

# **WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**September 21, 2020**

**Council Chamber, 8<sup>th</sup> Floor, and  
Online via BlueJeans Link**

**CONVENE:** 1:35 p.m.

**PRESENT:** Councilmember Yuki Lei K. Sugimura, Chair  
Councilmember Alice L. Lee, Vice-Chair  
Councilmember Riki Hokama  
Councilmember Tasha Kama  
Councilmember Kelly Takaya King  
Councilmember Michael J. Molina  
Councilmember Tamara Paltin  
Councilmember Keani N.W. Rawlins-Fernandez  
Councilmember Shane M. Sinenci

**STAFF:** Richard Mitchell, Legislative Attorney  
Lesley Milner, Legislative Analyst  
Laksmi Abraham, Legislative Analyst (trainee)  
Rayna Yap, Committee Secretary  
Lenora Dineen, OCS Assistant Clerk

Evan Dust, Executive Assistant to Councilmember Tasha Kama  
Kate Griffiths, Executive Assistant to Councilmember  
Kelly Takaya King  
Jordan Helle, Executive Assistant to Councilmember Riki  
Hokama

**ADMIN.:** Shayne Agawa, Deputy Director, Department of Environmental  
Management (WIT-109)  
Tamara Farnsworth, Abandoned Vehicles Administrator,  
Department of Environmental Management (WIT-109)  
Jennifer Aievoli, Recycling Specialist IV, Department of  
Environmental Management (WIT-109)  
Jeffrey Pearson, Director, Department of Water Supply (WIT-112)  
Eva Blumenstein, Water Resources and Planning Program  
Manager, Department of Water Supply (WIT-112)  
Jennifer Oana, Deputy Corporation Counsel, Department of the  
Corporation Counsel

**OTHERS:** Carl Rozycki

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR SUGIMURA: . . . (*gavel*) . . . Good afternoon. Welcome to the Water, Infrastructure, Transportation Committee. Today is September 21st. And it is...time is 1:34 p.m. We are doing our online meeting, and Members, I'm having trouble getting on to my laptop, so I'm using my iPhone. So bear with me if I don't see you, if you are trying to, you know, talk or need to say something. So today we have with us, let me...sorry. I guess everybody's going to be present today. My name is Yuki Lei Sugimura. Vice-Chair Alice Lee is here. Alice? I see Alice.

VICE-CHAIR LEE: Madam Chair, ran annim. Ran annim, this from Micronesia, the island of Chuuk.

CHAIR SUGIMURA: Ah, okay. Ran amin [*sic*].

VICE-CHAIR LEE: Annim.

CHAIR SUGIMURA: Riki Hokama? Okay. He'll be joining us. Tasha Kama?

COUNCILMEMBER KAMA: I'm here, Chair. It's still a beautiful day in the neighborhood of Kahului.

CHAIR SUGIMURA: Good. Kelly King?

COUNCILMEMBER KING: Okay. I just forgot what Alice just said. Ran annin [*sic*]? Okay.

VICE-CHAIR LEE: Annim, annim.

COUNCILMEMBER KING: Good afternoon.

CHAIR SUGIMURA: Mike Molina?

COUNCILMEMBER MOLINA: Good afternoon, Chair, my colleagues, and everyone else, from under the virtual bridge here in Makawao.

CHAIR SUGIMURA: Yes. Tamara Paltin?

COUNCILMEMBER PALTIN: Aloha 'auinala and ran annim from Old Lahaina Center, where we resurrected the Carthaginian.

CHAIR SUGIMURA: I love that background. Keani Rawlins-Fernandez from Molokai.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinala, Chair, and ran annim, everyone.

CHAIR SUGIMURA: Ran annim. Shane Sinenci from Hana.

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COUNCILMEMBER SINENCI: Aloha ‘auinala, Chair, ran amin [sic] kakou.

CHAIR SUGIMURA: Welcome, everybody. We also have with us, based upon the agenda items, Jeff Pearson from Department of Water Supply; Eric Nakagawa, Director of Environmental Management; Tamara Farnsworth, Abandoned Vehicle Administrator; from Corp. Counsel, Jennifer Oana. Thank you, Committee Staff, who has worked with me for this agenda, which is Laks Abraham, Legislative Analyst; along with Lesley Milner; Rayna Yap, Committee Secretary; and Richard Mitchell, Remi, I have to learn how to call him Richard Mitchell, our Legislative Attorney. Today on the agenda we have WIT items 109, which is...I wanted to have a discussion about abandoned and junk vehicle program. WIT-112, Intergovernmental Agreement with the U.S. Geological Survey, Pacific Island Water Science Center, United States Department of the Interior. And the last item is WIT-39, Intergovernmental Agreement with City and County of Honolulu, Honolulu Board of Water Supply; County of Hawaii; Department of Water Supply; and the County of Kauai, Department of Water Supply for Mutual Aid and Assistance During Emergencies. Laks, do we have any testifiers?

MS. ABRAHAM: Aloha, Member Sugimura. We’re showing one testifier, Jennifer Alevol [sic]?

CHAIR SUGIMURA: Okay.

MS. ABRAHAM: Jennifer, are you on the line? Jennifer, please unmute yourself if you’re here to testify. Member Sugimura, that’s the --

CHAIR SUGIMURA: Yeah.

MS. ABRAHAM: -- only person we have listed at the time.

CHAIR SUGIMURA: Okay. So Jennifer, are you testifying? We haven’t yet heard from you. So Laks, do you...is she still on? I can’t see.

MS. ABRAHAM: I do see her still listed, but she’s on mute.

CHAIR SUGIMURA: Could you unmute yourself?

MS. ABRAHAM: Jennifer, this is the last call. If you’re on the line, could you please...

MS. AIEVOLI: Hi. Sorry.

CHAIR SUGIMURA: Oh.

MS. AIEVOLI: I’m Jenny, Jennifer Aievoli, but I’m with the EP&S Division, Abandoned Vehicles.

CHAIR SUGIMURA: Okay, yes. So she’s part of the first item.

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MS. AIEVOLI: Okay.

CHAIR SUGIMURA: Thank you, okay. So you're not testifying, correct --

MS. AIEVOLI: No.

CHAIR SUGIMURA: -- during this session? Okay. Thank you very much for all your hard work. Members, there are no other testifiers. I'd like to close public testimony and receive any written testimony that we would have received, with your permission.

**COUNCILMEMBERS: VOICED NO OBJECTIONS.**

CHAIR SUGIMURA: Thank you, Members.

