

ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE
Council of the County of Maui

MINUTES

December 2, 2020

Online Only via BlueJeans

CONVENE: 9:08 a.m.

PRESENT: Councilmember Keani N.W. Rawlins-Fernandez, Chair
Councilmember Kelly Takaya King, Vice-Chair (out 12:09 p.m.)
Councilmember Riki Hokama, Member (out 11:09 a.m.)
Councilmember Tasha Kama, Member
Councilmember Alice L. Lee, Member (out 12:27 p.m.)
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: Lesley Milner, Legislative Analyst
Shelly Espeleta, Legislative Analyst
Wilton Leauanae, Legislative Analyst (trainee)
Richard Mitchell, Legislative Attorney
Yvette Bouthillier, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk

Sarah Pajimola, Executive Assistant to Councilmember Keani N.W.
Rawlins-Fernandez
Kate Griffiths, Executive Assistant to Councilmember Kelly Takaya
King
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Davideane Sickels, Executive Assistant to Councilmember Tasha
Kama

ADMIN.: Michele Yoshimura, Budget Director
Eric Nakagawa, Director, Department of Environmental
Management (EDB-115, EDB-116)
Scott Teruya, Director, Department of Finance
Guy Hironaka, Real Property Specialist, Department of Finance
(EDB-116)
Kristina Toshikiyo, Deputy Corporation Counsel, Department of
the Corporation Counsel
Richelle Thomson, Fire Deputy Corporation Counsel, Department
of the Corporation Counsel (EDB-116)

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OTHERS: Paul Subrata
Faith Chase (EDB-85, EDB-115)

PRESS: Akakū: Maui Community Television, Inc.

CHAIR RAWLINS-FERNANDEZ: . . .(gavel). . . Aloha kakahiaka kākou. ‘Ewalu minuke i ka hola ‘eiwa ma ‘elua o Kekemapa i ka makahiki ‘elua kaukani iwakālua. E ‘olu‘olu mai, e ho‘omalū ke Komike Ho‘omohala Waiwai me Mo‘ohelu Kālā. ‘O wai ka po‘o o kēia Komike o Keani Rawlins-Fernandez. It’s 9:08 on December 2nd, 2020. Will the Economic Development and Budget Committee please come to order. I’m your Chair, Keani Rawlins-Fernandez. I keia lā, me ko kākou ea, Committee Vice-Chair Kelly King. Aloha.

VICE-CHAIR KING: Aloha kakahiaka, Chair. I hope you're feeling better today.

CHAIR RAWLINS-FERNANDEZ: Almost there. Almost top shape. Mahalo for asking. Okay, and we have Member Shane Sinenci.

COUNCILMEMBER SINENCI: Yeah. Aloha kakahiaka, Chair, mai Maui Hikina, hau‘oli Pō‘akolu.

CHAIR RAWLINS-FERNANDEZ: Hau‘oli Pō‘akolu. Member Mike Molina.

COUNCILMEMBER MOLINA: Aloha and good morning, Madam Chair. And you know, for being ill, you still look healthy. Anyway, aloha, everyone, from under the bridge in sunny but little brisk Makawao this morning.

CHAIR RAWLINS-FERNANDEZ: It's a...it's pretty brisk in my office over here in Kaunakakai too. Yeah. And the wonders that makeup can do. Chair Alice Lee.

COUNCILMEMBER LEE: Madam Chair, in case you’re traveling to Australia in the near future and stop at the Solomon Islands, to greet the people in the morning you would say, mone. Mone to everyone.

CHAIR RAWLINS-FERNANDEZ: Mone, Chair Lee, and Mone kākou. Member Riki Hokama.

COUNCILMEMBER HOKAMA: Aloha, good morning, Chair.

CHAIR RAWLINS-FERNANDEZ: Aloha and good morning. Member Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou, live and direct from the old Lahaina Center here in Lahaina Town, where the surf is one to two feet, and on the upper west side, we got six to ten feet and occasional larger sets, light and

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variable winds, and mostly sunny skies. Mone kākou.

CHAIR RAWLINS-FERNANDEZ: Mone, and mahalo for the weather and surf report. I initially thought your background was a huge nalu with the clouds like that. It looks like a wave breaking. Super beautiful.

COUNCILMEMBER PALTIN: That's why I chose it.

CHAIR RAWLINS-FERNANDEZ: Member Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Beautiful morning here in Wailuku. Nice to see you all.

CHAIR RAWLINS-FERNANDEZ: Morning. And Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. It's good to see you again. Welcome back. And it's still a beautiful day in the neighborhood of Kahului, Maui.

CHAIR RAWLINS-FERNANDEZ: Aloha. And just to let you know, I am feeling a little under the weather, so if my video does turn off, I asked our Vice-Chair to take over the meeting while I'm away without any warning. So it'll just turn off, and then I asked our Vice-Chair Kelly King to just take over for that time. So just to give everyone a heads up on that. Mahalo, Vice-Chair King, for doing that.

VICE-CHAIR KING: No problem.

CHAIR RAWLINS-FERNANDEZ: And from Corporation Counsel, we have Kristina Toshikiyo, Deputy Corporation Counsel.

MS. TOSHIKIYO: Aloha and mone, Chair and Members.

CHAIR RAWLINS-FERNANDEZ: Aloha and mone. From the Administration, we have Budget Director Michele Yoshimura. Aloha. Good morning.

MS. YOSHIMURA: Good morning, Chair. Good morning, Members.

CHAIR RAWLINS-FERNANDEZ: Morning. We have from Department of Management, Managing Director Sandy Baz. Not sure if he's on yet. Department of Finance, Director Scott Teruya.

MR. TERUYA: Good morning, Chair. Good morning, Members.

CHAIR RAWLINS-FERNANDEZ: Good morning. Department of Environmental Management, Director Eric Nakagawa.

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MR. NAKAGAWA: Morning.

CHAIR RAWLINS-FERNANDEZ: Morning. And our Committee Staff, Committee Secretary Yvette Bouthillier.

MS. BOUTHILLIER: Good morning.

CHAIR RAWLINS-FERNANDEZ: Morning. Legislative Analyst Lesley Milner.

MS. MILNER: Morning, Chair. Good morning, Members.

CHAIR RAWLINS-FERNANDEZ: Good morning. Legislative Analyst Shelly Espeleta.

MS. ESPELETA: Good morning, Chair and Members.

CHAIR RAWLINS-FERNANDEZ: Good morning. Legislative Analyst Wilton Leauanae.

MR. LEAUANAE: Good morning, Chair. Good morning, Members.

CHAIR RAWLINS-FERNANDEZ: Good morning. And Legislative Attorney Richard Mitchell.

MR. MITCHELL: Good morning, Chair and Members.

CHAIR RAWLINS-FERNANDEZ: Good morning. We have four items on today's agenda. EDB-115 Central Maui Sanitary Landfill Subdivision. EDB-116 Purchase of Land located at Honokowai Reservoir, Lahaina, Maui. EDB-85 Legislation and Discussion on the Effects of the Coronavirus Pandemic, Rules, CARES Act, and Related Issues, and the Committee may recommend the following communications be referred to the Council Chair for the term beginning January 2nd, 2021 in accordance with Rule 23 of the Rules of the Council. So my intention for today's meeting is to begin with public testimony. We'll take up the first two items. If there are no objections, I would like to return from...we'll take our break and when we return from our break, I'd like to take up the referral list first, with the Coronavirus update, and then we'll adjourn for the day. So I...I'm...I'm looking at adjourning by about 12:00, and...okay. We'll begin with public testimony. We have two people signed up to testify. Oral testimony via phone or video conference will be accepted. Testifiers wanting to provide video testimony, please join by going to BlueJeans at bluejeans.com/612388111 as noted on today's agenda. Testifiers wanting to provide audio testimony, please join by calling 1-408-915-6290, and entering meeting code 612388111, also noted on today's agenda. The Committee intends to keep the same meeting link and phone number for the remaining EDB Committee meetings this term for the ease and...oh, well, today is the last

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EDB meeting. So...written testimony is highly encouraged through eComment link listed for today's agenda on mauicounty.us/agendas. Individuals are free to provide testimony via eComment on as many agenda items as they would like. Instructions on how to submit testimony via eComment can be found at mauicounty.us/ecomment. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I kindly ask you to complete your testimony. When testifying, please state your first and last name. If you are testifying on behalf of an organization or are a paid lobbyist, please inform the Committee. Staff will post a link...we posted a link on the...in the chat for the testifiers list. Please be mindful of the use of chat during the meeting. Chat should not be used to provide testimony or chat with Councilmembers or other testifiers. Please...if providing testimony, please be courteous of others by muting your microphone and video while waiting your turn to testify. Once you are done testifying, you will be asked to disconnect from the call; however, you are welcome to continue to view the remainder of the meeting on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Participants who wish to view the meeting with...only, without providing testimony, please disconnect at this time and instead, view the meeting on *Akakū* Channel 53, Facebook Live, or on mauicounty.us. Only Councilmembers, Staff, and designated resource personnel will be connected to the video conference meeting once testimony concludes. Mahalo to the Committee Members, Administration, and the members of the public for being patient if we run into any challenges during the meeting. I will now proceed with oral testimony. The first to testify is Paul Subrata, followed by our last testifier signed up, Faith Chase. Mr. Subrata, if you'd like to unmute yourself now, and you may proceed with your testimony.

COUNCILMEMBER PALTIN: The resource for Maui . . .*(inaudible)*. . .

. . .BEGIN PUBLIC TESTIMONY. . .

MR. SUBRATA: My apology. I...I...I do not have a testimony, I thought I was viewing this on *Akakū*. I withdraw my...my testimony.

CHAIR RAWLINS-FERNANDEZ: Oh, okay. Mahalo, Mr. Subrata. Okay. Faith Chase?

