember Rawlins-Fernandez, would you like to respond?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Bargaining Unit 01, but we haven't received the resolution for that yet. But, we did, we did get notification that they did come to an agreement. And we did get the amount that we would have to adjust by. And so, we, we were proactive, and we did that.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: So, and--

VICE-CHAIR RAWLINS-FERNANDEZ: And so, but for this, this is Bargaining Unit 11, and we did discuss that on the day that we took up all the legislative bills. And I brought it up and it was unanimously supported.

CHAIR KING: And, Members, we have Mr. Murai here from Corp. Counsel who had signed off on the form and legality of this. If you'd like to have him respond, I think he's willing to come down, if there's no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, would you like to come down, Mr. Murai? Thank you for being here.

DEPUTY CORPORATION COUNSEL GARY MURAI: You're welcome, Madam Chair. I'm sorry, Madam Chair, could, could you clarify what, what it is you, the Council would like me to clarify?

CHAIR KING: Okay. Ms. Sugimura, would you like to restate your question?

COUNCILMEMBER SUGIMURA: My question was, I think Chair answered it, the Budget Chair answered it. I wanted to know if these numbers are already in our balanced budget? So, that was my question.

CHAIR KING: Oh.

COUNCILMEMBER SUGIMURA: Other people may have other questions regarding the process, I think. That wasn't me.

CHAIR KING: Oh, okay.

Member Lee.

COUNCILMEMBER LEE: I have no questions. I really don't think now is the time to be discussing the, the minutia of this particular subject, and that's the reason why I suggested we send it to Committee. If, if some, if people are interested in any new steps, or any changes, or new agreements as a result of collective bargaining, which is, to now, is not really the time to be talking about that. Thank you, Madam Chair.

CHAIR KING: Okay, Councilmember Rawlins-Fernandez, did you have any clarification that we needed with the resolution, with the actual resolution? I just brought--

VICE-CHAIR RAWLINS-FERNANDEZ: It, it wasn't--

CHAIR KING: I brought Mr. Murai down here, because--

VICE-CHAIR RAWLINS-FERNANDEZ: I didn't have any questions. Member Hokama had questions. The, you know, when it was in my Committee, it was unanimously supported and so, like Member Lee said, it's, I don't, I don't think this is the appropriate time; that was the appropriate time. But, since it's come, coming before the Council, if Member Hokama does have questions, then Mr. Murai is able to answer it then, I guess we can do that.

CHAIR KING: Okay. Oh, I don't see, do you have any questions for Corp. Counsel, Member Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. I do have a few. What we did was appropriate some money to take care of collective bargaining. We never went through the details of a agreement. So, I don't know when we would do that before making a decision to ratify one contract. I guess Members of this body choose to ratify the contract and then know the details later of what is in a contract. Not, not me, okay. I need to know it beforehand.

DEPUTY CORPORATION COUNSEL MURAI: Madam Chair.

COUNCILMEMBER HOKAMA: Because I can tell you not all the counties agreed with this contract, okay.

DEPUTY CORPORATION COUNSEL MURAI: Madam Chair, may I respond?

CHAIR KING: Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: Mr. Hokama, if, you use the word ratify, and this, this, the, this was the result of an arbitrator's award, therefore, under Chapter 89-11, no ratification is necessary. And because, you know, the Chapter 89-11 provides for, provides that the arbitrator's award is final and binding upon the employers, there really is no, it's not a, it's not a stipulated or agreed upon contract. This was a result of interest arbitration where the terms of the contract were in dispute, and each side presented--

COUNCILMEMBER HOKAMA: So, Mr. Murai, tell us with this Unit, and I've sat on quite a bit of contract funding requests, has there ever been a negotiated proposal before us? Has it always been an arbitrary award?

DEPUTY CORPORATION COUNSEL MURAI: You mean, arbitrated award?

COUNCILMEMBER HOKAMA: Yes.

DEPUTY CORPORATION COUNSEL MURAI: I'm not, I'm, I don't have a real long history with BU-11 negotiations.

COUNCILMEMBER HOKAMA: Last three contracts.

CHAIR KING: Mr. Hokama, can we let Mr. Murai finish with his answer?

DEPUTY CORPORATION COUNSEL MURAI: I don't have a very long history, but I am aware that there had been prior contracts that were reached by agreement. It's just that not within my, my tenure with the Corporation Counsel's Office. I believe this is about the third or maybe fourth BU-11 contract I've been involved in. Recent ones have all been the result of arbitrated awards.

COUNCILMEMBER HOKAMA: Arbitrated awards; correct.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: So, what is this bonus for, Mr. Murai?

CHAIR KING: Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: Well, I, I can't, I can't get into the minds of the, the arbitrators, the panel. But, generally speaking, it's to reward things, like longevity of the employees in order to retain experienced firefighters. You know, they issue bonuses, is to retain and to also to compensate them fairly, you know, when they are compared to other firefighters elsewhere in comparable jurisdictions.

CHAIR KING: Thank you.

COUNCILMEMBER HOKAMA: --again, Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: I'm sorry.

CHAIR KING: Mr. Murai, I, I, if you could keep your comments to just like the form and content and why, and of this resolution and the purpose of the resolution. I know it's difficult for you to get into the heads of people and make statements about why they made

certain actions. So, you know, I just want this to be about the procedure that we're following and why we have the resolution before us.

DEPUTY CORPORATION COUNSEL MURAI: Thank you, Madam Chair.

COUNCILMEMBER HOKAMA: Well, answer the question.

CHAIR KING: What was your question, Mr. Hokama.

COUNCILMEMBER HOKAMA: You're the one framing my question, Chair; not me. So, answer the question.

CHAIR KING: Okay, the question, I think, I think the question has been answer. He, he mentioned to, he answered why we have this resolution before us, the fact that it was arbitrated. I'm not sure what you are seeking beyond that. But, if you can clearly state it.

COUNCILMEMBER HOKAMA: I want to know why I'm paying so much money for this Unit.

CHAIR KING: I, I, Mr. Hokama, I don't think that's a question for Corp. Counsel. That would be a question for the Arbitration Committee, which has already met, so.

COUNCILMEMBER HOKAMA: Didn't you represent us?

DEPUTY CORPORATION COUNSEL MURAI: Madam Chair.

CHAIR KING: Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: Well, yes, yes I did. I was the lead counsel for the employer group.

CHAIR KING: Right.

COUNCILMEMBER HOKAMA: So, tell us what you represented us?

CHAIR KING: I'm going to close this question, because he, because Corp. Counsel is our advisory. They represent us in legal matters, but they don't take the position for us.