**ITEM WIT-109: COUNTY OF MAUI ABANDONED AND JUNK VEHICLES PROGRAMS**

(MISC)

CHAIR SUGIMURA: Moving right along here. So the first item on the agenda, which is WIT-109 County of Maui Abandoned and Junk Vehicles Program. During the Council meetings, I received four contracts to this Committee to have a discussion about Abandoned Vehicles and Junk Vehicles Program. And just so you know, my objective today, of course, is to defer this, but to bring it up at another meeting, and to talk about...I wanted to again try to introduce some legislation that may be proposed for the State Legislature. So that what you're seeing, or what I've seen, are people who want to abandon or who want to junk their cars actually. And instead of taking it to the junk...the junk center, what they do is they just leave it on the road, and then the County comes to pick it up, and it becomes our expense. So I wanted the Department to talk about what they're doing with this and to possibly, possibly talk about some legislation. Last legislation I proposed legislation, then COVID hit, and all non-financial items were then deferred or to another session, but I'm going to be bringing that up, so I wanted to have this talked about. Oh, I see Riki Hokama is here. Mr. Hokama, welcome to the meeting. Okay. Anyway, at this time then, the Department, you want to give us a summary of what's happening? Eric Nakagawa or Tamara Farnsworth?

MS. FARNSWORTH: Aloha. I'm not sure.

MR. AGAWA: . . . *(inaudible)*. . .

MS. FARNSWORTH: Oh, is he here?

MR. AGAWA: Oh, no. This is Shayne Agawa, Deputy Director.

MS. FARNSWORTH: Oh, okay.

CHAIR SUGIMURA: Oh, thank you so much.

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MR. AGAWA: Eric Nakagawa couldn't make it today, Yuki, so yeah.

CHAIR SUGIMURA: Thank you.

MR. AGAWA: Yeah. Tamara Farnsworth is the head of our EP&S Division, who oversees the abandoned vehicles and metals program.

CHAIR SUGIMURA: Okay.

MR. AGAWA: . . . *(inaudible)*. . .

CHAIR SUGIMURA: Okay. Thank you. Tamara, you want to take it away?

MS. FARNSWORTH: Oh okay. Aloha, everybody. Thank you for having us here today. So I wanted to...I wasn't totally sure exactly what information you were requesting from us. So specifically, I can discuss the contracts listed, or I...or did you want me to give a little overview of our...

CHAIR SUGIMURA: Actually...so actually, I'm just looking for overview of where you are with the program and --

MS. FARNSWORTH: Okay.

CHAIR SUGIMURA: -- see how we can look forward. Members, I just got a text that Mr. Hokama is having the same connecting problem to the internet as I had earlier. So he's listening, but he's not able to join in the way that you and I are right now. So okay, go ahead, Tamara.

MS. FARNSWORTH: Thank you. All right, so I'll just try to give as brief of an overview of what we do and where we're at. So we have two main programs that we run with the abandoned vehicles and metals section in terms...with vehicles. One is our abandoned vehicles, you know, towing, storage, disposal program, and the other one is our junk vehicle program. I just want to make sure, just right up at the front, everyone's aware of that, the distinguishing language. When you talk about abandoned vehicles, these are the ones that people leave on the street and the County, we go and pick them up. Our junk vehicle program are vehicles...or is our subsidy program where we help folks to rightfully, properly dispose of their vehicle at the recycler, Hammerhead Metals. So when we refer to junk vehicles, that's what we're talking about. The vehicles that are still in folks' possession, basically, that they want to get rid of. And abandoned vehicles are the ones that they left behind for the County to come pick up, to come clean up after them. So with abandoned vehicles, basically we have been seeing a number of, you know, a rise over the last several years. I think that's partially because there is a program in place, and people think oh, I can just leave my car on the side of the road. And I think there also a lot of economic factors that go make...would lead to someone making a decision to just leave their car on the side of the road. Basically anybody can call the police or make a...an online report to report an abandoned vehicle that they see, and then the police send our office, and

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then they go and address it, they make sure that it stays there or doesn't move for over 24 hours by marking the vehicle tires, checking the odometer. And when they have confirmed the vehicle has not moved for at least 24 hours, they will send our office a report, and then we issue a tow. It gets towed within 48 hours of us receiving a report, around 48 hours, depending, but that's our pretty much . . . *(inaudible)*. . . And we store it for 30 days, and then if nobody claims it, we'll dispose of the vehicle. Fiscal '19, we received...we towed 1,766 vehicles. In Fiscal '20, we towed 1,674, so it was a few less, but it's still happening. In 2018 we launched our...so...yeah. So in 2018 we launched our junk vehicle disposal assistance program, which is the subsidy program I was just referring to, in order to try to reduce the amount of vehicles per...abandoned vehicles, to prevent folks from doing it if they have the option to do the right thing. So we launched a program where if you take your vehicle to Hammerhead Metals with all your paperwork, then you can dispose of it, and the County will pay for it. And that's a part of actually registration fees that pays for that program. So everyone's kind of paying into that program with their vehicle taxes already. So with that, yeah, you just take it down, you show your paperwork, and then it is permanently junked. So we have...the abandoned vehicles program, we have three contracts which are...some of...most of which are listed in the agenda for five different regions in Maui and Moloka'i and Lāna'i as well. Five regions on Maui island though, and different...we have...we're contracted with specific tow vendors for each of those areas. And so we'll dispatch the tows to each...wherever the vehicle is to our contracted vendor. They're all then taken to our storage facility on Puleho Road, and we store them for about 30 days. And then if no one claims it, we'll dispose of it with Hammerhead, and we have a contract with Hammerhead to dispose of it at a certain price, which is \$175, which is quite a bit lower than--if the public was going to take it in and dispose of their vehicle, could be several hundred dollars. And so we are looking forward to improving our abandoned vehicles program, hopefully we can get staff to help us to go into the field. Currently we're mostly in the office, just administrating everything, dispatching, working on all the records, we documented a great deal because there's a lot of legislation that, that we have to follow. So if we had another field person, that would be very helpful. And that's how we could, I think, improve our response and our ability to tow more quickly for certain problem kind of vehicles out there. And as far as our junk program, we really would like to add towing to that. I know that's a real big issue for the Mayor as well, he would love to see us add towing. Currently we're not able to administer the program, so we're working hard every week to brainstorm and work out and coordinate a successful towing program that will go along with the disposal fee. So we haven't quite figured it out yet, we're not able to administer, like I said, that level of dispatch or coordination with our current staff. So we are working out all the possibilities, how do we get towing. One of those is potentially doing regional round ups or clean ups or helping in different areas, maybe starting in Hāna. We've heard a lot from the folks in Hāna with that, with a real strong need. Another option is to potentially do a voucher program, where we vet a, you know, all the...whoever wants to apply as a towing company with certain criteria, and then offer a voucher for towing to them. But these are all in its beginning stages of determining the best way to move forward with providing towing. But we do believe that once we're able to tow and dispose for all the residents of Maui County, that we're going to be able to prevent a lot of the vehicles being abandoned out there.