MS. CHASE: Good morning, Chair. Good morning, Council. I'm speaking on two items, 115 and the continuing conversation around the pandemic concerns. First of all, to answer your question from last week, the...there is no pending...somebody asked where...in relation to purchasing the land for the landfill, sorry. Backup. The land title dispute is...is not in any appellate court, civil court, anything like that. Alexander & Baldwin were merely given a certified mailed copy of the concerns around that parcel. So that is as much as I can answer with that. Specifically, I would...I...I'm wondering...and I'm just looking for advice, and I certainly don't want any sort of...I don't mean to create more problems around such a serious infrastructure issue. I...I'm certainly,

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you know...sewer, trash, you know, essential services...I understand how...how important those are, and I don't mean in any way to slow progress in that. But I thought that the fourth...I think it was like the phase four...at one time, we had already secured 'āina for this, above, and so I guess it's on to me to look at long-range planning and to understand better, but I'm kind of perplexed why...why now we're going to this section for the landfill when I remembered that phase four was above. And I remember having the conversation with Reuben (*phonetic*) at EKO because something like...if they had...had they had...had we not sold...had the property above that we had planned to do phase four been secured, his situation might not be as precarious as far as land and expansion and kind of overlapping, you know, phasing him out or trying to...trying to deal with that essential service that he provides. Anyway, that is neither here or there. I can do some data mining on that, but I'm...I'm just wondering about that long-range planning process, why that happened. Thank you for...for, you know, looking closely into this. I'd...I'd...I will say...or looking closer at this. I will say that this is just one example of other situations that we might...that the County might be coming across moving forward in the future, and just the fact that it's a conversation in this fashion is just a prelude to other things coming down the line as far as I'm concerned with other, kind of, land purchases that the County may be thinking that they'll be making with A & B. There are going to be other areas where there will be a far...farther along in their land dispute. I will just say that. As far as the pandemic item, you know, I just keep saying over and over again that I'm really glad that it's on everybody's agenda moving forward to the 2021...I'm anxious to see about the rapid response. I don't feel like I've gotten...and if Sandy Baz is on the call, you know, I...I...I don't know what to do. I feel like I've made this full circle reach of trying to get Administration to understand...give me an answer to any kind of direct action for the...as the Department of Health suggested, as Civil Services...Civil Defense is supposed to implore. And when you get to a point, Mr. Baz, who I know for a long time, and I don't mean to be insulting, but I got to a space where I was...it was a open dialogue with Sandy Baz and Mr. Apana because Mr. Apana apparently was, perhaps, some sort of a cohort helping Mayor Victorino. And I said great, I'm...it's in the beginning. This is like April/May. And when I sent an email...this is just my nerdy administrative process, especially when I'm inviting somebody to a conversation of such serious tone, I sent it read receipt, and neither one of them opened...opened the email. Now, when I call the Mayor's Office, Zeke...you know, I don't know...okay, I can't say it's Zeke, but you know, he's tired of getting calls. Everybody's overwhelmed, just as Mr. Andaya is at MEA..MA [*sic*]. You know, my call goes directly to Department of Housing and Human Concerns. So I'm absolutely at a full circle stop on how to get some action in helping the less fortunate, and I'll just say that. So it would behoove the Administration to return phone calls and be participatory on solutions. Thank you. And as far as the discretionary items, I guess I could call Corporate...Corporate Counsel later...Office of Services. But yesterday, I heard an item that Molina brought

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back or, you know, mentioned that he wanted Councilmember Hokama to include, and it was relating to Maliko Gulch, and so I find that fascinating because there are some things that I'm scanning. I'm wondering where they went. So I...I would love for somebody...I'll send an email of inquiry, but how can I see the items...the discretionary items that, perhaps, the Chair of each Committee didn't pull...push forward to the 2021 calendar? Anyway, all of these discretionary items on this EDB budget, I...I'm glad to see moving forward. Thank you for your time.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Chase. Members, any questions for our testifier? Okay. Seeing none, we'll thank Ms. Chase for her testimony this morning. A hui hou. And I'll ask for any last minute testimony from anyone signed on. Okay. Sounds like no one is speaking up to testify, so if there aren't any objections, Members, I'll now close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR RAWLINS-FERNANDEZ: Mahalo. And any objections to receiving any written testimony?

COUNCILMEMBERS VOICED NO OBJECTIONS

. . .END OF PUBLIC TESTIMONY. . .

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Members.

ITEM 115: CENTRAL MAUI SANITARY LANDFILL SUBDIVISION
(CC 20-556)

CHAIR RAWLINS-FERNANDEZ: Okay. So the first item on today's agenda is EDB-115 Central Maui Sanitary Landfill Subdivision. And we have with us Director of Environmental Management Eric Nakagawa. There he is. And we have Finance Director Scott Teruya, and Budget Director Michele Yoshimura. So at our last meeting, I think we asked most of our questions and discussion, and we were just waiting on any documentation from the testifier at the last meeting, and I...I think that's been resolved. But if...so the Chair is ready to move on this. It is scheduled on Friday's agenda for discharge, and that way we can pass it on first reading on Friday, and then second reading on December 18th. Director Nakagawa, would you like to provide any additional comment?

MR. NAKAGAWA: No. I think what you said is perfect.

CHAIR RAWLINS-FERNANDEZ: Members, do you have any questions or comments

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about this item? Member Hokama?

COUNCILMEMBER HOKAMA: Thank you very much, Chair. I like how you keeping your...us on good time today, Chairman. Thank you so much for your diligence. Director, regarding this item, are there any remediation requirements? I...I...you know, I can't recall if I had asked you that on the earlier meeting, but is there any remediation requirements that this Committee should be aware of prior to the actual purchase of the proposed property?

MR. NAKAGAWA: Thank you, Chair...Member Hokama. There's no remediation that we're...we are aware of, and I assume you're talking about hazardous materials and any kind of stuff like that, yeah? So none that we are aware of.

COUNCILMEMBER HOKAMA: *(audio interference)* Because you know, past chemical usage by the previous owner or subsidiaries, whether or not they left some liquids or chemicals or solids that they were using whether for fertilizers or pesticides? Were you given any indications of types of use that we may have some concern down the road with?

MR. NAKAGAWA: Yeah, Chair. So I...I think...once again, we don't...not aware of...and it was used for, basically, sugar cane, right, in the past? So potentially they have some type of fertilizer, but I mean, nothing that we...to alarm us or anything that we need on some type of hazardous remediation.

COUNCILMEMBER HOKAMA: Great.

MR. NAKAGAWA: Any type of infrastructure, we would build on our own. And once again, it's more of a place that we hope to plan to do emergency debris management, remember, for the...that's the primary purpose --

COUNCILMEMBER HOKAMA: Right. Right. Right.

MR. NAKAGAWA: -- as well as, hopefully, do some type of either waste-to-energy or some type of...definitely some type of eco-composting on that site. So I...I...as far as like landfilling and getting in regulatory requirements, violations, that kind of stuff, I...I don't think so.

COUNCILMEMBER HOKAMA: Okay, good. Well, this Committee has supported you...your...well, this Division, by actually...we're proposing to acquire a greater amount of acreage than your original proposal because we're looking down the road, we believe that it makes sense for us to consider the bigger parcel for the County's benefit. So do you support the Council's...this Committee's direction?

MR. NAKAGAWA: Oh, yeah. Totally. Oh, sorry. Yes, Chair. Totally.

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COUNCILMEMBER HOKAMA: We just wanted to be sure that we're in sync with you, Director, yeah? Because I believe the Committee is doing the...going in the right direction looking down the road for future requirements. So...thank you very much. Chair, I appreciate my opportunity.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. I see Member Sinenci, followed by Vice-Chair King.

COUNCILMEMBER SINENCI: Mahalo, Chair for the opportunity. Just a question for Ms. Yoshimura about the fees. Where would the funding be coming from? Is there tipping fees that are a part of this sale? Is it part of the Department of Environmental Management? So just a brief summary of the funding source.

MS. YOSHIMURA: Chair, so the funding source for the land purchase is coming from the bond fund. I believe the budget amendment was passed back in March of 2020, earlier this year. It was added...there was a budget amendment that was adopted, it was \$200,000 that was originally appropriated in the budget. We came back in and asked for an increase of \$1.8 million, so a total of \$2 million. So the debt service will be borne by the solid waste fund.

COUNCILMEMBER SINENCI: Thank you for that update.

MS. YOSHIMURA: Was that *(audio interference)*

COUNCILMEMBER SINENCI: Yeah.

MS. YOSHIMURA: . . .*(inaudible)*. . . Okay.

COUNCILMEMBER SINENCI: Thank you *(audio interference)*

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Committee Vice-Chair King?

VICE-CHAIR KING: Thank you, Chair. Aloha, Mr. Nakagawa. I just wanted to confirm that we don't need any...or do we need any zoning changes in order to do any of those activities that we were talking about...recycling, composting, waste-to-energy, anything like that? Are we good with the current zoning?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Chair. Yeah, Member King. So I...I think I touched on it a little bit when you asked about time frames, right, on how fast we can get eco-compost on that site. So it...it will require a...a zone change, right? Because this was...I think we learned from our ALPs that we went...I think I kind of touched on it with State Land Use Commission that it's agriculture now, and so if we went

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into...to get any permit, which takes about couple years because we need either a EA or EIS, and we need to go back in front of the State Land Use Commission, which is ag right now. So either we need a special use permit or based on the conditions that we got from the 40 acres that you guys already approved, was that we need to do a DBA, right? So I think we...I remember you guys talking about, you know, what would that DBA...what would it look like to be consistent with County. I think it was Chair Rawlins-Fernandez asked, and it would be some type of quasi or industrial, I think was. I think that was the answer last time.

VICE-CHAIR KING: What's...what's . . .*(inaudible)*. . . --

MR. NAKAGAWA: So yeah.

VICE-CHAIR KING: -- getting a special use permit or going for the zoning change? What would be faster?