COUNCILMEMBER HOKAMA: He just said he represented us as the employers.

CHAIR KING: Right, he represented us as legal counsel.

COUNCILMEMBER HOKAMA: So, what was your position for us?

CHAIR KING: Mr. Murai, if, my understanding is that you represent us as legal counsel. You support the position that we take. You don't take a position yourself. Is that correct?

DEPUTY CORPORATION COUNSEL MURAI: That's correct.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER HOKAMA: So, what position did you represent for us?

CHAIR KING: --have to answer.

DEPUTY CORPORATION COUNSEL MURAI: The employer, if I?

CHAIR KING: Yes, please.

DEPUTY CORPORATION COUNSEL MURAI: The employer's position was described in the final offer. The way that collective bargaining works, we're, once final offers are exchanged--

COUNCILMEMBER HOKAMA: Is that part of the strategy, to go through arbitration, Mr. Murai? That's why our position was such? There was no room for mediation? Our position was such that it was either taken as a negotiated point, or we're going to arbitrate; that's how it was presented to union.

DEPUTY CORPORATION COUNSEL MURAI: There, there--

CHAIR KING: Mr. Murai, if you can just make your answer brief.

DEPUTY CORPORATION COUNSEL MURAI: There is a, with regard to your query about mediation, the Chapter 89 does provide for mediation early on in the process. However, if mediation, so an, a mediator was appointed, I was not involved in the mediation. However, my understanding it was not successful, therefore, the next progression would be arbitration.

COUNCILMEMBER HOKAMA: And then that's when you represent, stepped in and represented our behalf?

CHAIR KING: Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: That's correct.

COUNCILMEMBER HOKAMA: So, up till that point you were not part of the negotiated team?

DEPUTY CORPORATION COUNSEL MURAI: Typically, the attorneys are not part of the negotiations.

COUNCILMEMBER HOKAMA: That would be Mr. Underwood?

DEPUTY CORPORATION COUNSEL MURAI: Yes, on behalf of the County of Maui.

COUNCILMEMBER HOKAMA: For the employer?

DEPUTY CORPORATION COUNSEL MURAI: Well, for the County of Maui. You have to understand also that, you know, there is an employer group made up of the State and the four counties.

COUNCILMEMBER HOKAMA: So, Mr. Underwood spoke for Maui. Who spoke for the group?

CHAIR KING: Mr. Murai.

DEPUTY CORPORATION COUNSEL MURAI: Generally speaking, the, the State HR Director and the State negotiator take the lead. In this case, the State negotiator and the State HR Director were the same person.

COUNCILMEMBER HOKAMA: And that person is?

DEPUTY CORPORATION COUNSEL MURAI: Ryker Wada.

CHAIR KING: Okay, well thank you, thank you for coming down. Appreciate your responses.

DEPUTY CORPORATION COUNSEL MURAI: You're welcome, Madam Chair.

CHAIR KING: Okay, if there's no other discussion, I'm going to call for the question.

Ms. Paltin, do you have a, okay, just getting ready?

COUNCILMEMBER PALTIN: Getting ready to vote.

CHAIR KING: Alright. All those in favor of the motion on the floor say "aye".

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

CHAIR KING: Any opposed.

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay, measure passes eight "ayes", one "no"; Mr. Hokama.

Mr. Clerk.

COUNTY CLERK: Madam Chair, for the record, RESOLUTION 19-84.

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

NO. 19-190 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 16, 2019)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of March 31, 2019.

The recommended action is that County Communication No. 19-190 be referred to the Economic Development and Budget Committee.

NO. 19-191 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 18, 2019)

Transmitting the Fiscal Year 2019-2020 certification of the net taxable real property valuation for the County of Maui.

The recommended action is that County Communication No. 19-191 be referred to the Economic Development and Budget Committee.

NO. 19-192 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, (dated April 22, 2019)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF DONNA STERLING TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 19-192 be referred to the Governance, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 19-192 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 19-85. COUNTY COMMUNICATION NO. 19-192 WAS THEN FILED. See pages 37 through 42, and page 55 for discussion and action.)

NO. 19-193 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, (dated April 22, 2019)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF VERNON OATO TO SALARY COMMISSION FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 19-193 be referred to the Governance, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 19-193 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 19-86. COUNTY COMMUNICATION NO. 19-193 WAS THEN FILED. See pages 37 through 42, and page 55 for discussion and action.)

NO. 19-194 - MICHAEL J. MOLINA, CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, (dated April 22, 2019)

Transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MICHAEL WILLIAMS TO THE COST OF GOVERNMENT COMMISSION".

The recommended action is that County Communication No. 19-194 be referred to the Governance, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 19-194 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 19-87. COUNTY COMMUNICATION NO. 19-194 WAS THEN FILED. See pages 37 through 47, and page 55 for discussion and action.)

NO. 19-195 - TAMARA PALTIN, COUNCILMEMBER,
(dated April 24, 2019)

Transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO'O BEACH PARK".

The recommended action is that County Communication No. 19-195 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-196 - RIKI HOKAMA, COUNCILMEMBER,
(dated April 25, 2019)

Transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16, MAUI COUNTY CODE, TO PROHIBIT MOTORIZED SKATEBOARDS AT WAIIEHU MUNICIPAL GOLF COURSE".

The recommended action is that County Communication No. 19-196 be referred to the Healthy Family and Communities Committee.

NO. 19-197 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,
(dated April 24, 2019)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR USE OF THE WAR MEMORIAL COMPLEX FOR THE 2019 MAUI AGRICULTURAL FESTIVAL AND 4-H LIVESTOCK FAIR PURSUANT TO SECTION 13.04A.100(D), MAUI COUNTY CODE".

The recommended action is that County Communication No. 19-197 be referred to the Healthy Families and Communities Committee.

NO. 19-198 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated April 24, 2019)

Relating to the Community Plan Amendment, District Boundary Amendment, and Change in Zoning for Hui No`eau, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)".

The recommended action is that County Communication No. 19-198 be referred to the Planning and Sustainable Land Use Committee.

CHAIR KING: Thank you, Mr. Clerk.

I believe we have a motion by Councilmember Molina.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 19-192, 19-193, AND 19-194**

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair.