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So that's kind of where we are right now. We're wanting to expand, we have a few challenges. In terms of budget, we're doing great. In terms of staffing, not as great, we don't have enough folks to really perform all the services sufficiently with the current staff that we have. So we're working on it really hard, as everybody in this office works really hard and really cares about this issue.

CHAIR SUGIMURA: Okay. Great. Thank you very much. So Members, before I open it up to the Committee, I just want to say that...so from what I understand then, Tamara, is that the challenge we have is how to get the car from the resident's home to Hammerhead for just...for disposal, and that's the part that...that's why people leave their cars on the side of the road, right? They want us to just pick up the car and take it to...to Hammerhead?

MS. FARNSWORTH: I think there's a number of reasons. That might be some people's...some people...there's just so many reasons why people do it. But I do think that if we did have towing, it...a lot more folks would participate in the junk vehicle program.

CHAIR SUGIMURA: I just wonder if you think that the cost justifies, you know, adding on the additional towing portion, or based upon what you're...what you're having to pay now versus a potential cost savings. If it was --

MS. FARNSWORTH: Yes.

CHAIR SUGIMURA: -- organized that way. So you're going to --

MS. FARNSWORTH: Very much so.

CHAIR SUGIMURA: -- propose something?

MS. FARNSWORTH: Get it on the front end, get it while it's not going to become litter or illegal dumping on the street. Absolutely. And we do...we do think it'll significantly impact the number of abandoned vehicles.

CHAIR SUGIMURA: Okay. So you're going to come back to us with a proposed number or program?

MS. FARNSWORTH: We can, yes. We're working on it now. We're working on the best way to move forward using the resources that we currently have.

CHAIR SUGIMURA: Okay. Thank you. All right, Members. I see Shane Sinenci's hand went up immediately.

COUNCILMEMBER SINENCI: Thank you, Chair. Mahalo, Ms. Farnsworth, for being here. Yeah, just for clarification, you mentioned the abandoned vehicle program. Now that is when the police tag it, and the County stores it, but you didn't...is... there's a fee if they go ahead and they tow your vehicle, correct?

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MS. FARNSWORTH: Correct. We do send a bill to each and every registered owner of every vehicle that we tow, store and dispose of, or any area part of that. Yes, we do go after the registered owner or the person named on the notice of transfer, should there be one that hasn't been fully gone through the process of full registration. We'll hold the last known person in possession of the vehicle responsible.

COUNCILMEMBER SINENCI: But just to be clear, it's not a free tow?

MS. FARNSWORTH: No.

COUNCILMEMBER SINENCI: No, it's not.

MS. FARNSWORTH: No.

COUNCILMEMBER SINENCI: Okay. And then also, for the junk vehicles program, that one you need to go ahead and junk the vehicle first with the DMV, correct?

MS. FARNSWORTH: No. Actually it used to be that way, but this year, I believe--Jenny, correct me if I'm wrong--this year we started allowing folks to take their paperwork directly to Hammerhead, and just do all the paperwork there. So you don't have to go to DMV. There are cases where you will have to go the DMV for various reasons, lien holder, more than one owner on the vehicle, or different things like that. But most...for the most part, you can just show up with your car and provide the paperwork there. So that's been a huge improvement. The other thing that changed was we are now allowing two vehicles per registered owner per year. Before it was just one vehicle.

COUNCILMEMBER SINENCI: But for the junk vehicle program, you need to provide your own tow to Hammerhead?

MS. FARNSWORTH: Currently, that's correct.

COUNCILMEMBER SINENCI: All right. And again, thank you for reaching out to our community. Mahalo, Chair.

CHAIR SUGIMURA: Thank you. I remember you said you paid \$200 to get your car towed from Hāna to Hammerhead, right --

UNIDENTIFIED SPEAKER: Before...

CHAIR SUGIMURA: -- Mr. Sinenci?

COUNCILMEMBER SINENCI: 300.

CHAIR SUGIMURA: Oh, four...oh, 300...wow. Okay. Ms. King.



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COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Tamara, it's good to see you. I'm a little bit confused. So the proposal for towing, we're already doing towing, right, from the side of the roads?

MS. FARNSWORTH: Towing abandoned vehicles, yes.

COUNCILMEMBER KING: Okay. So your proposal --

MS. FARNSWORTH: But not junk vehicles.

COUNCILMEMBER KING: So your proposal is to tow junk vehicles? At the...is that at the expense of the County, or would that be at the expense of the owner?

MS. FARNSWORTH: It's at the expense of the County. It's basically a subsidy program, but I...what...I will say is that each vehicle owner is currently paying \$10 for highway beautification fee, to which we use for abandoned vehicle program. And they're also paying a \$25 fee, which Councilmember Hokama had put into their...the budget a couple of years ago. So they're also paying a \$25 disposal fee. And so that's the funding source that we would...that we are using for the junk vehicle program is to.

COUNCILMEMBER KING: But we're talking about something that could be cost upwards of \$2 or \$300 if it's far...if it's as far as Hana.

MS. FARNSWORTH: If it's in Hāna, yes. We're currently playing like 350 or so for abandoned vehicles. So yes.

COUNCILMEMBER KING: You would want the County to pay for that, for all the...the junk vehicle?

MS. FARNSWORTH: Yes. And the reason...

COUNCILMEMBER KING: What is the...I mean, we put a lot of money into the abandoned vehicle program in the last term for, you know, the previous year. Have...has the number of abandoned vehicles gone down, and the number of junk vehicles--I mean, are we making any headway on the problem with all the money that we put in?

MS. FARNSWORTH: Yes. We did have about 150 less vehicles last year. I will say, the junk vehicle program, now that we've streamlined it and it's easier to go and get...and junk your vehicle at Hammerhead, that is increasing. And so it's hard to correlate, and particularly with the economic circumstances that are occurring right now in, you know, the last six months, it's hard to exactly say and correlate the two, but we try. I do believe that if we start towing, that's the number one comment we've gotten in all of our surveys is --

COUNCILMEMBER KING: Would...