MR. NAKAGAWA: Yeah, so in our experience, the special use permit is faster. So what our plan is...is to...unfortunately, I mean, for all of us in general, it's going to be more expensive, but what we're going to go with parallel. We're going to have to do the DBA for the entire area of that Central Maui landfill, and then at the same time...because we want immediate use for something like compost or eco-compost, that kind of stuff, we will probably have to go in for a special use permit, and that'll take about couple years, I think.

VICE-CHAIR KING: Wow.

MR. NAKAGAWA: But the DBA will probably be around five years, yeah, for the DBA.

VICE-CHAIR KING: Oh, okay. Yeah, I wondered...I remember us talking about it, I couldn't remember the time frame that you had said, but...

MR. NAKAGAWA: Yeah. It was a like a two and then a five or it was like, almost double for the DBA, so --

VICE-CHAIR KING: . . .*(inaudible)*. . .

MR. NAKAGAWA: -- but our...yeah, unfortunately, we pleaded that case with...a little, with the State Land Use Commission, but they...their view was that landfills in general have a different look now, not just a hole in the ground. So it requires some type of industrial use, kind of like what...what our master plan was with you guys for that 40 acres where you have buildings and potentially waste-to-energy. You have other type of concrete structures right? That kind of stuff. So they felt that it was a more...suitable to be not agriculture, but urban now, right, in their classification so...but one thing good is...and I think that's what

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they're trying to do is we never have to go back to them again. So every ten years you got to go. Every time we got to pay to do the re...get the permit updated. This one is a one-time and then done.

VICE-CHAIR KING: Okay. And there's...and you cannot move, like, operations that you're doing now in the landfill over to the new site, but you can go back to doing the composting in the old site, is that an option?

MR. NAKAGAWA: I mean...I think I understand your question. The answer is no. Yeah, so, every parcel is...has its own permit separately. So right now, it's for ag...ag use and...and I'm sure we could put the...the...if a hurricane came, we could put the emergency debris stuff over there, but we can't like, build something or...

VICE-CHAIR KING: . . .*(inaudible)*. . .

MR. NAKAGAWA: Yeah.

VICE-CHAIR KING: Okay. Just trying to figure out how we can keep some of this stuff from going back into the landfill like it's been, but...okay.

MR. NAKAGAWA: Yeah. Yeah.

VICE-CHAIR KING: I'm sure you've looked at all options so...thank you. Keep thinking. Keep thinking.

MR. NAKAGAWA: We've been...we've been. Oh, sorry. Anyway...

VICE-CHAIR KING: That's okay. I know. We're...we're all trying to find ways to expedite. Thank you, Chair.

MR. NAKAGAWA: Yeah.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair King. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice seeing you, Mr. Nakagawa. So have you submitted any of this paperwork to start the process for this 40 acres...the DBA...or will you?

MR. NAKAGAWA: Hi, Chair. Yes, Member Sugimura. So right now, what we're doing is trying to explore some...like Member King is asking is...we're trying to explore some options because I believe Deputy Planning Director Jordan Hart...he's looking at the current special use permit right now with our...with the EA that we completed already for that project, and we're trying to see if we can do a

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simple amendment to our special use permit so that we can get the eco-compost on the 40 acres for now, and then eventually to the 60 acres. So...but to start the DBA, we haven't had any...we've just been looking at it. We've been debating, going back and forth, trying to figure what the best plan, and for me, what is the best long-range alternatives for us. And I think we finally concluded that most likely, we're going to keep the State Land Use Commission's conditions and we're going to go...move forward with the DBA. So you guys will all be hearing from me soon with that.

COUNCILMEMBER SUGIMURA: Okay. good. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Okay. And I guess I see no more questions. I'll...I'll follow up on the question from the testifier on phase four if you would briefly explain...I don't know if you heard the testifier ask the question about phase four being above and it not being there anymore, Director.

MR. NAKAGAWA: Yeah. Okay. Thanks, Chair. Yeah, so I'm not too sure when she kind of had her conversations with solid waste or the previous Directors, whatever. So basically, phase four is already done. It's already...I guess the hole's filled, right? They capped it. Right now, we're currently on phase five, which is the one that we're slowly reaching our capacity, and then we're building phase three, which is the one you guys just approved on this past budget, right? So that's the one we're building now. So maybe her numbers are...or phases are mixed up, but maybe she's talking about six? I don't know if you guys remember when I talked about, during budget, to build out phase three, there was a phase six that was north...or I should say mauka of the landfill. But that was kind of...remind everyone, that one was before we could purchase it, a private landowner bought that one, right? And then it forced our hand to kind of go in where EKO Compost is now. So that's kind of the whole outline. And so that phase six was never purchased by the County, and I'm sure, like, Members like Riki can...Hokama can figure out like...I don't know what happened, that was before my time, so...

CHAIR RAWLINS-FERNANDEZ: Mahalo for that explanation, Director. Okay. So if there are no more questions or comments...Member Hokama?

COUNCILMEMBER HOKAMA: Just a quick follow up, Chair, and thank you for asking that question. So Director, if...let's say...excuse me. Director, let's say we move forward, we get the acquisition. Is this going to delay your Division or your Department's update of the Solid Waste Integrated Refuse Plan?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Madam Chair. Yeah. Absolutely not. We're still on track, as we

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told you guys. You guys approved the funding for that plan and we should be done, I think it was, next year some time. And so --

COUNCILMEMBER HOKAMA: Right.

MR. NAKAGAWA: -- the long-range planning won't...won't deter. This is kind of a interim plan, right? It'll give us ten years of capacity, right, but we still need to focus on the future. And my understanding, I mean, just in general, without the Integrated Solid Waste Management Plan is, we always follow Ameron, right? Because they dig the hole, mine it, and then we...we fill it, right? So they have...once we get past this initial phase and they're done with that next one, I mean, it'll have like 50 years' worth of capacity is my understanding. So it's just this one interim time where we're trying to navigate through all the hurdles.

COUNCILMEMBER HOKAMA: Okay. Yeah, I appreciate that response, Director. Thank you very much, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Okay, Members, if there are no objections, I'll now defer EDB-115, and we'll take it up on the...

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER pending further discussion.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

**ITEM 116: PURCHASE OF LAND LOCATED AT HONOKOWAI
RESERVOIR, LAHAINA, MAUI (CC 20-576)**

CHAIR RAWLINS-FERNANDEZ: Okay. The next item is EDB-116, purchase of land located at Honokowai Reservoir, Lahaina, Maui, and we have Director Nakagawa for opening comment.

MR. NAKAGAWA: All right. Thank you, Chair. So...so basically, this one is one of the e-purchases that we need in order to implement our expansion of the recycled water into West Maui, right? I mean, this was our long-range plan that we've been kind of showing you for the past couple years already of...we need elevated storage. And I know we went back and forth with previous Councils trying to place a tank here, and then we went to another site because it didn't work out, and then that side didn't work out, so we came back to this one, and just so happened that Maui Land and Pine was willing to get rid of their reservoirs, right? So this is just a reservoir that will have roughly around four million gallons of storage of R-1 water that we will be able to use to pressurize our

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existing system. And I think as soon as this one is up and running, it will help us to increase our reuse by almost 800,000 gallons a day. So almost a million gallons. So it's a pretty significant part of our infrastructure that we're going to need to...to help minimize the use of our injection wells. And then this was just the first phase, right? And I think I showed you guys the second phase of going up to the top after. So...but anyway, that's kind of the...the background and the purpose of what it is, so...and it looks like Member Paltin has a question.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. I wanted to see if Director Teruya or Director Yoshimura would like to provide any comments before I open it up for questions.

MR. TERUYA: None for me at this time, Chair. Thank you.

MS. YOSHIMURA: None for me, Chair. Thank you.

CHAIR RAWLINS-FERNANDEZ: Okay, mahalo. Okay, I'll start with Committee Vice-Chair King, and then the West Maui Councilmember Paltin, and then I'll go to Member Kama, and then I'll work our way down, each with three minutes. Committee Vice-Chair King?

VICE-CHAIR KING: Thank you, Chair. I just...I guess my main issue, and I'm not sure who to ask is...just...is this a good value for this purchase? That maybe Director Nakagawa or...not sure to ask.

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: All right. Thank you, Chair. Yeah, Member King, so is it a good value? I'm sure Director Scott Teruya can answer that. But we did get a appraisal for the reservoir area, and it seems to be in line with...according to Finance, it seems to be in line with what the appraisal came in. So maybe he can touch more...

VICE-CHAIR KING: Okay. So this is the appraisal value?

MR. NAKAGAWA: What was that? Sorry.

VICE-CHAIR KING: This is the appraisal price is what you're saying?

MR. NAKAGAWA: So the appraisal price that we received was...was like \$480,000. I mean, I have it right here. But that did...

VICE-CHAIR KING: Okay. And then before appraisal (*audio interference*) 599, so...

MR. NAKAGAWA: Right. And that 599 is an adjustment for...on this parcel, it's a 5.1

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acre, so it's a kind of bigger parcel than the reservoir. But on that reservoir there's a solar farm, I guess, so to say. Like the...I don't know how many panels there are, but there's like a...I guess Maui Land & Pine leased out a portion of it to a third-party entity, and so that appraised value with the entire thing...we didn't get the appraisal with the PV system. So all combined, it came out to the 599.

VICE-CHAIR KING: Okay. So...but are we owning the PV system then, or are we just going to take over the lease, so they're going to be paying the County to lease that land?

MR. NAKAGAWA: Yeah. So my understanding is we just take over the lease.

VICE-CHAIR KING: Okay. So that's additional income that's coming to the County . . .
(inaudible). . .

MR. NAKAGAWA: Yeah, and Director Teruya can speak more about it.

CHAIR RAWLINS-FERNANDEZ: Director Teruya?

MR. TERUYA: Thank you, Chair. On the line I have Guy Hironaka, that maybe we can give him a moment to maybe explain the details. Guy, are you on and can you unmute yourself?