IF THERE ARE NO OBJECTIONS, I WOULD LIKE TO MOVE
TO DISCHARGE THE FOLLOWING COUNTY
COMMUNICATIONS NO. 19-192, NO. 19-193, AND NO. 19-194.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Pursuant to Section 13-2(17) of the Revised Charter of the County of Maui, as amended, and Section 2.41.050, Maui County Code, this relates to the deadline for the Council to approve or disapprove the nominations of Donna Sterling to the Fire and Public Safety Commission. That deadline is May 7, 2019. The deadline for the Council to approve or disapprove the nomination of Vernon Oato to the Salary Commission is May 13, 2019. And the deadline for the Council to approve or disapprove the nomination of Michael Williams to the Cost of Government Commission is May 12, 2019. Thus, the discharges is needed to enable the Council to consider action today on the proposed resolutions attached to these County Communications. Thank you.

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

Any questions or discussion? If not, call for the question on the discharge. All those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, unanimous discharge.

Mr. Molina.

COUNCILMEMBER MOLINA: Alright. Thank you very much, Madam Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Mr. Molina to waive the Rules of the, Committee rules for 19-192, 93, and 94, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Approval of this motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolutions today. thank you.

CHAIR KING: Okay, thank you. Any discussion? Seeing none, all those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes unanimously.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTIONS
ATTACHED TO COUNTY COMMUNICATIONS 19-192, 19-193,
AND 19-194, ALONG WITH THE FILING OF THE VARIOUS
COUNTY COMMUNICATIONS THAT I'VE JUST SPOKEN OF.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, been moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez to adopt the recommendations in the Communications 19-192, 193, and 194.

Any discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. As all of us recall, we met on the three nominees yesterday in the GET meeting: Ms. Sterling, who's a nominee for the Department of Fire and Public Safety; along with Mr. Oato, a nominee for the Salary Commission; and Mr. Williams for the Cost of Government Commission. I'd like to ask for the Members full support of these three nominees. Thank you.

CHAIR KING: Okay, thank you. And, just, Members, Mr. Oato was here yesterday, but had an appointment. And he's here today in the chambers if anybody has any questions of him. Thank you for being here, Mr. Oato. Any other discussion?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: I am going to vote no on Communication 19-194, Mr. Williams. I don't know the gentleman. I do know that the seat was for Molokai, on the Cost of Government, that was held by Mr. Ron Kimball. Mr. Kimball did resign for reasons. And so, my vote is more about ensuring that the seat should go back to a Molokaian for a voice on that district to sit on this board. Thank you.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. If I may add some clarity. I recall the Administration may have had difficulty finding somebody from Molokai to fill this seat. And having worked upstairs on the ninth floor, there has been some, it has been tough finding some folks on Molokai to fill certain seats as well. And I don't know if maybe Councilmember Rawlins-Fernandez can chime in as well.

And for procedural sake, if the Members would like a separation vote to separate Mr. Williams for a separate vote, that may be a consideration as well.

CHAIR KING: Okay. Can, would you like to modify your motion to take up 192 and 193?

COUNCILMEMBER MOLINA: I, I'll leave that up to you as the Chair. You can ask the body for a request for separation.

CHAIR KING: Okay. Does the body have any objections to separating these?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. So, we'll take up, if there's no objections, we'll take up County Communication 19-92 *[sic]* and 19-93 *[sic]* first, as one motion. And, any other discussion? If not--

Oh, Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, if Mr. Oato is here, since he came, I, I'd like to ask him down and just ask him a couple questions.

CHAIR KING: Okay. No problem.

Mr. Oato, if you can come to the podium. We'll try, try to make use of your presence here. Thank you for being here.

MR. VERNON OATO: Good morning, Council.

CHAIR KING: Good morning.

MR. OATO: My name is Vernon Oato. I'm here as an appointee to the Salary Commission.

CHAIR KING: Okay, we have a question for you from Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Mr. Oato. Mahalo for coming yesterday and again today.

MR. OATO: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I just, I'm, I was asking all boards and commission applicants the same question. One is regarding attendance and the other is regarding your experience with the specific commission that you're applying for, in this instance this Salary Commission.

MR. OATO: Yes, as far as attendance, I'm a retiree so I have a lot of time on my hands. So, attending their monthly meeting is not a problem.

As far as my qualifications, I'm a retired human resources director. I have over 30 years' experience in human resources and over 20 years' experience as the director administrating human resources function. I've worked for large companies, as well as small companies. I'm a previous State employee. Compensation is one of the disciplines in human resources, and also one of the responsibilities as a human resources director. So there I do have direct experience in this field.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your willingness to, to serve.

MR. OATO: Thank you. My pleasure.

CHAIR KING: Thank you, Vice-Chair Rawlins-Fernandez. Any other questions? If not, thank you for being here.

MR. OATO: Thank you.

CHAIR KING: And, if there are no, there's no other discussion, I'll call for the question. The first question is on, is approving Donna Sterling to the Fire and Public Safety Commission and approving Vernon Oato to Salary Commission. All those, oh, I'm sorry, Mr. Clerk.

COUNTY CLERK: And, Madam Chair, just for clarification that would also include the filing of the communications.

CHAIR KING: Correct. Okay, all those in favor say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, motion passes unanimously.

And then we'll take up County Communication 19-194. Is there any discussion, further discussion? If not, we'll call for the question.

All those, do you have--

VICE-CHAIR RAWLINS-FERNANDEZ: Yea. I was just going to respond to--

CHAIR KING: Okay, Mr., Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: --Committee Chair Molina regarding reaching out to the Molokai community to fill the seat. I'll, I'll, I'll do a better job at trying to reach out to see if community members would be willing to serve in this capacity in the future. I appreciate Member Hokama's concern about making sure that Molokai's voice is represented on this commission.

So, I know that Mr. William's and Mr. . . . submitted a lot of information to us when we first arrived in our seats in January. And, it was really good information. And so, I think, you know, while Molokai's voice will not physically be present, I think Mr. Williams will do a really good job at bringing ideas that he has presented to the Council and to this commission to improve the, the workings of the County.

COUNCILMEMBER LEE: Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, mahalo, Chair.

CHAIR KING: Thank you, Vice-Chair.

Councilmember Lee.

COUNCILMEMBER LEE: Madam Chair, when it's time, may I request a roll call please?

CHAIR KING: Okay. Councilmember Sugimura. Oh, Councilmember Kama.

COUNCILMEMBER KAMA: I think we voted yesterday to approve Mr. Williams. Did we or did we not?

CHAIR KING: It was actually deferred. So--

COUNCILMEMBER KAMA: Oh, we did. Okay.

CHAIR KING: So, we could take it up in full Council.

COUNCILMEMBER KAMA: Okay. So, this is what, we're doing it now right? Okay, so I just wanted to make sure I'm on the same page as everybody. Thank you.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER SUGIMURA: So, Chair.