MS. FARNSWORTH: -- that please add towing, and it would make it a lot easier and

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accessible to more folks in the community.

COUNCILMEMBER KING: Okay. But what level of funding are you looking at for being able to do all that free towing?

MS. FARNSWORTH: Well, I mean, we have ample funding that, that Council approved.

COUNCILMEMBER KING: Okay, so you have funding to do it, you just don't have the --

MS. FARNSWORTH: We have the funding. I guess I'm just giving you an update, and --

COUNCILMEMBER KING: Oh, okay.

MS. FARNSWORTH: -- and sharing some of our challenges. But yeah, we're not asking for additional funding. So thank you for helping --

COUNCILMEMBER KING: Okay. . . . *(inaudible)*. . . Thank you.

MS. FARNSWORTH: -- to get it set up to get ready to add more services. Yeah.

COUNCILMEMBER KING: Okay. I thought. I was...thought you we're getting set up to ask us for more money. So that's a relief to hear that that's already in the . . . and that you are making headway too, so congratulations on that. Thank you. Thank you, Chair.

MS. FARNSWORTH: Baby steps.

CHAIR SUGIMURA: Thank you. Anybody else have questions? Tamara?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Tamara Farnsworth.

MS. FARNSWORTH: Thanks.

COUNCILMEMBER PALTIN: I was...I had a question, you know, is there a consequence for if folks junk their vehicle? Like, you know, you...if you junk your vehicle on the side of the road, the County will come pick it up. But if folks junk their vehicle like, say on County property, or on State property, or even on somebody else's private property, how is that dealt with? And if it's okay to talk to, talk about in this agenda?

MS. FARNSWORTH: Is it okay to talk about in this agenda?

CHAIR SUGIMURA: Yep. Yes.

MS. FARNSWORTH: Okay. So yes, there is a consequence for abandoned vehicles on public roadways or properties. So when it...so that is what I was saying, we send them a bill, we send them the charges for towing, storage, and disposal, and an administrative fee. And then if they don't pay within, I believe, a month or two, then we do send it to a

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collection agency, and so we try to collect it through collections. Yeah. So that's the penalty currently. We would love to see that legislation that Councilmember Sugimura was working on, we'd love to see that go through, which basically would require folks to...who have abandoned vehicles charges with the County to have a hold on their next vehicle registration, just like if you had tickets. So that, I think, would be a great deterrent, as well as an ability for us to collect on our...on our outstanding charges. So that's everything that we get from the public arena. If it's on private property, it's a different...currently a different story. Now, we understand that plenty people either inherited a property, inherited vehicles, somebody dumped it on their property and it's not really their fault per se; however, as the law stands, it is their responsibility, the property manager or the property owner's responsibility to remove the vehicle and pay for all of the charges related to its disposal. We would like to look at that at some point down the road. How do we find a way to assist folks who find themselves in that predicament? We're not quite there yet, we're really focused on trying to reduce the number of vehicles on public property and get our junk vehicle program going, and then maybe some of those folks, you know, who do have it on their property can get it to the disposal facility. So it's certainly concern, there's a lot that...that issue comes up pretty...rarely...relatively frequently, but we're not quite there yet in terms of being able to determine how to work with property owners, or private property abandoned vehicles with making it fair and within County policy.

COUNCILMEMBER PALTIN: If I could follow up to that question, you know, if somebody else is abandoning their vehicle on your property, and the consequence for abandoning a vehicle on public property goes to the owner, would it then be fine for the property owner, who somebody else abandoned their vehicle on their property, to just move it off to public property because then the correct person should be held accountable?

MS. FARNSWORTH: Well, that's not allowable by law, it's not a legal activity if you were to do that. However, if the vehicle does end up on public property, we don't look for how it got there. We start to address it once it gets onto the road or the parking lot or whatever. So if that happens, the County would address it. But again, it's not legal to remove something from your property and dump it on the road, no matter whose property it was.

COUNCILMEMBER PALTIN: Is it illegal to abandon a vehicle on somebody else's private property? Is that illegal?

MS. FARNSWORTH: Yes. But I believe that might be civil, or it would be between the two parties. Yeah. And not...

COUNCILMEMBER PALTIN: And one other follow up, if I may. You know, like how...for some places like say Mile Marker 13.5 that the County owns, and how the abandoned vehicles just keep coming, and sometimes they're stacked all neatly, and then you get rid of them, and then they get stacked all neatly again. Is there any type of a way to do like a sting operation or something? Because obviously, somebody has the means to get into that County property and stack up all these abandoned vehicles, almost like that's their tow plan or something. You know, kind of...I mean, it's kind of out of

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control. And I think Mr. Molina had a similar problem in his district where, you know, it's just like a habitual dumping spot. And I mean, like maybe some sort of vigilante . . . *(inaudible)*. . . cams or something or no?

MS. FARNSWORTH: We have considered that. It's really...that's enforcement, we're not super quick to that level of enforcement. We have definitely thought about well, why don't we just put some cameras up. I'm not sure if that's totally admissible if it's not through a, you know, the MPD or Prosecutor's office or something like that. But again, that is...I would say...how would I...would address that, the overall issue like Mile Marker 13.5, or Hamakualoa, or any other County...kind of County parcel that seems to be having activity like this. It's a multi-agency, multi-faceted issue, it's not just people dumping their cars. There's normally often homeless issues, there's chop shops, there's other kind of illegal activity and access to those locations, and they're not currently being, you know, maintained maybe as much as we want to. So sometimes, that ends up happening, sometimes there's an access issue. But yes, we acknowledge and recognize there's a major problem in certain areas of this dumping. And what we'd really like to see is a concerted effort to address all the issues so that we're not going in and cleaning up after folks doing something wrong, you know, and paying then to dispose of those...their rubbish, you know. But yes, I totally agree, that's an issue that we want to address in the large scale overall issue of all the illegal activities occurring.

COUNCILMEMBER PALTIN: Yeah. Yeah, we don't want to be like the Oahu chop shop area in Wahiawa where, you know, all that happens. So thank you.

CHAIR SUGIMURA: Thank you. Members, *Akakū* has asked for a five-minute recess because they're having connection problems. Mr. Molina, I'll take you up after we come back. Mr. Hokama is still having problems joining as well. So at this time, I'm going to call a short recess, about five minutes. It is 2:04, so we'll be back at 2:10 . . . *(gavel)* . . .