MR. HIRONAKA: Okay. Can you hear me?

VICE-CHAIR KING: We can hear you, we can't see you.

MR. HIRONAKA: Oh. Wait, hold on. Let me see...I can't get my video.

CHAIR RAWLINS-FERNANDEZ: And if you'll *(audio interference)*

MR. HIRONAKA: Okay. Sorry.

VICE-CHAIR KING: There you go.

MR. HIRONAKA: Okay. So we did the analysis of...this is Guy Hironaka, Real Property Management Specialist. We looked at the remaining balance of the license with the solar farm. The current license is until . . .*(timer sounds)*. . . the end of May 2031. The annual license fee is approximately \$13,200 currently, and it will go up starting in 2026. So the remaining balance in order to take the property over as of January 1st would be \$154,000 of income to the County. And if we discount it, you know, based on different rates, we anticipate anywhere...the current present value would be somewhere between \$115,000 to \$130,000. So it makes up the difference between the appraised value and the

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agreed-upon sales price.

VICE-CHAIR KING: Okay. I think my time's up. Thank you, Guy, I really appreciate that explanation. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: *(audio interference)* Vice-Chair King. And then...I think that was enough, but if...if Members would like, I can share my screen of where that section is in that document, if that would be helpful. Yeah? Okay.

COUNCILMEMBER HOKAMA: Chair, did you get a breakdown in writing?

CHAIR RAWLINS-FERNANDEZ: Of what *(audio interference)* Hironaka shared?

COUNCILMEMBER HOKAMA: Yeah. Like you know, with the numbers, you know, with the ten-year lease option....the numbers, the discount rates, what was the then the adjusted net for the discount, and then to go back to the original valuations, just so...so we can see the comparisons. I was hoping to get something more than just an oral verbiage thing, but something black and white with numbers. So I...I...just ask if maybe they were able to present that to you and you could share that with us, please.

CHAIR RAWLINS-FERNANDEZ: Director Nakagawa, do you have that information...or Mr. Hironaka, if you can submit that to the Committee.

MR. HIRONAKA: Okay. We can submit that to the Committee.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. Okay, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Here's my first round questions. Can we get a copy of the preliminary title report? Can we get a copy of the appraisal? Is this something that we're being expected to pass on the floor on Friday? And is the solar farm the one at the top of the property, and the reservoir is the one in the middle? And was the future phases...we're going to buy the three reservoirs at the top? Go.

CHAIR RAWLINS-FERNANDEZ: Director? You're muted.

MR. NAKAGAWA: So yes, yes. You can get copies, right? Your...so I forget your third question. Your third question was...

COUNCILMEMBER PALTIN: Are we supposed to pass this on Friday?

MR. NAKAGAWA: I'm hoping you will pass it this year. So my plan was to utilize the 2020 funds, that's why. Because you guys already allocated me some funds and I want to utilize that, and save this year's funds for when I bid out the

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construction of the improvements within the facility. And it's the...it's the solar farm above the...this 300 foot level...right above it. So if you look on Google Maps, you'll see it right above. And are we getting three reservoirs right now? No. We're only getting this one. There are talks with either...with us with MOP...with DHHL and MOP, I heard, on who gets the bigger one, the one above. I think it's like 20-something --

UNIDENTIFIED SPEAKER: Million gallons.

MR. NAKAGAWA: -- million gallons. And then we already own the one above that, which is about 7 million gallons. So we have two, and they have...and that one big one is not settled on yet.

COUNCILMEMBER PALTIN: The...so the reservoir that we're purchasing and the...or we want to purchase, and the solar panels, is that a non-contiguous parcel?

MR. NAKAGAWA: Yes. So...because I believe it surround...totally surrounded by DHHL land, right? It's like a little, like...how do I explain it? Almost like a jellyfish looking thing, right? 5.1 acres. So it has nothing to do with any of the other ones.

COUNCILMEMBER PALTIN: And we're not at all curious how Maui Land & Pine has these non-contiguous parcels within DHHL's 800 acres?

MR. NAKAGAWA: I'm not curious, but it sounds like you are. So I did look it up. So basically, my understanding of how Maui Land & Pine ended up getting it was...this was...it used to be all owned by Pioneer Mill, right? And so Pioneer Mill . . . (*timer sounds*). . . basically had a debt owed to Maui Land & Pine, and so when it was time for them to pay off the debt, that's what they gave Maui Land & Pine...these reservoirs. I reached out to DHHL and kind of basically, blunt...bluntly asked them, "Hey, is there somehow that, you know, this was not kosher, or how did you get...you know, that they're surrounded by you guys?" And then they said...I didn't get a response from them. So I...I just assuming that they...if there was some kind of monkey business going on, they would have kind of told me, "Hey, yeah, something, something, something", right? But I reached out to Stewart Matsunaga. He's the main DHHL guy that we always deal with. He hasn't gotten back to me. So the history of it...my understanding is DHHL already owned all that property prior to the giving of the property from Pioneer Mill to MLP. So I...I would assume some kind of dispute or whatever at that time would have been resolved or whatever. So...but once again, all the title reports that we got seems to be all pretty straightforward and legit. I mean, I didn't...I haven't heard any complaints from DHHL or anybody else.

COUNCILMEMBER PALTIN: I guess my time's up. Thank you, Doctor...or Director

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Nakagawa and Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. And to answer your...one of your questions about whether we need to pass this on Friday, I keep forgetting that it's a resolution, so it just needs one reading.

VICE-CHAIR KING: One.

CHAIR RAWLINS-FERNANDEZ: And so I put it on Friday's agenda, but we can also take it up on December 18th if that's the Committee's wish, and then that way we can wait on the documentation. But I...I guess if Mr. Hironaka and Director Nakagawa can get that information to the Members before we adjourn today, then we can make a decision on either take actions Friday, or we can schedule it for December 18th and do a Committee report for...and recommend passage. Member Paltin?

COUNCILMEMBER PALTIN: You know, I don't really mind either way, but I would like to be able to review those documents...the preliminary title report, the appraisal...the one that Member Hokama asked for, and possibly reach out to Stewart Matsunaga, seeing as he hasn't replied yet. So if that would be the case, I don't know how fast between today and Friday with the Committee meetings coming up. So...but just, you know, if we're doing purchases, maybe preliminary title reports could be included in the standard packet of things that they send us, maybe? And then we won't be holding up whatever fast action needs to be taken.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Paltin. Director Nakagawa, you can email the reports to edb.committee@mauicounty.us. Okay, the next person in line is Pro Temp Kama, followed by Member Sugimura.

COUNCILMEMBER KAMA: Thank you, Chair. So I just wanted to ask Director, can you lay out for me...because I don't...I've never been...I don't think I've been to this site. What...what is on the property, the five acres? Can you describe for me what is actually on it, and when do you anticipate putting the new elevated storage on top?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Thank you. No. Member Paltin's telling me there's a lot of rubbish. There is no rubbish over there. So basically, if you was to drive up the road, you would start from Honoapiilani Highway, there is basically a dirt road --

COUNCILMEMBER KAMA: Yeah.

MR. NAKAGAWA: -- and it goes in and it goes up, and all you're going to see is, like,

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these old pineapple fields that used to have pineapples on. So you just drive up the road, it's just a dirt road, and then if you took a right...and basically, you go on another dirt road, and all it is a big reservoir. So like something that as kids, maybe, people used to swim in, that kind stuff. So it's just a big, lined reservoir, and above it there's, like, any other solar...PV solar farm. On the ground, there's these panels on the ground above it. I don't believe...I...I don't remember a fence or anything, so it was just a big, dirt...I guess, reservoir. That's all...that's all you're going to see. And all around it is just all brush and old pineapple fields. If you continue up the road, you would run into Mahinahina Water Treatment Plant. So you'll see a big pond over there with a building up there.

COUNCILMEMBER KAMA: And all of that is on top of the five point...the five acres?

MR. NAKAGAWA: Yeah. So the 5.1 acres is basically a dirt road, the reservoir and the PV panels, and that's it.

COUNCILMEMBER KAMA: And so you anticipate putting a...another storage up there?

MR. NAKAGAWA: No. So what we're planning on doing is hopefully utilizing that existing reservoir. We'll get it up to...if any type of improvements we need, we'll do it, and we definitely want to put a cover over it so that nothing can go into the water, right? So basically, you will have a covered pond up there. And then --

COUNCILMEMBER KAMA: What is...

MR. NAKAGAWA: -- in the...yeah?

COUNCILMEMBER KAMA: What is the capacity of the . . . *(inaudible)* . . .

MR. NAKAGAWA: Right now, it's...right now, it's four million gallons.

COUNCILMEMBER KAMA: That's kind of small right, four mil? I mean, how many households *(audio interference)* four million gallons of service?

MR. NAKAGAWA: So...so just to remind you. So this is recycled water. So . . . *(timer sounds)*. . . --

COUNCILMEMBER KAMA: Yeah.

MR. NAKAGAWA: -- basically, we're not really servicing any household with water.

COUNCILMEMBER KAMA: Properties. Okay.

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MR. NAKAGAWA: Yeah. But just to give you an indication...I forget what the dimensions are, but one million gallons is...an entire golf course uses that, roughly.

COUNCILMEMBER KAMA: Seventeen acres...

MR. NAKAGAWA: They use about 800,000 gallons. So we could service about four or five golf courses with that....that amount of water. So it's...it's kind of a lot of water.

COUNCILMEMBER KAMA: So 17 acres is usually the size of a golf course, yeah or no? And that's my last question. Thank you, Chair.

MR. NAKAGAWA: Seventeen acres. I mean, I think it's a lot bigger than 17 acres...a golf course. But if you just talking about only grass area, I mean, maybe it might shrink down that much. But I think Doctor...I mean, Director Teruya can...he's a golfer, so he would be able to answer that.