CHAIR KING: And, I just, I guess I have one question of, I guess it would be for Vice-Chair. Did we get any input from the Mayor's liaison to Molokai on this issue?

VICE-CHAIR RAWLINS-FERNANDEZ: To myself?

CHAIR KING: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: I know the liaison is here if you wanted to ask her herself.

CHAIR KING: The, well, no I'm talking about the Molokai liaison.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, the Molokai liaison. Oh, I see. So, not the liaison that's--

CHAIR KING: No, no.

VICE-CHAIR RAWLINS-FERNANDEZ: Or not the person in charge of the boards and commissions. No, I didn't receive any communication from the Molokai liaison--

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --regarding this, if she also helped to reach out to the Molokai community and was unsuccessful at finding someone. So, I, I have no idea--

CHAIR KING: Okay. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: --if she had reached out.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So, this is my question for our Molokai representative. Does this mean then that she's giving up the Molokai seat, because I think that the Charter normally designates certain seats to be taken by different districts or, you know, it has a different requirement? So, I just want to make sure that we do not circumvent the opportunity to, for Molokai to be represented if we take this vote today, cause it--

CHAIR KING: Right.

COUNCILMEMBER SUGIMURA: --it, it has an impact--

CHAIR KING: No, I understand what you're saying. It's not for any Councilmember to give up a seat. It, it'll still, it's still in the Charter that there will be a person from Molokai.

I, I liken this to what happened when we passed the law to have a Native Hawaiian cultural expert on every planning commission. And it took probably about six months to get that to start happening, because they were trying to identify people for the various planning commissions in that seat. But, it didn't mean that we were saying we didn't want one. We, we approved, we, we didn't get them as the next opening because they were still taking time identifying them. So, to me, it's not, we're not saying we don't want a Molokai person on this commission. We're just saying that this is the, the person that we're planning, we're putting on at this time, supported by the Mayor and the Mayor's Office. And this was brought forward by the Council, by Member Paltin.

COUNCILMEMBER SUGIMURA: Okay, thank you. I just want to make sure Molokai has her voice.

CHAIR KING: Okay, thank you.

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, Madam Chair. Yea, if I could add some clarity and some brief historical background on how this came to be for the Cost of Government Commission. Maybe Mr. Kushi can verify it at a later point. But, I believe it is just a preference; it's not a requirement for this commission to have a Molokai or Lanai member.

However, if I recall as working formerly as the Mayor's representative for boards and commission, we had a Lanai member on there and as I recall, the former Molokai Councilmember did make a request to the Administration to have a Molokai community member on the commission, and which the former Administration adhered to.

And now, here we are with a new Administration, and I'm very confident that the current Administration did seek out to fill this vacancy, to find a Molokai member. However, they were not successful, they missed their deadline, so the ball came to our court. And as Member Rawlins had mentioned, that there was some difficulty in finding a replacement from someone from Molokai to fill this position.

And then I guess Councilmember Paltin then found someone here in Maui County to fill that position. So, there is some flexibility and I would, I'm hoping that the

Administration, upon their next vacancy, seeks someone out from Molokai. And I'm confident they will do so. And if they fail to meet their deadline, then it comes back to our court. So, just, I'm just throwing that out as consideration. So, background on it.

CHAIR KING: Thank you. Appreciate that, that's a good explanation.

COUNCILMEMBER MOLINA: Thank you.

CHAIR KING: So, if there's no further discussion, I'll call for the question. All those in favor of appointing--

COUNCILMEMBER LEE: Roll call.

CHAIR KING: Oh.

COUNCILMEMBER LEE: Are we doing Williams now?

CHAIR KING: Okay. You want a roll call vote? Okay, so we're going to do a roll call vote on the appointment of Michael Williams to the Cost of Government Commission.

Mr. Clerk.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: AYE, WITH RESERVATIONS.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE, WITH RESERVATIONS.
COUNTY CLERK: Presiding Officer Pro Temp Tasha Kama.
COUNCILMEMBER KAMA: TOTALLY AYE.
COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: AYE, NO RESERVATIONS.

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

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Mr. Clerk.

COUNTY CLERK: Madam Chair, that's eight "ayes", one "no", motion passes.

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

Okay, are there any other objections to the referrals? If not, we'll go ahead and accept the referrals as read by the Clerk. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Okay, great. We, we're going to take, we're going to go back to, I guess is that the end of the, we don't have any committee reports? I'd like to go back to the, the ceremonial resolutions right now, because we have the students from Lanai in the, in the lobby here, and they've been waiting for a little bit. So, Mr. Clerk, can we go back to item, if there's no objections, we'll go back to the ceremonial resolution from the beginning of the agenda. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, I hear no objections.

COUNTY CLERK: Madam Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 19-88

CONGRATULATING LANA'I ACADEMY OF PERFORMING ARTS FOR
RECEIVING THE FREDDIE G AWARD FOR EXCELLENCE IN ACTING AT
THE 2019 JUNIOR THEATER FESTIVAL WEST

CHAIR KING: Okay, Mr. Clerk, do we have any testifiers for this item?

COUNTY CLERK: Madam Chair, we do not have any testifiers on ceremonial resolutions.

CHAIR KING: Okay. Okay, so we'll close testimony on ceremonial resolutions with no objections.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: And we'll go to Councilmember Hokama.

COUNCILMEMBER HOKAMA: Bring em in.

CHAIR KING: Come on in. Come on down. Don't be shy.

COUNCILMEMBER HOKAMA:

CHAIR, I MOVE TO ADOPT THE CEREMONIAL RESOLUTION
AS STATED ON THE AGENDA TODAY.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I would at this time request the Clerk to read the resolution in its entirety please.

CHAIR KING: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Thank you, Mr. Clerk.

Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Once more, we have an opportunity to take great pride in our youth of our County; this time from the island of Lanai. I would like to take note that this is a group of widespread age; 8 to 18. So, I commend all of you for an excellent job representing Lanai. I want to commend your parents for helping nurturing you and allowing you the opportunity. And, I want to thank Mr. Glickstein for providing the venue to allow our young people to express their creativity and their art and their talent, not only for Lanai but for all of Maui County. So, I want to thank you very much for being here. I know it took some effort to get here from Lanai this morning, all of you, so thank you very much. And, happy to allow any other Member to give their comments. Thank you, Chair.

CHAIR KING: Thank you, Councilmember Hokama.

Any other comments from Councilmembers?