**RECESS: 2:05 p.m.**

**RECONVENE: 2:13 p.m.**

CHAIR SUGIMURA: . . . *(gavel)* . . . Okay. Welcome, everybody, back to the Water Infrastructure and Transportation Committee. Thank you for that break requested for *Akakū*. I think we're still having problems, but we'll proceed. Mr. Molina, you had questions.

COUNCILMEMBER MOLINA: Yes. Thank you, Madam Chair. Just a question for Ms. Farnsworth. Thank you for being here, and I appreciate the update. You mentioned that there...I guess we've seen a decrease in the previous fiscal year, but now it seems to be on the upswing again, can I get that clarified? And also, what is the amount of the contract the County currently has, I believe, with Hammerhead?

MS. FARNSWORTH: Okay. Jenny, if you have some numbers, then I'll ask you for that

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after. Jenny is the Abandoned Vehicles Administrator for the County, Jennifer Aievoli, and she's on the call. But as far as...so clarifying, in Fiscal '20, we towed 1,674 vehicles. And in Fiscal '19, we towed 1,766 so it's actually 90. So it's a small decrease, but when I say up to gite (phonetic) I...there's just economic challenges always go along with abandoned vehicles. And so we're seeing more of that now. In Fiscal '21 to date, so in the last three months, we have received 690...oh, sorry, we've towed 460 abandoned vehicles, and we don't have an average for that. So Jenny, if you want to calculate the...how many we think we're going to see based on that average. So there was a small decrease. I do think there's also a lag to see a result in a program like that, that's going to try to help prevent something. Sometimes there's a couple year's lag before you really see a result. Although I do think when we start towing, it's going to be...it's going to be pretty immediate, hopefully. That's my, that's my, that's my desire and wish and objective and goal for this, is to really, really see a decline.

COUNCILMEMBER MOLINA: Good. Appreciate that. Yeah, I asked what the current cost of the contract is because --

MS. FARNSWORTH: Oh, yeah.

COUNCILMEMBER MOLINA: -- because come the next fiscal year, you know, there's going to be some...it's been said many times on the Council that, you know, we're going to be facing some challenges with resources in terms of monies coming in --

MS. FARNSWORTH: Yes.

COUNCILMEMBER MOLINA: -- and what the next Council has to do to prioritize certain programs. So that's sort of the reason why I was asking that question. And one last thing, Chair, as a last follow up. These abandoned cars, they get stripped of certain types of parts, so there's a lot of, I guess, underground value, if you will. What are the types of parts that people are stripping from these abandoned cars to...I guess for resale, if you will, on the underground market?

MS. FARNSWORTH: As far as I know, certainly the catalytic converter, you know, whatever sort of stereo kit equipment's in there. And there's just various parts that people are always looking for. They take off like body parts, you know, like the doors or the windshield, that sort of thing, if they're not broken. . . . *(inaudible)*. . . And, you know, I'm not exactly sure what else. We would want to check with Hammerhead specifically what it is, but certainly the catalytic converter is a big one. That's --

COUNCILMEMBER MOLINA: Thank you.

MS. FARNSWORTH: -- always been removed on abandons.

COUNCILMEMBER MOLINA: Right. Thank you for reminding --

MS. FARNSWORTH: I do...

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COUNCILMEMBER MOLINA: -- I was trying to think of what was the most valuable part, and it's catalytic converters. Because I remember when doing a tour of the Hamakualoa properties, it was told to me, all those abandoned cars, the one common thing you find missing is the catalytic converter.

MS. FARNSWORTH: And they turn them on the side just to grab it out.

COUNCILMEMBER MOLINA: Yeah.

MS. FARNSWORTH: But Councilmember, if I could...or Council Chair, if I could clarify one point on the budgeting, or the budget funding source part.

CHAIR SUGIMURA: Yeah.

MS. FARNSWORTH: I just would like to clarify that they are...these programs are being funded by specific fees being charged with registrations, they're not being funded with general funding. So these are revolving funds that are specifically for this purpose. So we're very fortunate in that we do have that funding source. So now we're doing everything we can to beef up our programs to address the problem with that funding.

COUNCILMEMBER MOLINA: Okay, great. Thank you for your responses. Thank you, Madam Chair.

CHAIR SUGIMURA: Thank you. I can't see if anybody else has questions, so let me know. Ms. Lee, is your hand up?

COUNCILMEMBER LEE: No. I don't have any questions. I think a lot of the questions I had were asked earlier by others. Thank you.

CHAIR SUGIMURA: Okay. Thank you. Members, I don't see anybody...I can hardly see anybody on my phone. So anybody with last questions, say something. Okay. I'm going to defer this, and I'll bring it up again, Tamara, once I look at that, that...oh, Riki has a question. He's saying, can we consider for penalties such as...can we suspend or take away driver's license? Tamara?

MS. FARNSWORTH: So for every license, we would certainly consider looking at that, but that's only renewed every like ten years or something. So we don't know how soon we'd be able to catch them trying to renew their license. There is potentially legislation to take away their license, but it's not necessarily exactly the same kind of thing, it's about illegal dumping and their vehicle, rather than the way they're driving. So in response, I think the best thing to do for us is to deal with the registration as opposed to their license, and try to get a hold on their registration because that's annual, and they won't be able to register their car until they pay. And I think that'll deter it, as well as, like I said, be able for us to recuperate some of those costs.

CHAIR SUGIMURA: Okay. Okay. So I'm going to defer...oh, Tamara has a question.

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COUNCILMEMBER PALTIN: Thank you, Chair. I'll yield to Chair Lee since she didn't get to ask a question yet. Just trying to be fair.

COUNCILMEMBER LEE: Oh, thank you.

CHAIR SUGIMURA: I think she said...

COUNCILMEMBER LEE: Yeah, I didn't have a question, but the penalty aspect of this does bother me. The people aren't penalized, they're not forced to take responsibility for, you know, for breaking the law. That's why I believe that the matter of cameras may be...if we are able to have cameras because you hate to see, like let's say, a stolen vehicle abandoned or junked, and then the owner of the property where that vehicle exists is not responsible for something he or she had nothing to do with. That doesn't seem fair at all to me. You know, and the person committing the crime should be the one to pay, pay for the violation. So I'm hoping, Tamara, that you're going to have more help from, let's say, the Prosecutor's Office and other offices that can help, and the Police Department can help, you know, bring fairness to this issue because it really doesn't...these people who are just taking advantage of the system shouldn't have to...shouldn't be able to get away with it. Thank you. And thank you to the other Tamara.

COUNCILMEMBER PALTIN: Anytime, Chair.

CHAIR SUGIMURA: Good point.