COUNCILMEMBER KAMA: Of course, thank you. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Temp Kama. Member Sugimura, followed by Member Hokama.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So this is all going to help us with our injection well problems that we have on that side, right? For recycling and reuse?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Well, how do I say it? It'll definitely help us minimize the use of injection wells and really increase our reuse on that side, yeah. I guess it depends who you ask, right? I...I mean, I don't think we have a problem with our injection wells, but...

COUNCILMEMBER SUGIMURA: Oh, okay. Sorry, I worded that wrong.

MR. NAKAGAWA: Yeah. This is...it'll definitely help us to move towards the goal of not utilizing the injection wells. We're only having it as backup. Yeah.

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

COUNCILMEMBER SUGIMURA: Yeah.

MR. NAKAGAWA: And increase reuse, yeah.

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COUNCILMEMBER SUGIMURA: Yeah, and that's...that's our goal. So appreciate --

MR. NAKAGAWA: Yeah, our goal.

COUNCILMEMBER SUGIMURA: -- you also utilizing what funds we have, and bringing it forward. And Chair, thank you for supporting that so we can, you know, use the funds that's available if the Committee decides. And I think Tamara probably asked a lot of questions that many of us were probably wondering, so I'm done. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Member Hokama, followed by Chair Lee.

COUNCILMEMBER HOKAMA: Thank you very much, Chair, I appreciate my time. So first, real quickly, Director, was this reservoir recently inspected and certified as in regards to the requirements that the State has now imposed regarding safety and berm walls, and you know, any issues or inspection information you could share with us?

MR. NAKAGAWA: Yes. Thank you. So basically that's what...that took majority of our time is doing the due diligence. So we did find all of the reports, and nothing significant in those reports to be concerned with. So we finally got the reports, and then we got the sign off for...with Wastewater. They kind of said it...we're good to go with it. In the...I guess there's all kind of detailed stuff. I mean, it was supposed to be a way bigger reservoir and it's smaller, but I don't want to waste your time on that.

COUNCILMEMBER HOKAMA: Yeah. Yeah. No, no, no. I just want to know what we committing to in...for the future costs and operations, yeah, Director. So I just wanted to know, are you going to need to come back to the Council shortly for money because you need to reinforce the reservoir walls or something? Or you got to purchase the new cover to reduce (*audio interference*) evaporation rates or whatever need be. So I'm just asking up front. Do you have a closing deadline requirement with the property owners of when it needs to close? Like another year or anything else that is pushing this? Is there any factors we should be aware of, Director?

MR. NAKAGAWA: Yeah, Chair. We don't have any imposements [*sic*] from Maui Land & Pine. We just want to utilize the 2020 funds for this portion.

COUNCILMEMBER HOKAMA: Got it.

MR. NAKAGAWA: We do have funds in 2021 also.

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COUNCILMEMBER HOKAMA: Okay. And again, sorry, you know, I got to be me, Directors. So this is my real short, short questions with short answers I need. Has your Division or your Department...and so I am looking at your Division Head and your Deputy, have you given them some direction on how to prepare for the future increases to pay for the purchase and future operations? Has that started, yes or no?

MR. NAKAGAWA: Yes.

COUNCILMEMBER HOKAMA: Great.

MR. NAKAGAWA: That actually started with me, yeah.

COUNCILMEMBER HOKAMA: Great. So do you think it may be by next budget for the new Council, you may be able to write some sense of funding? You know, because people like me, once you convince people like me to purchase . . . (*timer sounds*). . . yeah, . . . (*inaudible*). . . County to fund future rate increases.

MR. NAKAGAWA: Um-hum.

COUNCILMEMBER HOKAMA: Just so I can finish my thought real fast, yeah? My concern is GASB and the Feds because I'm not sure how GASB's going to look in the future, looking at this County (*audio interference*) that services a fixed cost, and automatic rate increases justify that position. I have an issue with that, of a fiscal philosophy and discipline standpoint. I'll leave at that because I think Mr. Teruya and Budget Director, they understand my question about the fixed cost issue and GASB...future GASB requirements regarding the payment of future increases and operations regarding purchases such as these. So, yeah. Thank you, you know. As long as you understand, you know, that is my big concern, the new Council is going to have to deal with this...this type of questions that people like me have...have, Director. So thank you, Chair. But I think Mr. Teruya may not agree.

CHAIR RAWLINS-FERNANDEZ: Director Teruya?

MR. TERUYA: Thank you, Chair. If you don't mind, maybe having Guy Hironaka respond to Mr. Hokama's question because I'm...I believe that there is a timing requirement for this purchase. Guy, are you on?

MR. HIRONAKA: Yes, I am.

CHAIR RAWLINS-FERNANDEZ: Mr. Hironaka?

MR. HIRONAKA: Okay. Thanks, Chair. Maui Land & Pine needs to close by the end of the year. Their board has authorized the sale to go...to close no later than

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the end of this calendar year.

COUNCILMEMBER HOKAMA: So Mr. Hironaka, if the Council agrees, I would say my requirement on my side is that then they shall proceed after notification of our approval to go record it and get it squared away by the end of the year because that's their need. That's not our need. Why should we run around and do their leg work? You know, if that's they want, that's fine. They can go and hand carry to Land Court or Bureau of Conveyances and wait and get it recorded if that's what they need for their books to make their end of the year corporate filings for taxes. That's fine with me. Thank you very much, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Okay. Member Molina, followed by Member Sinenci.

COUNCILMEMBER MOLINA: Oh, Madam Chair, I think you mentioned Chair Lee. I'll yield to her --

CHAIR RAWLINS-FERNANDEZ: Yeah, . . .*(inaudible)*. . .

COUNCILMEMBER MOLINA: -- and then I'll go after.

CHAIR RAWLINS-FERNANDEZ: Chair Lee let me know that she didn't have any questions. So --

COUNCILMEMBER MOLINA: Oh, okay.

CHAIR RAWLINS-FERNANDEZ: -- I'll go to you, Member Molina.

COUNCILMEMBER MOLINA: I'll go ahead then. Okay. Thank you.

CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER MOLINA: Mr. Director, just a couple of general questions. There was some concern about the location of the storage tank, I guess, near the Kā'anapali Hillside community. I guess they had raised some concerns. How far away is this site from that, I guess, subdivision? And has this acquisition been discussed with the community?

MR. NAKAGAWA: Yeah. So...thank you, Chair. So the Kā'anapali Hillside, I...I don't think...I think they had a problem with the previous tank, right, when we moved it? So this one is like completely on the other side of the...I don't know how far. Like maybe in...it's miles away. It's like nowhere near --

COUNCILMEMBER MOLINA: Okay.

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MR. NAKAGAWA: -- any residential, yeah.

COUNCILMEMBER MOLINA: Okay.

MR. NAKAGAWA: It's surrounded by pineapple fields, yeah.

COUNCILMEMBER MOLINA: Okay. That's fine. No problem. Okay. Next questions...at this point do you have some potential customers for the recycled water and for reusage? And I presume there's going to be transmission lines that will be installed, do you have any timeline on that at this point?

MR. NAKAGAWA: Yeah, Chair. Yeah. So basically, we already talked to all the...we let all the major users know that's already on the system. So what this will do is allow us to tie into the existing system. So all of the current users now can utilize their water, like, 24/7 because now they have pressure all the time. We also talked to Kā'anapali Golf Course, so now we will be able to irrigate the mauka part of the course instead of only the makai of the highway. So that's why it'll be a significant increase. They were...when I was at...there a couple years ago, meaning with Wastewater Chief, I talked to Kā'anapali Golf Course, and they were installing some pipelines to...to accommodate the water. So they're looking forward to the...to the water. So hopefully, they have the same leadership and same philosophy that they're going to take that water. As far as the additional distribution lines, we do have funds for Kā'anapali parkway already, for some laterals along Honoapiilani Highway. I...that is...it got held up during the lawsuit, so I think we just started design again on that. So you'll probably see some type of construction in the next year or two...for construction funds, we come before you guys. So...but as far as the full buildout when kind of how we planned on...like I talked about going up mauka to the next reservoir and get the major landowners of all mauka side, I believe that's not for another eight to ten years in which everything gets buildout total.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Director for the update. Thank you, Madam Chair.

CHAIR RAWLINS-FERNANDEZ: Good timing, Member Molina. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair, for my opportunity. Yeah, and thank you for the Members, some of my questions have been asked. I did have a question for Ms. Thomson if she's available online, and I guess my general question is, you know, considering the line injection well case...

CHAIR RAWLINS-FERNANDEZ: We don't have Deputy Corporation Counsel Thomson on. We have Ms. Toshikiyo. Do you want to ask her a question?

COUNCILMEMBER SINENCI: Whomever. It's just a general question about the

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SCOTUS, the Supreme Court case and it returning back to the Hawai'i Supreme Court. So I guess my question would be, does this purchase help to position the County in a favorable way as far addressing future litigation, if that makes sense.

MS. THOMSON: Chair, I don't...I'm not sure if you can see me online.

CHAIR RAWLINS-FERNANDEZ: We can see you now. Thank you for joining us.

MS. THOMSON: Thank you. Great. Thank you for that question, that's a...that's a very packed question there. I don't see that the purchase of the reservoir will directly affect this...the current lawsuit that's before the Hawai'i...that's back at the Hawai'i District Court level. So I don't think it has a direct impact on the progress of...of the litigation in one way or another, but in terms of the overall, you know, as Director Nakagawa was addressing earlier, in terms of addressing, you know, using more of this valuable resource on land...the recycled water on land versus needing to use the injection wells as a backup disposal method, the more...you know, the more water is used on land the better, I think, is, you know, the overall view of, you know . . . *(inaudible)*. . . from, you know, from a legal standpoint, you know, avoiding concerns, you know, whether they're legal or practical concerns. But...so it doesn't have an immediate effect on the lawsuit, but I think in general, it...it's just a good step in the right direction all around.