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: It, it is, I'm glad you made it. And, just looking at the age spread of all of you, it, it took a lot I'm sure for practice and time to do this. And I want to commend the instructor for making the effort to bring it all together. And, thank you. Congratulations.

CHAIR KING: Mahalo.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to mahalo all the students, and Mr.--

COUNCILMEMBER HOKAMA: Glickstein.

VICE-CHAIR RAWLINS-FERNANDEZ: Glickstein, for making it over here so that we can congratulate you all in person. You know, performing arts, the skills that you gain from the performing arts and from competition translates, you know, into other aspects of life. And I know will serve you well, well into the future. So, congratulations and mahalo for coming.

CHAIR KING: Okay. Councilmember Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I want to thank you children for bringing joy to your families, and to your community, to your island, and to your State. You have no idea how much joy you have brought today. So, I want to say thank you to you and to your parents. And keep up the good work. And I hope one day to see many of you in these chambers doing what we're doing for others just like you. So, thank you and God bless you.

CHAIR KING: Thank you, Councilmember Kama.

If there's no other comments, I will add my congratulations. And, I remember the first time back in the 90's that I visited Lanai High and Elementary School as a member, Maui member of the Board of Education. And so, I take great pride in seeing how far the school has come, how dedicated the staff is. And, I want to thank the parents because I know how much, I have two kids myself, I know how much time and energy it takes to support this. I was kind of hoping we might get a song out of you. But, I don't know, is that something you can do since we have time? Would you?

COUNCILMEMBER HOKAMA: Come on Matt. You can do it Matt.

MR. MATT GLICKSTEIN: We don't have any music.

CHAIR KING: That's okay. You can do acapella if it's possible.

COUNCILMEMBER KAMA: Chair, would they feel better if they came in the front to perform, and more space?

CHAIR KING: Well, we, the microphone is there, so I'm not sure if--

COUNCILMEMBER SUGIMURA: They probably don't need it.

CHAIR KING: If it's easier, you can come in front. But, I know, there, there is a microphone there that we, that might catch. Okay, would you like to come down on the floor in the chambers?

MR. GLICKSTEIN: I would have brought my ukulele.

CHAIR KING: Yea, I was hoping you would, but we can make do. Thank you, Mr. Glickstein.

MR. GLICKSTEIN: Normally I would be playing this on ukulele. This is actually a song that we did a long time ago, maybe several years ago, called "Save the World". And we just actually performed this for Hokulea. So, this is what they know right now. We would probably do our Shrek performance but we don't have all those props, and we're not ready, we haven't done that since February, so this is the best we can do for you right now. Okay, so.

CHAIR KING: If everybody could turn their mics on and point them towards the group, we might get a little more sound.

COUNCILMEMBER KAMA: Okay.

(The Lanai Academy of Performing Arts performed "Save the World".)

CHAIR KING: Okay, and that was worth the boat trip from Lanai. Thank you so much, students and Mr. Glickstein. Thank you for that sharing with us.

And we'll, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, can we vote? And then we can share our aloha.

CHAIR KING: Okay, all those in favor of the resolution on the floor, say "aye".

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

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes unanimously.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, if the Members can assist in sharing the aloha with our recipients, please. And then maybe Mr. Glickstein can eventually say a few words on behalf of the group.

CHAIR KING: Okay. We'll ask all the students to stay put where they are and then we'll, we'll adorn you with our lei.

Okay, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair.

Members, thank you very much for allowing us to have Lanai be a part of your day. At this time, I'm going to ask Mr. Glickstein, the leader of this group, to say a few words. But, I also believe we have a junior leader that wants to share some words with us also.

CHAIR KING: Great. Alright.

ALEKAH PASCUA: Aloha. My name is Alekah Pascua and I'm in, and I am part of the Lanai Academy of Performing Arts, also known as LAPA. I am ten years old and currently in the fifth grade. I have been a part of LAPA since 2016. I decided to join LAPA because I like to sing, act, and dance. I also like to see my friends, and we always have fun. LAPA has taught me to be confident in myself, independent, and how to achieve goals as a team.

In LAPA, we can be as creative as we want to be. I love being creative with the character I am given, especially when playing the part of a villain. I have been Scar from Lion King, Captain of the Guards from Shrek the Musical Jr., and the Evil Stepmother from Cinderella.

Recently, we attended the Junior Theater Festival in Sacramento, California. It was an, it was an incredible experience. During the Junior Theater Festival, I played the role of Captain of the Guards from Shrek the Musical Jr. I learned and saw a lot of amazing things during this trip. I was very fortunate to be selected as one of the JTF All-Stars, along with Adam Purdy, to represent the Island of Lanai and participate in an exclusive performance or technical workshops. We were given the opportunity to be a major part of the Freddie G Award ceremony. LAPA has become a big part of

my life, and I am grateful that we have such a wonderful program offered to us on Lanai.

MR. GLICKSTEIN: Aloha.

CHAIR KING: Aloha.

MR. GLICKSTEIN: In 2012, the Lanai High and Elementary School Class of 2020, who were fifth graders back then, all traveled to this very room to be recognized for writing and sharing original songs to help make the world a better place. Little did I know that that would be the beginnings of what we know today as the Lanai Academy of Performing Arts, also known as LAPA.

It's such an honor to be back here seven years later with a new group of kids who are so committed to theater and the arts. Thank you so much for having us here and taking the time to recognize the special accomplishments these students made. They put in a lot of hard work over many months to perfect our performance and it paid off. Many of these students have been in the LAPA program for several years and have been improving steadily with each show and every performance. Our Lanai community has been a huge support to LAPA and we couldn't have done this trip without their help and encouragement.

Since LAPA is the only after school performing arts group on Lanai, I've tried to expose our Lanai children to as much theater as I can. We took students in 2013, to see the Lion King, when they were touring on Oahu. And for the past several years, we have come over to Maui to workshop with the Maui Academy of Performing Arts, MAPA, and we had a couple of our students even join their summer programs; Mulan Jr. and Lion King Jr., the past several summers. We've also camped out overnight in the Iao Theater and Seabury Hall and watched several amazing productions there.

But, I wanted to take our students beyond Maui and even Hawaii, so a couple years ago, I found something called the Junior Theater Festival, also known as JTF. LAPA was the first group ever to attend the festival from the State of Hawaii. Each group in attendance performs 15 minutes from a Broadway Jr. musical for adjudication in front of three Broadway professionals and a room full of their peers.

LAPA presented selections from one of our favorite shows, Shrek the Musical Jr. There are no costumes, props, or microphones allowed. And all actors on stage throughout, are onstage throughout most of their performance. It was truly a team effort and each student had at least one speaking line or one singing solo.