COUNCILMEMBER PALTIN: I just had a couple other questions. You know, when you were talking about you could use more assistance to do more with the funding that you have. Was that you need, you were talking about an expansion position or filling a current position that's unfilled?

MS. FARNSWORTH: Currently.

CHAIR SUGIMURA: Tamara?

MS. FARNSWORTH: Thank you. Sorry. Currently, we're we would like to be able to fill expansion positions that were actually approved last year, or for this year. But since there's a hiring freeze, we're having just some challenges around that.

COUNCILMEMBER PALTIN: Oh, okay. And then my other question was if you preclude somebody from registering their car because they haven't paid their abandoned towing, storage, and disposal fees, what is the consequence for that? They get a further fine from getting caught driving without a current registration, and then eventually they may go to jail?

MS. FARNSWORTH: I can't totally speak to the consequences, other than to my understanding because this was a State legislation. My understanding is that you

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won't be able to register your car, so you'll be driving without a current registration, which causes all kinds of, you know, issues for anybody driving a vehicle like that.

COUNCILMEMBER PALTIN: And without current registration, you can't have insurance. And so if somebody drives without registration, then they won't have insurance. And then if they get into a car accident, then it's under or uninsured situation.

MS. FARNSWORTH: Yeah. You can get a ticket if you no more registration and...

CHAIR SUGIMURA: So I see Jen Oana; is that right? Oh, no.

MS. OANA: Thank you, Chair. I just wanted to add, as far as I'm aware of, no registration or expired registration, it's just a fine, there's no jail involved with that. With regard to no insurance too, I don't believe it's jailable, you'd have to ask the Prosecutor to make sure, but I think it's just, you know, heavy, heavy fines for no insurance plus a bunch of other administrative things. But registration, I don't believe is jailable, it's just fines.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER PALTIN: Do you know if there's an option to community service out a portion of the fines?

MS. OANA: That's...that can be asked for, there's like a calculation that they do for every certain amount of fines, you can convert it to community service in some circumstances. There's fees also involved, court fees, and so those, I don't believe, is convertible to community service, but the fines are.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Okay. I don't see anybody who has questions, Members.

MR. AGAWA: Chair.

CHAIR SUGIMURA: All right. At this time then I'm going to defer this, and...

COUNCILMEMBER KING: Chair, I think, Mr. Agawa has his hand up.

CHAIR SUGIMURA: Oh, okay. Shayne, I didn't see you.

MR. AGAWA: Just a comment. I'm sorry. Yeah. Just a comment, you know, just to let everybody know that the collection for the fees, we're only averaging about 15 to 20 percent success rate on the collection of the --

CHAIR SUGIMURA: Oh.

MR. AGAWA: -- so, you know, Member Hokama mentioned something about maybe stricter



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penalties, and maybe that's something we need you folks to look at in helping us to...to penalize the offenders. Because yeah, we haven't been really successful in collecting any kind of money penalties.

CHAIR SUGIMURA: Okay.

MR. AGAWA: Thank you.

CHAIR SUGIMURA: Thank you. Thank you very much. So Staff, I guess we can write that down, and let's do some investigation on that. Any other comments or questions, Members? I see none. Okay, now I'm going to defer this item. Thank you very much, Tamara, and thank you, Shayne, for being here. Appreciate the discussion, and we'll hear more about this, and hope to get something to the legislature as we had attempted to be...to do before COVID.

## **COUNCILMEMBERS VOICED NO OBJECTIONS**

**ACTION:           DEFER.**

## **ITEM WIT-112: INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, PACIFIC ISLAND WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (CC 20-458)**

CHAIR SUGIMURA: Members, the second item on the agenda is Intergovernmental Agreement With The U.S. Geological Survey, Pacific Island Water Science Center, United States Department of Interior, which is WIT-112. And the purpose of the bill is--the bill is entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)." And the purpose of this is to authorize the Mayor to enter into a joint...joint funding agreement for water resource investigation with the U.S. Geological Survey, Pacific Island Water Science Center, United States Department of Interior, and to continue the Cooperative Water Resource Monitoring Program during the periods October 1, 2020 to September 30th, 2021. We have Department here today, and Jen Oana, who's our water expert from Corp Counsel. So at this time, Mr. Pearson, do you have any comments you would like to share with us?

MR. PEARSON: Good afternoon, Chair and Councilmembers. Jeff Pearson, Director, Department of Water Supply. Yeah, this agreement has been out there, you may recall from years past, and it's between the Department of Water Supply and the USGS to allow them to do some monitoring, both stream flows and we have some monitor wells within the area to...the monitor wells help evaluate the health of our aquifers. Eva Blumenstein does most of the work on this project, so if you have any other more detailed questions, she's here also to answer any questions you may have.

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CHAIR SUGIMURA: Thank you, Director. Eva, are you...are you online?

MS. BLUMENSTEIN: I'm online.

CHAIR SUGIMURA: Oh, there you are.

MS. BLUMENSTEIN: Aloha, Chair.

CHAIR SUGIMURA: Aloha. Thank you for joining us. If you could give us --

MS. BLUMENSTEIN: Yes.

CHAIR SUGIMURA: -- information.

MS. BLUMENSTEIN: Sure. Yeah, so this program, as Director mentioned, has been ongoing since back in the 1980s, in fact. It includes some deep monitoring wells for us, or for USGS to evaluate water levels, how they change over time, trends and changes, and also salinity levels. So there are three monitor wells in Iao Aquifer in Central Maui, there's one in Waihee Aquifer, there's one in Kualapuu Aquifer on Moloka'i. Then there are multiple stream flow monitoring sites, it includes the Halawa stream on Moloka'i, which is the oldest ongoing stream flow monitoring station, so that can kind of be the baseline to determine effects from climate change on surface water and ground water resources. It also includes Waikamoi Stream Upcountry, Kanaha Stream on the Westside. This year, we are adding Kawela Stream on Moloka'i, and that's specifically to determine changes in suspended sediment loading from that watershed. That contract was . . . is still monitored or...and administered by the Nature Conservancy through one of our watershed grants. So we're just changing, so that we are administering that contract directly with USGS instead of indirectly through Nature Conservancy. There is also one rainfall monitoring station at Pu'u Kukui.

CHAIR SUGIMURA: Okay. Tamara Farnsworth--I'm sorry, Tamara Paltin, you have a question?

COUNCILMEMBER PALTIN: Yeah, I guess this...when...I guess this, the one's referral, I was wondering they, they mentioned about how do you choose the placement of the monitoring gauge. Do you coordinate with folks that have, like say, traditional historical knowledge of the stream flow, or is it like ARON . . . Aaron Grouch (phonetic) or?