COUNCILMEMBER SINENCI: For the environmental part. Okay. Thank you, Ms. Thomson. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Okay. You just had that one question? Mahalo, Member Sinenci. Okay. I have some questions. Okay. Director Nakagawa, for the...so for...to...to pump the R1 water into the reservoir, do we already have those pumps in place, or is that something we'll have to purchase later?

MR. NAKAGAWA: Yes, Chair. So we do actually have pumps that can pump into there, but where we want to go in the future, we're going to actually build a bigger one or expand.

CHAIR RAWLINS-FERNANDEZ: Okay. And I know it costs a lot. You know, it takes...I don't know if you run it off diesel, but is having a solar panel cover over the reservoir something that your Department discussed to provide the energy required for the pumps?

MR. NAKAGAWA: Okay. So right now, I'm not too sure. Are you talking about when we build pumps at the reservoir site or pumps at our facility right now?

CHAIR RAWLINS-FERNANDEZ: At the reservoir.

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MR. NAKAGAWA: So if it...yeah. So, okay. Yeah, so what I was going to talk about is hopefully in the future...because it already has solar panels there, and I need power there in the future to pump up to the top, we could hopefully take that over or utilize the power from it. But that's something else I going need to work out with whoever the lessee is or whatever, right? So...but that's definitely a good idea, and we are going to put covers over the pond already, just to keep stuff out of the water. And so I don't see why we can't put more panels up over the actual pond if allowed by...I know there's a...there's a airport nearby, yeah? So as long as FAA is okay. Yeah.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. And then I guess my question is for Staff. I tried to open up Granicus to find the reports and I didn't see it yet. Oh, there they are. Okay. Okay. Okay. We can do a round two. I'll go back to Committee Vice-Chair King, followed by Member Paltin. Member Hokama, were you raising your hand? Oh, okay. Yeah, I still have some time. Go ahead.

VICE-CHAIR KING: Okay. I'll yield to --

COUNCILMEMBER HOKAMA: Oh, Chair?

VICE-CHAIR KING: -- Mr. Hokama.

CHAIR RAWLINS-FERNANDEZ: He has...yeah. I was going to let Member Hokama...I have 17 seconds left.

VICE-CHAIR KING: Yeah, go ahead.

COUNCILMEMBER HOKAMA: Thank you, Chair. Real fast, yeah. Director, is there any need of the County to go back to the PUC or the utilities since now we own the solar component at the site? Do we become now the...the third-party provider in a power purchase agreement or something, please?

MR. NAKAGAWA: Thank you.

COUNCILMEMBER HOKAMA: I see Ms. Thomson wants to respond.

MR. NAKAGAWA: Okay. I'll let her go.

MS. THOMSON: Yeah, there's no need for us to go to the PUC. So we would be the lessor, so we would step into the lessor's shoes assuming...and that role, but we...we would not become a public utility needing to do anything before the *(audio interference)*

COUNCILMEMBER HOKAMA: Okay, thank you. Thank you, Ms. Thomson. Thank

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you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Committee Vice-Chair King, followed by Member Paltin.

VICE-CHAIR KING: Thank you, Chair. So just following along the lines of the renewable energy question, have you ever considered using biodiesel in your diesel generators? Because that would cover you on both sides. That would be firm power if the sun's not shining.

MR. NAKAGAWA: Yeah, thank you, Chair. I...I think at one point we did look at...I think it was a previous Director in looking at some type of either biodiesel or some type of liquified natural gas and the conversions. So we did kind of look at it, but we've never, I guess, fully vetted that option, right? So...

VICE-CHAIR KING: Yeah. It's just odd to hear you talk about, you know, continuing to use fossil fuel when we're suing the petroleum industry, and there's really no conversion needed for the generators to put biodiesel in. I understand you'd need conversion for natural gas but then you're still using fossil. Natural gas is still fossil. You understand that, right?

MR. NAKAGAWA: Yeah. So...I mean, definitely, we can look into it and I can get back to you on that. I know it's not something we haven't looked at, so I'll look into it and let you know.

VICE-CHAIR KING: Okay. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair King. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. For my next questions, I want to go off the document correspondence to Council Chair Lee dated 11/25/2020, if that's possible? And on page 5, I'm confused as to why there's a diagram that says Kihei, Maui Research and Technology Park?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Oh, sorry. I was just texting that I sent the title report, appraisal, and survey map to you guys.

COUNCILMEMBER PALTIN: Got it.

MR. NAKAGAWA: Okay, so...so you're going off of the status report?

COUNCILMEMBER PALTIN: I think it's the Resolution from the Mayor, and I have some other questions.

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MR. NAKAGAWA: Oh, okay.

COUNCILMEMBER PALTIN: But...it says land zoning map number L5121, Change in Zoning Kihei, Maui from Agricultural to Maui Research and Technology Park District. I mean, why is that in the reso to purchase land in Honokowai?

MR. NAKAGAWA: Sorry, I'm trying to look for the resolution. I'll...I'll grab the resolution and I'll get back to you on that.

MS. THOMSON: That looks like somehow the...I'm sorry to jump in, Chair.

CHAIR RAWLINS-FERNANDEZ: *(audio interference)* Thomson?

MS. THOMSON: That looks like an incorrect map got inserted into that document. I was just pulling up in my electronic folder the correct survey map. Thank you for catching that. I can transmit that right now.

COUNCILMEMBER PALTIN: Transmit the correct map?

MS. THOMSON: Yeah.

COUNCILMEMBER PALTIN: Okay. So we definitely won't be voting on this reso because that would be weird, right? I guess...and then I had another question on page...or not page, but number 6 out of 17, same document, and number 8 out of 17. Ms. Thompson, at the top of page 6 out of 17, Exhibit 2, it says, "portion of the Government Crown land of Honokowai, parcel A, description of reservoir site." I wonder if you could clarify for the Committee, "portion of Government Crown land of Honokowai." Does it mean that it's already ours as the Government, and why would we be purchasing it?

CHAIR RAWLINS-FERNANDEZ: Ms. Thomson?

MS. THOMSON: Thank you. Can you please just refresh me, which page are you looking at?

COUNCILMEMBER PALTIN: In the document from Chair Lee, it's page 6 of 17, but at the bottom of the page, it says page 1 of 2, and it says Exhibit 2 at the top. It's the second document on Granicus, I guess, what...what we were given as homework from before the meeting started.

MS. THOMSON: Okay. So that's...it's part of the legal description, the...of the reservoir site, and so the reservoir...it's as Eric was describing, it's a large area of land, and then basically two smaller tentacles we're calling them, which are the...this dirt road and the other one is the pipeline. But that description

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portion of Government Crown lands at Honokowai is part of the legal description, so it...it doesn't mean that we already own it, but it's part of the...the chain of title description.

COUNCILMEMBER PALTIN: So the chain of title is that these are Crown lands.

MS. THOMSON: At one point, from just that wording, it appears that it may have been, yeah.

COUNCILMEMBER PALTIN: And we're getting...we're getting title insurance for the full purchase price?

MS. THOMSON: Yes. We...we did check into...you know, this was part of a line of inquiry from earlier, so we did check into what it would cost to do a title search back to 1846...1848, back to the Great Māhele. So for the...just for the Honokowai reservoir site, it's approximately...let me see...it's about \$10,000 for that title search, and it would take approximately six months. And the...there was also questions about the...the surrounding Department of Hawaiian Home Lands property...the larger parcel that kind of surround us, and that's about \$9,000 and about six months. So in the neighborhood of \$20,000 to do a very, very in-depth title search. And one of the things that came up...and Guy Hironaka has more information on this, is that the DHHL property was purchased, I believe, after DHHL acquired that property after Maui Land & Pine acquired the property or after Pioneer Mill...is somewhere in that line of title. So...but Guy has more information, you know, on that if that was...anything else that was of interest.

COUNCILMEMBER PALTIN: So I guess my question on the title insurance is, we're getting it to cover the full purchase price, \$599,000, and it also covers defect in title and no legal notary. Is it...that a covered claim in the title insurance?

MS. THOMSON: You're right. So the title insurance would basically cover the defense against title defects that did not show up on this preliminary or the final title report. So they should have shown up and they were not picked up, then title insurance defends against those types of claims. But in our...in our review of the preliminary title report and the deeds that are listed on it, I didn't note anything of any major concern. There's a couple of issues that we're working out, some release of liens and things like that that would be handled prior to escrow closing.

COUNCILMEMBER PALTIN: And then...

CHAIR RAWLINS-FERNANDEZ: Member Paltin, your time.

COUNCILMEMBER PALTIN: Oh, okay.

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CHAIR RAWLINS-FERNANDEZ: But I'll come back to you after. Pro Temp Kama, followed by Member Sugimura.

COUNCILMEMBER KAMA: Sorry, Chair. Chair, I have no more questions, thank you.

CHAIR RAWLINS-FERNANDEZ: Member Sugimura?

COUNCILMEMBER SUGIMURA: I have no questions, but looks like Director wanted to say something.

CHAIR RAWLINS-FERNANDEZ: Yeah. I'll go back to him. Just want to check, does any of the other Councilmembers have questions? If not, I'll give the floor to Member Paltin to complete her line of questioning. Okay, Member...Director Nakagawa, and then Member Paltin, you can complete your line of *(audio interference)*

MR. NAKAGAWA: Thank you, Chair. Okay, so now I kind of...yeah, I see...I clicked on the...on your link on the agenda. So now I know. Yeah, so basically that's a wrong map, so on my copy that I submitted, I have the right map. So I just noticed that is...but everything else is the same, I mean, as far as parcel. The resolution is actually correct, you know, as far as parcel land and acreage, and the metes and bounds description. I mean, those are all...it's correct. So I was just looking at what we submitted versus what you guys have posted. So I just wanted to let you know that the only thing different...it looks like a land zoning map number L51 *(audio interference)* 121 that Member Paltin was referring to, that's just the wrong map. But I...I think I uploaded, I sent you guys the correct map with the report and the appraisal. So...just for clarification.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director Nakagawa. I guess for clarification, either Corporation Counsel or OCS, is that something that we would be able to amend, or is that something that the Administration would *(audio interference)* resubmit to Council?