LAPA received a group award for excellence in acting at the awards ceremony at the end of the festival. One of our adjudicators said the Lanai Academy of Performing Arts showed us beautiful ensemble work in which each character was clearly defined in making the most of their part.

At the festival, I was honored to receive the Broadway Junior Spirit Award, which includes \$5,000 for our program and an all expense paid trip to New York City this summer, complete with professional development, Broadway performances, and networking with Broadway professionals. So, I'm super excited. Can't wait to go back and bring everything I learned and share it with our staff and LAPA students.

Going to the Junior Theater Festival really united LAPA. Our youngest members became friends with our middle and high schoolers who accepted them as equals and took care of them. We were also one of the only groups with such a wide age range. Yet, everyone learned to work well together and push past age and experience differences to become one family.

So, I'd like to thank our incredibly hardworking and dedicated staff. We have Ms. Jamie Hale, Mr. Simon Tajiri, and Ms. Amanda DeJetley. Our entire team worked so well together, and really embodies the educational philosophy of giving children multiple chances and opportunities to grow into themselves and develop into well-rounded individuals who give back to their community. Thank you also to our student interns, Adam Purdy and Kamiko Shimokawa, who helped with directing and choreography for our Shrek performance. Our LAPA parents, families, and friends have really supported these young actors and actresses throughout the years.

The cost per students who attend this JTF trip was \$1,700. And even with our fundraising for over a year and a half, I know many families still had to pay a large sum of that. I really believe that going to JTF was a life-changing experience for our Lanai kids. And we want to continue to give our students this amazing opportunity, so we hope to go back to JTF every two to three years. So, we'll continue our efforts to fundraise and get ourselves there to bring down the cost of our trip for the families.

I'd also like to thank the LAPA Board of Directors, Natalie Ropa; and the LHES Foundation; the Manele Koele Charitable Fund; the Fred Baldwin Memorial Foundation; the Laura Jane Musser Fund; the Hawaii Community Foundation; and the Maui County Office of Economic Development.

I can't do the speech without thanking my wife Kerri. She's been there from the beginning when LAPA was just a crazy idea and supported me through all the ups and downs.

Thank you again to the Maui County Council for recognizing the value of the whole child, which includes theater, music, dance, teamwork, and all these skills we hope to embody as the Lanai Academy of Performing Arts. Mahalo.

CHAIR KING: Mahalo, Mr. Glickstein. Thank you so much. Thank you to all the students. I hope you get some quality time on Maui before you go back. I hope you have something planned. Maui Ocean Center, someone suggested. I also know that the next production coming to the Blaisdell is Phantom of the Opera. So, if that's on your radar, I think we might have some contributors in this chambers that might help you; not through the budget, but through our personal contributions. Okay, thank you so much.

Thank you for bringing your island to us, Mr. Hokama. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. Thank you very much.

CHAIR KING: Okay, and we actually, I think we have one last item on our agenda.

Mr. Clerk.

COUNTY CLERK: Madam Chair, for the record, relating to the ceremonial resolution, that's RESOLUTION 19-88.

CHAIR KING: Okay.

COUNTY CLERK: Relative to County Communication 19-192, for the record, RESOLUTION 19-85. Relative to County Communication 19-193, for the record, RESOLUTION 19-86. And relative to County Communication 19-194, for the record, RESOLUTION 19-87.

You have before you, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 26 (2019)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL
AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH
RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE

CHAIR KING: Okay, Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO PASS BILL 26 ON SECOND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sinenci, seconded by Councilmember Kama.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you. The Bill 26 would allow the State Department of Health and the County of Maui to enter into intergovernmental agreements, which in turn will be used by the County to fund contracts or grants for an Electronic Device Recycling Program and Advance Glass Disposal Fee.

Based on this body's previous discussions and the advice provided by the Acting Director of Environmental Management and the Acting Corporation Counsel, I would like to ask for the Members support of Bill 26.

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

Any other discussion on this? We've had couple of meetings worth of discussions on this. If not, I'll call for the question, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA AND
VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Okay, motion passes seven "ayes", two "noes"; Vice-Chair Rawlins-Fernandez and Councilmember Hokama.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Mr. Clerk.

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

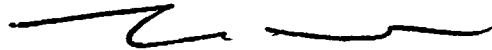
CHAIR KING: Okay. If there are no objections, we will adjourn before our morning break.
It's 10:32. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, 10:32 and the Council meeting of May 3 is now adjourned.

ADJOURNMENT

The regular meeting of May 3, 2019 was adjourned by the Chair at 10:32 a.m.



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



Maui County

May 3, 2019

TESTIMONY

PROPOSED RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT WITH GREATER DURATION THAN FIVE CONSECUTIVE DAYS FOR USE OF THE WAR MEMORIAL COMPLEX FOR THE 2019 MAUI AGRICULTURAL FESTIVAL AND 4-H LIVESTOCK FAIR PURSUANT TO SECTION 13.a4A.100(D), MAUI COUNTY CODE

Chair King and Members of the Maui County Council:

I am Warren Watanabe, Executive Director of MCFB, representing commercial farm and ranch families and operations on Maui.

Maui County Farm Bureau appreciates the steady support of the Council for the AgFest. Since its inception over 10 years ago, we have grown to a point where we outgrew our site at the Maui Tropical Plantation. The event has attracted local families where they spend the day together, absorbing various experiences and learning about agriculture on Maui. This year we are moving to the War Memorial Complex and combining our operation with the 4H Livestock Fair. We believe this new partnership is our next phase of expansion of our event while we support this exciting experience for our 4H youth. Being part of the AgFest will give greater visibility to the hard work of our 4H youth.

Preparing for an event such as the AgFest takes significant amount of preparation, resulting in the need of a permit as the period exceeds 5 days. The purpose of the proposed resolution is to request authorization to use the War Memorial Complex's special events arena and baseball fields, gymnasium and stadium parking lot from May 27, 2019 through June 3, 2019 for the Maui Ag Fest and 4-H Livestock Fair, which will be held June 1, 2019 from 8:00 a.m. to 5:00 p.m.

We respectfully request your support of the proposed resolution.

Thank you for your consideration of this request.



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1566 FAX: (808) 952-6003
WEBSITE: www.hawaii firefighters.org

Council of the County of Maui
May 3, 2019
9:00 a.m.

Testimony by
Hawaii Fire Fighters Association

RECEIVED
2019 APR 29 PM 2: 09
OFFICE OF THE
COUNTY CLERK

County Communication No. 19-189

Correspondence dated April 16, 2019, from Mayor Michael Victorino, Transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 11, INCLUDED EMPLOYEES."