MS. BLUMENSTEIN: Well, so it depends. Some of these go way back, and I really don't know how those were originally located. But the ones that we've been involved with in later years is really the assessment by USGS, and usually in collaboration with CWRM and Aaron Strauss (phonetic), as you mentioned, specifically Kanaha Stream to determine the adequate place in the stream. In this case, would be both mauka of the inflow and on the diversion too. So it's determined depending on the purpose of the

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monitoring site. We don't really have much input or say in where that's determined to be the appropriate site.

COUNCILMEMBER PALTIN: So Kanaha is going to have one mauka of the diversion, like just...and one below, or?

MS. BLUMENSTEIN: There's one on the diversion ditch, and one below the pipeline intake, I believe.

COUNCILMEMBER PALTIN: And that's 100 percent County diverted, diverted for County uses?

MS. BLUMENSTEIN: Well, it's diverted also for some private domestic use and for Lahainaluna School. But the intake is...I mean, we are operating the intake.

COUNCILMEMBER PALTIN: Okay. Thank you.

MS. BLUMENSTEIN: It's one and the same intake for those three uses.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Okay. Thank you. Any other questions? I can't see any hand...oh, okay, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you, Ms. Blumenstein. I just had a question about the different numbers on the list. It looks like you have the Department of Water Supply has specific numbers, so it looks like a total of both Department of Water Supply and the USGS. Can you briefly explain those figures?

MS. BLUMENSTEIN: Yes. So this is a joint funding, and the ratio that USGS provides with Federal funds has remained pretty constant over the years. This year, I know that they had pretty flat budgets, so that the increase...compared to FY '20 funds, the increase is on our...on our end, coming out of our FY '21, FY '21 funds. It was actually a little different last year because we had the installation cost, et cetera, but this...the ratio between the USGS and Department of Water Supply has remained about the same over the years.

COUNCILMEMBER SINENCI: Oh, okay. And then is it because they don't test as much, or it seems like a couple of them on the USGS is zero...is zeroed out compared to DWS.

MS. BLUMENSTEIN: No. The zero...USGS is doing all the...this is contract completed USGS, the Department doesn't really have any role in it in in-kind services. The zeros for FY '21 is just a delay in the installation of the gauge for Kanaha Stream, so there's just a credit for this year. So that's the zeros, they're going to go back to same...same ratio as the other ones from next year on when the gauge is installed.

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COUNCILMEMBER SINENCI: And then we're using these...this information as part of the water use development plan as well stream flow?

MS. BLUMENSTEIN: Yes. Streamflow and the deep well monitoring data is exactly...I mean, that's kind of the guidance for long-term resource use. This data is also made available to the public, this is stored in the national database and it's live data stream flow data, and some ground water data as well. That's available to the public, you can go and search for multiple years, or with specific parameters on the USGS website.

COUNCILMEMBER SINENCI: . . .*(audio interference)*. . . Ms. Blumenstein. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Anybody else have questions? Ms. Keani Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was just about to call your attention, you saw me. Mahalo, Ms. Blumenstein, for your presentation. My question on the Kawela Stream, so both for the stream flow monitoring and suspended sediment monitoring, it says that there's funding for operational maintenance during the second half of the year, the first half of the year is covered by an agreement with TNC. Is there a reason that the Department is taking over the operation and maintenance instead of having TNC do it?

MS. BLUMENSTEIN: Thanks for the question. So this is the same contract pretty much with USGS that we have just paid indirectly through the grant through the Nature Conservancy, so this way we're really just saving the funds of also paying administrative overhead to TNC to manage the contract by just doing it directly. So the deliverables, well, that really hasn't changed, it's one and the same contract.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And so you...the Department has enough staff and resources to do that work on island?

MS. BLUMENSTEIN: Just in terms of administrating the contract, yeah. This doesn't involve any of the on the ground work.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. Thank you, Chair. Pro Tem, you're not on mute.

CHAIR SUGIMURA: Okay. Any other questions? Okay, seeing none, I think. So I...the contract is one-year contract, and it is...the...we have...the Department has a \$34,054 participation, and the remaining is from \$86,556. I'm sorry, it's the opposite way around. So we are contributing \$86,356, and then the USGS is participating with the \$34,000. So Department, you want to just verify we have the money in place.

MS. BLUMENSTEIN: Yes. So this was budgeted in our FY '21 through our water resource monitoring program that's in my Division.

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CHAIR SUGIMURA: Okay. And the Intergovernmental Agreement is for one year. And if we tried, we couldn't get a longer agreement than one year? . . . *(inaudible)*. . .

MS. BLUMENSTEIN: Thanks for that question. We actually asked, and that's what this came up little late this year. We did pose that question, and USGS did inquire with their headquarters if we could do a multi-year agreement, but it wasn't doable, so we're stuck with one year IGAs.

CHAIR SUGIMURA: Okay. Thank you very much. Mr. Hokama is listening, he still having the same computer problem. Members, anybody else have questions? I see none. So at this time, I would like to recommend passage of the proposed bill on first reading, including any nonsubstantive revisions, if necessary, and the filing of County Communication Number 2-458 *[sic]*.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR SUGIMURA: Thank you. I think that was Tamara with the motion. And second was, was it Mr. Molina? I think? Okay. Any discussion, Members? Okay. Seeing none, all in favor, say aye.

**COUNCILMEMBERS VOICE AYE**

CHAIR SUGIMURA: And I think I have seven ayes, including Mister--oh, it must be...must be nine ayes then, including Mr. Hokama. Members, thank you. We have taken care of this. Now the last item on the agenda is a repeat, so it's WIT-39 Intergovernmental Agreement With City and County of Honolulu, Honolulu Board...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry.

CHAIR SUGIMURA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry.

CHAIR SUGIMURA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Procedurally...so Member Hokama is not on the screen, and we didn't hear his voice. And I'm not doubting that he voted yes because, you know, it's not a controversial issue, and I don't see why we wouldn't all vote that way. But procedurally, you know, I don't know if that's the kind of practice that we want to create precedence for in voting, in proxy for someone without seeing them for ourselves or hearing their voices for ourselves.

CHAIR SUGIMURA: Okay. So Corp. Counsel, can you let me know? Or Mr. Raatz? Or I think Remi was on, I'm sorry. One of you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. Mitchell?

MR. MITCHELL: Chair, I'm on the line here.

CHAIR SUGIMURA: Hi.