MS. THOMSON: I believe that for Sunshine Law purposes, there's sufficient description in the reso and in all, and in the title of the Item, when we're...I don't think anybody's questioning what property that we're talking about, so I think that substituting the correct map could be done by amendment today. But we're happy to submit a corrected reso as well, whichever you prefer.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Thomson. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. So are we getting just an owner's policy, or also a lender's policy on the title insurance, because it's not like a mortgage or anything, like it would be, I think someone had said through, like, bond

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funding we're purchasing this? And would it... if we're not paying the extra ten grand to go back to the 1848 Māhele, do a title report back to then, would that stuff be covered by the title insurance...the preliminary title report? Since we're not paying for the title search all the way back to the Māhele, if something occurred, like say in 1893 that caused a defect of title, are we covered by our title insurance where we could recoup the money?

CHAIR RAWLINS-FERNANDEZ: Ms. Thomson?

MS. THOMSON: Thank you. Well, certainly the safest, you know, most iron-clad policy would be based...you know, the most robust title...title search that you can get. So the insurance that we would be obtaining right now would be based on the title search that has been done, you know, right now that doesn't show issues that cause, you know, any of the... of us who have reviewed it on behalf of the County on any concerns. So it's, you know, yes. The answer to your question is yes. You know, a...a more robust title search and insurance based on that title search would be more protective of the County, but in terms of whether or not we need it, at this point, I don't see the need for it. You know, because we're not seeing those issues that are popping in the preliminary title report that would cause us to want to go the step further and...and, you know, do a more in-depth search. It's...it's a...it's a risk-reward thing, but right at this point, I don't see the need for it, to go all the way back.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

CHAIR RAWLINS-FERNANDEZ: So to interject real quick, Member Paltin, in...so one side of it is protecting the County and having title insurance, so that if there is a...a claim to the land that we purchase, we would get paid back for it. But at the same time, how...I think one of the points and, you know, correct me if I'm wrong, Member Paltin, is also, like, how are we ensuring that we're not continuing the perpetuation of wrongdoing that was done before we came along and purchased this land? If it was acquired illegally, unlawfully, immorally, before we...we got here, to this point?

COUNCILMEMBER PALTIN: That's kind of what I mean. Also, just, you know, I mean --

CHAIR RAWLINS-FERNANDEZ: Oh, I...I want...I wanted to ask.

COUNCILMEMBER PALTIN: You wanted what?

CHAIR RAWLINS-FERNANDEZ: Ms. Thomson?

MS. THOMSON: Oh, thank you. I thought that you captured that quite well. I don't have anything to add.

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CHAIR RAWLINS-FERNANDEZ: Okay. So that's one of my concerns for...for both these purchases. You know, continuing the wrongdoing that was done prior to this point in time, now that we're here, and figuring out these research...these title researches [sic] sounds like it...I mean, if it costs \$10,000, I don't know how much it costs to not go as in depth. It sounds like there...there hasn't been those types of searches done, otherwise they'd have those on record and it wouldn't cost so much money to...to do those deep dives. We would have the record from Māhele all the way to this point, and...and we all know why those records are not easily accessible. So I, you know, I... I know we're not going to solve this problem with this one purchase here. And of course, I support the purchase of the reservoir, but you know, to the native Hawaiian people and the Crown lands and all the wrongdoings and it... you know, just, it's such an injustice that the title search that deep costs \$10,000 because it's just not being done. Member Paltin, sorry.

COUNCILMEMBER PALTIN: Oh, no problem. So I was wondering with the preliminary, if we're not going back to 1848, do you have a date searching on when it goes back to? Because like Member Rawlins-Fernandez said, common knowledge Crown lands is stolen lands. I mean, the other one belonged to Claus Spreckels, so whatever, but Crown land is a little bit of a different story. And are we getting the lender's and the owner's policy? I don't...I don't think that one was answered.

MS. THOMSON: I'd defer to Guy Hironaka if he's still online, as he would probably have better information than I do.

CHAIR RAWLINS-FERNANDEZ: Mr. Hironaka?

MR. HIRONAKA: I'm sorry, can you repeat the question, please?

CHAIR RAWLINS-FERNANDEZ: Mr. Hironaka?

COUNCILMEMBER PALTIN: Are we getting a lender's and an owner's policy on the title insurance, and if we know how far back, like what the exact date that this title search or title preliminary report protects us?

MR. HIRONAKA: That...Councilmember, we would have to go back to Title Guarantee and ask them. You know, it's just a title insurance. It's not a mortgage policy.

COUNCILMEMBER PALTIN: So we're... we're just getting the owner's policy and not the lender's policy because we don't have a mortgage?

MR. HIRONAKA: It's title insurance only.

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COUNCILMEMBER PALTIN: I understand what title insurance is. There's a lender's policy usually and an owner's policy on title insurance, and it is supposed to safeguard against defects in title.

MR. HIRONAKA: Right. So what we're getting is, we're getting a... because we're... we're not using a mortgage company, we're paying cash. We're funding it with cash, we're sending them cash.

COUNCILMEMBER PALTIN: So...so we're just getting the owner's policy then.

MR. HIRONAKA: That's correct.

COUNCILMEMBER PALTIN: Okay. All right. I guess that's the completion of my questions. I haven't had a full chance to read through the preliminary and the appraisal and the lease yet because that's a lot of papers.

CHAIR RAWLINS-FERNANDEZ: Director Nakagawa? You had your hand up?

MR. NAKAGAWA: Kind of halfway. I didn't know if I should...I... I... I... I guess I... I just kind of thought like, you know, for us and...this Body and...and even for us, right? I mean, when we do our long-range planning and that kind of stuff, and we need to purchase these different types of lands, and I fully understand the...the... the I guess seriousness or the... I don't know what the word is. Basically, what you guys are expressing on how do you continue the wrongdoing, right? And I mean for me, I... I think it's a... it's a systematic thing that like you said won't get resolved here, and in the future, if you guys, I mean, want to give it back, I mean, you guys are my bosses, I guess in a way, so if in the future we find out something and we want to give it back, I mean, I... I think that's up to the Council to give it back. But I guess for us to continue on our long-range planning and try to do our good in other ways of diverting operations, right? And as far as, like, minimizing our use of injection wells, landfilling less, I mean, these are the areas that, I mean, unfortunately, we do have. And if somehow in the future, I mean, we find out that it's all wrong or whatever, I'm sure we will either give it back, remove what we have and then give it back, or whatever, right, in that...in that future. So I... I don't think that this...this issue is always going to come up, right, when we try to buy that stuff, so. But as long as you guys are, I mean, I mean I just kind of just thought maybe, you know, bigger scope of, I guess, right, like I mean, I'm very sensitive to that stuff, so... but I don't...I think we're still doing the right thing, and in the future, if we're proven that it is right, then we do the right thing back in the future too, right? And remove what we have and give it back, kind of thing, right? So hopefully it just doesn't...I...I don't know how to help you guys plan going forward, is what I'm saying, if we continue to have this unknown that we cannot really nail down until it...it becomes a wall or some kind of thing, so. But I fully understand what you guys are saying, and hopefully that helps you

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guys have a little more assurance of going forward.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director Nakagawa. So there's the giving back and making right, but it's also unjustly enriching those who stole the land, with taxpayer dollars on top of that. Really, gut wrenching for me. Really hard. But I... I really appreciate the sentiments that you shared, and yeah, it's...it's definitely a systemic, systematic, you know, I think that we have to look at it, you know, broadly and not --

MR. NAKAGAWA: Broadly.

CHAIR RAWLINS-FERNANDEZ: -- with just this . . . *(inaudible)*. . . here. Absolutely. Mahalo, Director. Pro Temp Kama, followed by Member Paltin, and then Member Hokama.

COUNCILMEMBER KAMA: Thank you, Chair. So I was just thinking about what you said, and about the date in which... I don't know if Member Paltin's question was answered by Mr. Hironaka regarding how far back the search...the title search went, but as we move forward, how do we protect...how do we...how...because Mister...Mr. Nakagawa just told us that in the future, if we find out that it was wrong, we'll just give it back. But that's not true, that's not going to happen. I mean, in... in... in the year 2000, when DHHL found out that a lot of their lands were sold unjustly, the...the...the recompense to the Department of Hawaiian Homelands was money and the return of some lands, of which the Honokowai lands is some of those lands that the DLNR had given back to DHHL for the lands that was taken out of the...the inventory earlier during the early 1900s. So they're not going to give it back, but how do we protect...and is there a way that we can, through policy, protect the owners, or if we find out in the past that these people, their descendants are now coming forward to claim it, how do we protect them in the future? Can we really say today, that if it does happen, that we are going to do the right thing and give it back? Or do we just say, "Well, we're sorry, we'll just pay you off for it." I don't know, is there a way to create a policy that protects that? That's my question, Chair. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Temp Kama. I... it's definitely something that I'm willing to work with you on, you know, in the next term, and we can, you know, continue that discussion and figure out how to...Director Nakagawa, I saw your hand up.

MR. NAKAGAWA: I was just going to note that according to that preliminary...I mean the limited warranty deed, they went back in 1924. April 2nd, 1924. I did...I don't know if anybody answered that, that's why.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. Member Paltin, followed by

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Member Hokama.

COUNCILMEMBER PALTIN: Yeah, I just wanted to add comment to what you were saying to Director Nakagawa, and I concur fully, but I think what we're talking about is kind of two separate issues. And...and I agree with what you said, but...and I'm...I'm concerned with what you guys said too, but my issue right now in this Committee meeting is protecting the money that the Council is spending to purchase this, and protecting, you know, I...I have no doubt that, you know, when... if and when things become right, we would have to give it back or use it for what its best use is for the previous... or the existing nation, but I... I feel like this title insurance, if it only goes back to 1924, it doesn't really protect the County taxpayer's dollars of anything, and so we're going to be spending close to...over half a million dollars with no protection of the County's assets because the title defect occurred in 1893, not 1924 or Territory of Hawai'i purveying stolen Crown lands to Pioneer Mill, which they purveyed to Maui Land and Pine. So really, I... I feel like the title insurance isn't protecting the County at all. And I guess the follow-up question on the preliminary report is, it looks like Maui Land and Pine has yet to pay their taxes for 2020, so is that something that they're going to do prior to the sale?