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional and 800 retired fire fighters throughout the State, which includes more than 300 Bargaining Unit 11 (BU 11) members serving with the County of Maui Department of Fire and Public Safety.

The HFFA strongly supports County Communication No. 19-189, Mayor Michael Victorino's proposed resolution which reflects the costs adjustments as a result of the April 8, 2019 arbitration award. The award included the modest 2% across the board increase for each of year of duration of the award, FY 20 and FY 21. Also included in the award are lump sum payments for employees based on the employee's current steps. The negotiation and arbitration proceedings followed the process as prescribed by Chapter 89-11, H.R.S. The arbitration panel unanimously conferred the award and HFFA and the Employer group reached agreement for EUTF employer contributions as conferred by the award.

HFFA members and Executive Board appreciates your favorable action on this proposal and thank you for the opportunity to testify.

County Clerk

From: Kara Teng <karateng@hawaii.edu>
Sent: Tuesday, April 30, 2019 3:04 PM
To: County Clerk
Subject: Written Testimony RE: Appointment of Leslee Matthews (CC 19-187)

Aloha,

I am writing to submit written testimony in favor of the appointment of Leslee Matthews as a Legislative Attorney in the Office of Council Services, on the County Council's agenda for Friday, May 3, 2019.

Leslee and I attended the William S. Richardson School of Law together. I graduated in the class of '17 and she graduated in the class of '18. Not only do I consider Leslee a friend, she is someone I deeply admire.

Leslee is passionate about the law. She is an attorney by trade, but law is also truly her passion. She is the sort of friend that, if you've just heard about an interesting political speaker or event and ask her if she would like to join you, she'll respond: yes, of course, she heard about it weeks ago and already invited three other people to the event, but she'll save you a seat. She's always ahead of the game, but willing to bring you up to speed. She's incredibly savvy and has a well-informed opinion on everything.

But don't confuse her intelligence with arrogance. Leslee is also one of the kindest people I know. Prior to becoming an attorney, she was a social worker by trade. Her compassion guides her passion for law. Leslee is motivated by a love for our community that I admire. Her compassion also grounds her, making her extremely easy to talk to. She is never reactive. She thinks carefully before voicing her opinion, but speaks it unwaveringly. I've seen her engage with individuals of every age, race, and gender, and I've seen her speak in front of large crowds, all with the same quiet, unflappable ease.

What you will get with Leslee Matthews is a woman who thinks (and reads) before she speaks, but speaks her mind with honesty and kindness. She has a vision for her community and she is motivated by love for that community. She is exactly the sort of attorney I want shaping our laws on Maui.

Please vote in favor of CC 19-187 and appoint Leslee Matthews as a Legislative Attorney in the Office of Counsel Services.

Thank you,
Kara Teng

--

Kara Teng
Phone: (765) 993-0470
Email: karateng@hawaii.edu

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2019 APR 30 PM 3:23
OFFICE OF THE
COUNTY CLERK

RECEIVED

2019 MAY -2 AM 9: 04

OFFICE OF THE
COUNTY CLERK

May 1, 2019

Vice President and
Hui No`eau Board of Director
2841 Baldwin Avenue
Makawao, Hawai`i 96768

Honorable Kelley T. King, Chair and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Hui No`eau Visual Arts Center/2018 Master Plan, 2841 Baldwin Avenue, Makawao
Department of Planning Community Plan Amendment (CPA), District Boundary
Amendment (DBA) and Change in Zoning (CIZ) applications submitted on behalf of
Hui No'eau Change in Land Use Designations TMKs (2)2-4-002:011 and (2)2-4-
002:006 (portion) Council Res. 17-151, CPA 2017/0003, DBA 2017/0003, CIZ
2017/0004

Aloha Chair King and Members,

I have had the privilege of serving Hui No`eau Visual Arts Center as a Board Member since 2013.

I have personally benefitted from the Hui's educational programs and community events, which ensure continued access to visual arts education for everyone in our community.

I support the approval and passage of the applications as well as the proposed improvements at the Hui No`eau Visual Arts Center in Makawao, Hawaii.

Respectfully,



Robert E. Rowland
22 Lanipaa Way
Kula, HI 96790
808 357-0565
rer@rerlaw.com

May 1, 2019

Hui No`eau Board of Directors
2841 Baldwin Avenue
Makawao, Hawai`i 96768

RECEIVED

2019 MAY -2 AM 9: 04

OFFICE OF THE
COUNTY CLERK

Honorable Kelley T. King, Chair and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Hui No`eau Visual Arts Center/2018 Master Plan, 2841 Baldwin Avenue, Makawao
Department of Planning Community Plan Amendment (CPA), District Boundary
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Hui No'eau Change in Land Use Designations TMKs (2)2-4-002:011 and (2)2-4-
002:006 (portion) Council Res. 17-151, CPA 2017/0003, DBA 2017/0003, CIZ
2017/0004

Aloha Chair King and Members,

I have had the privilege of serving Hui No`eau Visual Arts Center as a Board Member beginning this year, and members of my family have held Board Positions (including President) spanning many years over the past decade.

We have personally benefitted from the Hui's educational programs and community events, which ensure continued access to visual arts education for everyone in our community.

Our children have attended wonderful classes there, cultivated relationships with creatives and broadened their academic and expressive reach. We have been able to support local artists nurture and develop their craft, and much of the work is by, of, and for Maui and the community.

I support the approval and passage of the applications as well as the proposed improvements at the Hui No`eau Visual Arts Center in Makawao, Hawaii.

Respectfully,

Andrew Walker
Chief Operating Officer, Prism Intelligence
100 Kawehi Place
Kula, HI, 96790
808.214.6455
andrewcwalker@me.com

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2019 MAY -2 PM 3: 02

HAWAII LAND USE GROUP LLC

PO BOX 880779 PUKALANI HI 96788

OFFICE OF THE
COUNTY CLERK

May 2, 2019

TO: Maui County Council

Dear Chair King and Council Members,

RE: CC 19-198: Land Use Entitlements for Hui No`eau Visual Arts Center (Makawao)
Located on the Historic Kaluanui Estate
Parcels (2) 2-4-002:006 and 011
2841 Baldwin Avenue Makawao, HI 96768

Thank you for the opportunity to testify in support of item (CC 19-198), pertaining to a District Boundary Amendment, Community Plan Amendment, and Change in Zoning for Hui No`eau Visual Arts Center.