MR. MITCHELL: Member Rawlins is correct, I think it would be appropriate to have a voice confirmation of the votes, or at least if we can see him on the screen with his hand since he's having technology problems. Perhaps we can get his voice on the phone.

CHAIR SUGIMURA: Okay.

MR. MITCHELL: And hear his vote.

CHAIR SUGIMURA: Okay.

MR. MITCHELL: Thank you.

CHAIR SUGIMURA: So Riki...thank you. So I know Riki's listening in on all of this, so okay. So he's fine, he just sent me a text. So we're fine. So eight ayes, one excused. Thank you. Thanks for that clarification.

**VOTE:       AYES:     Chair Sugimura, Vice-Chair Lee, and  
                              Councilmembers Kama, King, Molina, Paltin,  
                              Rawlins-Fernandez, and Sinenci.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:     None.**

**EXC.:       Councilmember Hokama.**

**MOTION CARRIED.**

**ACTION:                Recommending FIRST READING of bill and FILING of  
                             communication.**

**ITEM WIT-39: INTERGOVERNMENTAL AGREEMENT WITH CITY AND COUNTY OF  
HONOLULU, HONOLULU BOARD OF WATER SUPPLY; THE COUNTY  
OF HAWAII; DEPARTMENT OF WATER SUPPLY; AND THE COUNTY  
OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID  
AND ASSISTANCE DURING EMERGENCIES (CC 19-423)**

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CHAIR SUGIMURA: And so I'm going to go to the last item on the agenda, and WIT-39 Intergovernmental Agreement With City and County of Honolulu, Honolulu Board of Water Supply; and the County of Hawai'i, Department of Water Supply; and the County of Kauai, Department of Water Supply For Mutual Aid and Assistance During Emergencies. And Members, I just wanted to clarify, I scheduled this item for August 10th Committee meeting because I thought that the bill was...with the amendment incorporated did not reflect the intent of the Committee. That is why I proposed a subsequent amendment to this bill to require Council approval for the Department of Water Supply to give aid to other Counties, rather than ask aid from other Counties. After conversation with Staff, it was determined the bill with the amendment incorporated was worded as intended. Based upon the February 28, 2020 Committee action that approved the bill as amended on a five-four vote, I will now submit the Committee Report for Council consideration. With the scheduling of this item today, anyone looking at the record will understand the process that the bill forwarded will be received from the Council. So that's why I scheduled this, I thought I had misunderstood the intent of this. And actually, if you remember when it initially came up, I was not the Chair of the Committee. The initial Committee report has Alice Lee as the Chair of the Water Committee. So sorry for this delay, and COVID was in between here, as well as the budget amendment. So anyone have questions? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair, and mahalo for explaining procedurally what this item is about. For clarification, this passed while you were Chair in February, and not when Council Chair Lee was Chair of the Water Committee?

CHAIR SUGIMURA: Yeah. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I just wanted to clarify for the record.

CHAIR SUGIMURA: Oh, okay. Oh, okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That...

CHAIR SUGIMURA: Yeah, it came up when she was Chair, and I brought it up, and that's when the amendment was made to the bill and where it stands now. So that's what's going to be forwarded over to Council at the appropriate Council Committee meeting for vote for first reading.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So this --

CHAIR SUGIMURA: Anybody have questions?

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COUNCILMEMBER RAWLINS-FERNANDEZ: --should have gone to Council back in February, March time --

CHAIR SUGIMURA: Should have. Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --in order to do a Committee report. And so here we are in September doing that.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: . . . *(inaudible)* . . .

CHAIR SUGIMURA: So the reason why, you know, the reason why I thought I misunderstood it is because the Department's intention, or what the intergovernmental agreement does, is basically allows the Department to help other Departments. So when I read what we...what finally happened, I thought, okay, this is probably a mistake. So that was the delay, so I apologize for that. But I got clarification from Staff that that was the intent of the bill which got passed out of the Committee. So I'm going to proceed and pass it forward, and let the full Council decide what they would like to do. Anybody have questions? Ms. Tamara Paltin?

COUNCILMEMBER PALTIN: So are we voting again today, or no need?

CHAIR SUGIMURA: No. No. No.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR SUGIMURA: Yeah. We're not voting.

COUNCILMEMBER PALTIN: So are we filing? No? We don't need to do anything, defer, nothing, nothing doing, doing nothing?

CHAIR SUGIMURA: Yeah. I just wanted to bring it up so that I can take it to the next step, which...I'm going to file it--I'm not...sorry, I'm going to send it to Council, full Council.

COUNCILMEMBER PALTIN: Oh, okay.

CHAIR SUGIMURA: So that's it for today. Any other...

COUNCILMEMBER LEE: Corp. Counsel has a question. Corp. Counsel has a question.

CHAIR SUGIMURA: Oh, Corp. Counsel. Hi.

MS. OANA: Just to further clarify, and I just want to make sure that...I'm not exactly sure if I'm right, but this did get passed out of the WIT *[sic]* Committee in...around November, so it was in Chair Lee's Committee, and I believe the Committee report was done in November. And then it...and it got passed out of Committee as proposed without that



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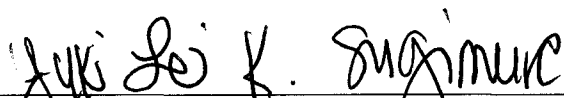
conditional language of needing a resolution. And then I think it went to Council on first reading, and then that's when I believe Councilmember Rawlins-Fernandez made an amendment on the floor. I think that's what happened, which I believe was passed, approved. So I think that's the timeline of everything. So it kind of did start with Chair Lee, then it went to Council, I believe in March, and then that's when we did the amendment, I think it was a floor amendment. So I just wanted to add that, and I hope I'm right when I say that.

CHAIR SUGIMURA: Thank you. Thank you for that clarification. Okay, Members, so this meeting is done. And I will adjourn the meeting, and thank you very much for participating. See you tomorrow. . . . *(gavel)* . . .

**NOTE: Recommending FIRST READING of revised bill and FILING of communication. (based on Committee vote on February 24, 2020)**

**ADJOURN:** 2:47 p.m.

APPROVED:

  
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YUKI LEI K. SUGIMURA, Chair  
Water, Infrastructure, and Transportation  
Committee

hfc:min:200921:

Transcribed by: Cheryl von Kugler

**WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE MINUTES**

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CERTIFICATION

I, Cheryl von Kugler, hereby certify that pages 1 through 25 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 9th day of October 2020, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Cheryl von Kugler", is written over a horizontal line.

Cheryl von Kugler