The historic Kaluanui Estate is a remote property that never received proper or consistent "zoning". Despite its cherished operation as a visual arts center for over 40 years, the Hui has been burdened by constantly having to renew permits based upon an agricultural designation that hasn't been applicable for over a century. In 2017, the Maui County Council initiated comprehensive land use changes that will properly designate the ~15 acres of the Visual Arts Center, and leave ~10 acres to agricultural use. The changes will relieve the Hui of unnecessary permitting burdens, allow it to site new development with proper consideration to Historic buildings, and expand the organization's ability to obtain grants and funding for its programs benefiting the Maui community.

As a planning consultant to the nonprofit organization, I offer you the following overview, which may help communicate the complexities of this rezoning action to you, staff, or residents who may be interested in this item.

General Overview:

The Hui's property is composed of two parcels (6 and 11) comprising ~25 acres. These properties are the last remnants of the historic Kaluanui Estate constructed in 1917. The upper portions of the property contain the residential development and grounds, and the lower portions were traditionally, and are currently horse pasture.

The property was developed decades before Hawaii became a state and Maui County implemented zoning. Subsequent State and County "zoning" actions were either never attempted, or, as common for remote areas, done broadly without consideration of the actual uses in place.

The current combination of state and county land use controls (referred to in layman terms as zoning) not only conflict with one another, but don't properly support the longstanding public and

educational use of the estate by the Hui No'eau Visual Arts Center. The State's Land Use Designation in particular, has required the Hui to obtain an endless series of State Special Permits for public/educational use in the Agricultural District, despite no agricultural activity ever occurring on the applicable portion of this developed property in last century.

To properly correct this problem, approximately 15 acres of the site will be "rezoned" for public / educational use, and the remaining ~10 acres (currently used as horse pasture) will retain existing State and County agricultural "zoning". The County Council initiated this process in 2017 with a proposed change to the State Land Use District, County Zoning, and Community Plan Land Use Map.

The "rezoning" will benefit this non-profit organization and allow it to better serve the public in several ways, including:

- It will relieve Hui of unnecessary, repetitive and expensive permitting burdens. It will allow the Hui to focus its energies and fiscal resources on its mission of historic preservation and arts education.
- The rezoning will allow permit the Hui to site proposed new developments with proper consideration to its existing Historic buildings. The Hui will be able to site new parking and the proposed Bud Schafer, Jon Hoxie Woodworking and Innovation Center in an area that best compliments the campus and preserves the most historic sections of the property.
- It will improve the organization's ability to obtain grants and funding for its programs benefiting the Maui community. Having permanent entitlements will convey to the Hui's patrons and donors that they are contributing to a project of enduring legacy.

A Detailed Description of the Three Specific Actions

"Zoning" is a generic term understandable to the public, more precisely, the proposed action includes changes to three different overlapping State and County land use controls. The first two, (the State Land Use District and the County Community Plan Designation) are generally seen as "tone setting" or "broad strokes", while the third (County Zoning) is very specific and, importantly, the control that restricts the uses of the first two. These are the changes, briefly:

- State Land Use District. In the mid 1960's and 1970's the State of Hawaii began assigning lands into four Land Use categories pursuant to the State Land Use Law (§205 HRS). The entirety of the Kaluanui Estate, and all surrounding lands were broadly lumped into the State's Agricultural District. Remote, non-urban areas like this did not receive detailed analysis, and the 10+ acres which comprised the Kaluanui residential estate were included, despite never being in agricultural use during the preceding half century. Public / educational uses are not permitted in the Agricultural district but are permitted in the State's Rural and Urban districts.

Beginning in 1990, Public/educational use at the Hui has been allowed via a State Special permit for the Agricultural District. This is a significant process that requires the preparation

and submission of an assessment that typically contains professional studies and exhibits, followed by a public hearing and discretionary conditional permit issued by the Maui Planning Commission. The Hui has completed this process 7 times to obtain, amend, and renew its permit.

The Council's action will re-designate 14.775 acres from the Agricultural to the State Rural Land Use District. The remaining section (~10 acres of horse pasture) will remain Agricultural. Upon completion, Special Permits will no longer be required.

- Makawao – Pukalani – Kula Community Plan. The original 1987 Upcountry Community Plan designated the desired use of the property as Rural. In 1996 the Council amended the designation to "Public / Quasi-Pubic" to properly reflect existing public/educational use of the property that had been ongoing for two decades. In the 1996 update's matrix of land use, ~15 acres were to be re-designated. However, the 1996 updated map update only resulted in the designation of ~10.5 acres of "Public / Quasi-Pubic" coincident with parcel 11.

The Council's action will re-designate ~4.306 acres from Agriculture to Pubic/Quasi-Pubic on the Community Plan's land use map. This action will rectify the shortcoming that occurred 23 years ago in 1996. This action will provide consistency between the 3 layers of land use controls pertaining to the 14.775 acres to be used for "Public / Quasi-Pubic" use. The remaining section (~10 acres of horse pasture) will retain the Agriculture designation.

- Zoning. None of the existing Kaluanui Estate has never been deliberately zoned by the Maui County Council. As such, approximately 10.469 acres still have the placeholder "Interim" zoning that was created for portions of the island not covered by the initial zoning maps developed in the 1960s. ~14.26 acres of the site, comprised of parcel 6 was also zoned interim until 1998 when the Council passed the Ag Bill (Ord. 2749). Section 5 of the bill "auto-zoned" any property that was both in the State Land Use Agricultural District and had an Agriculture Community Plan Designation. The auto-zoning provision applied island-wide and did not include any consideration of current land use or agricultural applicability.

While Interim zoning allows for public / educational use, it was never intended to be a permanent zoning. Agricultural Zoning does not permit public / educational use without a special or conditional permit. The Hui has been able to utilize portions of parcel 6 despite the agricultural zoning because their State Special Permit covers both State and County Use.

The Council's action will zone 14.775 acres of "Public/Quasi-Pubic" from the ~10.469-acre Interim zoned parcel 11 and ~4.306 acres (a portion) from Agricultural zoned parcel 6. The remaining section (~10 acres of horse pasture) will retain Agricultural District zoning. This will allow the Hui to construct new permanent development within the rezoned portion of parcel 6, a flexibility that can lead to better historic preservation of the prime historic elements located in parcel 11.

Thank you for your time and consideration. Please feel free to call me at 298-7622 or email me at RCole@HawaiiLandUseGroup.com with your questions or requests for additional information.

Respectfully Submitted,
Robb Cole, Planner
Hawaii Land Use Group