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Yeah, Chair. Yeah, so we... we... we did see that on that preliminary title report, so I did ask Maui Land and Pine, and they did give us a letter from the IRS, stating that it...it's already done, they just need to record it in the Bureau of Conveyance. So that'll take a while to just...I guess when you record in the Bureau of Conveyance, then it will get rid of that tax lien. I think it's a lien, right? That you read? I have the letter already. It's November...it's in November of this year that they were...the IRS already contacted them, that it's...it's all good. It's just got...it just hasn't gotten cleared, because we pulled the title report, I guess, before it gets recorded, right? With the Bureau of Conveyance. Because that's when the...yeah. I mean, you know more than me, so anyway.

COUNCILMEMBER PALTIN: . . .*(inaudible)*. . .

CHAIR RAWLINS-FERNANDEZ: Director Teruya? Did you have something to add?

MR. TERUYA: No, Chair. I just wasn't sure if they were talking about that lien or they were talking about real property taxes. So that...that'll clarify. Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, yeah. So I guess that concludes my questions on the things that I read. I...I don't like the situation we're in, I don't

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feel like we're properly safeguarding the County's investment as to the extent that we could, but it's a...like, a necessary thing that we do, like if you don't consider human problems and just earth problems, you know, so it is what it is. I don't appreciate being in this situation, but we've got to do what we got to do, so yeah. Thank you. Pau questions.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Member Hokama, followed by Member Sinenci.

COUNCILMEMBER HOKAMA: Thank you, Chair. Gosh, it's been a very in-depth discussions this morning, Chair. I appreciate it. So couple...real couple...three things I wanted to ask the Director. So hearing the...you know, your comments to the other...my other colleagues, and your responses, Director, I'm trying to get a sense now, because eventually you're going to need the improvements after the acquisitions of properties and whatnot. So is it your Department or Division's approach that you are going to depend on or realize that a lot of the funding's going to come from the Federal Government to assist you in providing these upgrades and facilities?

MR. NAKAGAWA: . . .*(inaudible)*. . .

COUNCILMEMBER HOKAMA: Because that's...your response is going to make a big think on my decision.

MR. NAKAGAWA: So Chair... so like always, whenever I come before Budget, there's basically three funding sources that we utilize, right? We always try to use our SRF loans, so this is... I believe this one was SRF loans, which we are pretty much told that we can use about 15 million a year, so... in the future, so this one, this year's and last year's monies that you're spending now is SRF loans. So that's the lowest...so if you're saying if it's going to come from Federal funds, to me, that's technically not Federal funds, but it does come from EPA, right?

COUNCILMEMBER HOKAMA: Right.

MR. NAKAGAWA: And is funneled through the State.

COUNCILMEMBER HOKAMA: Right.

MR. NAKAGAWA: At a super low 1 percent rate, right? And then we try to utilize our cash funding, which we have around \$10 to \$12 million dollars' worth. And then anything above that threshold of about 28 million, we unfortunately have to use bond, which is about 1-2 percent more than our SRF loans, yeah? So in this particular project, we... the bigger projects like this, we do use SRF loans first, which is already incorporated into our future sewer rates.

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COUNCILMEMBER HOKAMA: Right.

MR. NAKAGAWA: Yeah.

COUNCILMEMBER HOKAMA: So you just got to appreciate, yeah? In my experience with this...Counties in our Departments, I just want to know whether you folks are depending upon or reliance on...other, you know, State or Federal grants to build this stuff, and when we do, we're going to get increases in operational. You know that, I know that, yeah? But seeing the reports that you sent to Budget Chair, and I look at the quarterlies, my understanding is recycled water loses big time revenue money on the balance sheet for me. So I get red flags on that. And I don't believe Congress is going to allow us to use Federal grants to try and balance our County rates and fees. They are not going to tolerate that. So I'm just asking, what would be your approach?

MR. NAKAGAWA: Chair.

CHAIR RAWLINS-FERNANDEZ: Director.

MR. NAKAGAWA: So our...my approach is pretty much consistent with what's in the past, right? I mean, we've...we keep our CIP budget in that \$25 to \$30 million range, and we are able to do, I mean... okay, so we're going to talk kind of bigger picture, right? And we're able to continue to do our reliability and our needing permits projects, right? Replacement and making sure everything works. And now we have another component of reuse that we're trying to expand. So that adds...as...as...as you're saying, it does add another \$10 to \$15 million a year. On top of that, if you want to go further, we have sea level rise, we have moving facilities, I mean, that's going to be another \$10 to \$15 million per year. I mean, at a certain point, I think I...I do bring this up every, well, every budget, but as you said, that debt service will...almost becomes the only thing we can pay off, right? And... unfortunately, but our plan is, as we laid it out in our 20-year...I mean with our rate model, we try to schedule these projects accordingly...space out the funding.

COUNCILMEMBER HOKAMA: Um-hum.

MR. NAKAGAWA: It does come out to raising these interest rate, right? I mean, not interest rate, sorry, sewer rates, three to four percent every year. It's a small, incremental raise, and the more you put at zero, then it just compounds more for the next year, right? So it'd be ten into... and you know whatever it is. I... so you're right. I mean, but then on the flip end, I guess I'm kind of like just coming to you as the Committee, right? What do you guys want? And...

COUNCILMEMBER HOKAMA: Um-hum. No, no, no. I just want --

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MR. NAKAGAWA: This is what you want, right?

COUNCILMEMBER HOKAMA: -- to know what your, part of your thought process, yeah, Director?

MR. NAKAGAWA: Okay.

COUNCILMEMBER HOKAMA: Because for the next five, ten years, I...I'm forecasting that this County and all these Departments are going to go through hard times for the next five to ten years. That's my forecast, yeah? And then so my last thing is more for our Chair, because I hear Ms. Paltin loud and clear, Chair. We talked about this in 1978 at the Constitutional Convention with the late Auntie Frenchy DeSoto, why we created OHA. I believe that if this Committee or our Council is serious, then I would say maybe from this Committee could put out a reso or something that...to enjoin the other Counties and ask the legislature for a Constitutional amendment to discuss. Because I believe we can establish it through our State Constitution, the right of a nation within a state or a nation within a nation to protect the Native Hawaiian interests. Maybe we didn't go as far as we should have done in '78, but we took a step forward for anyone that has Native Hawaiian blood. We wanted to be inclusive, to include all Hawaiians, whether they get 1 percent or 100 percent, we felt you're representative of the indigenous people. And so that would be my suggestion, Chair, that maybe HSAC and this Council could... County can lead the way, but I believe that maybe a Constitutional amendment to have the Greater State discussion on indigenous rights can be moved forward to the next term. But that would be one of my suggestions to address the concern regarding land ownership, land title, and the integrity of who says what on what lands. Thank you very much for my opportunity.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama, appreciate your comment. Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair, for the opportunity, and thank you, Members, for this discussion. I think this is... these are some of the issues that have plagued our, particularly native, communities for generations. So I appreciate this Council, you know, addressing some of these issues. I do support, you know, despite it costing the County funding to do title resort... research, when you think about some of the social injustices that this egregious practices have...have occurred in the past, and seeing our native populations affected by social injustices, we end up... as a government, we end up paying for these things in education, incarceration, housing and other social services. So I...I understand the importance, the essential... for this essential infrastructure, but I'm also looking at, you know, dealing with some of the societal issues that we...we all deal with. I understand that land resources in Hawai'i is a finite resource, and so I also support repatriation of...of any kind to

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help with some of our issues. So I guess my question, Chair, would be, at what point in the discussion do we consider eminent domain, and I don't know what that process is, is something that...that, you know, us as a Council should be considering. Anybody answer that?

CHAIR RAWLINS-FERNANDEZ: Ms. Thomson?

MS. THOMSON: Thank you. I think my video's muted on the OCS side, but in terms of eminent domain, normally we try to negotiate for purchases and all, but condemnation is, you know, always an option, should it be necessary. One of the things that eminent domain does, in essence, is also act as a quiet title because you, you know, provide broad notice that if there are any claims, that those are also brought to the court at that time. It's a...it's a different avenue. I don't know that it's necessary here, since we have a...you know, currently, we have a willing seller. There are other situations where either, you know, it's a, you know, an absolute need for the County to acquire property and we have an unwilling seller or, you know, other situations that would kind of be beneficial to go through the condemnation process. But it is...it's long and it's expensive. So it takes probably a couple of years, at least, to go all the way through that, and it's not going to cost any less than a negotiated purchase, probably more.

COUNCILMEMBER SINENCI: Is...Ms. Thomson, is this a practice that the County has done in the past?

MS. THOMSON: Yeah. I would say that, you know, it's . . . *(inaudible)*. . . common. You know, we don't...we come to...when there's the need, we come to Council for...to request the approval to proceed in eminent domain or condemnation, and we also, at that time, would have an appraisal, so we would have an idea of what the price...the purchase price is. . . *(inaudible)*. . . that money is deposited to the court, so the court knows, you know, that we're...we're serious. And then it's...it's basically like any other court case. You know, you file the complaint or petition for condemnation and then kind of go through the court process. And approximately two years is about the length of time.

COUNCILMEMBER SINENCI: Thank you, Ms. Thomson. Thank you, Chair, for the opportunity.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Chair Lee?

COUNCILMEMBER LEE: I agree with Corp. Counsel. This is a method we would use when there is a need for public health and safety purposes, is generally when you would use condemnation, and/or when you are dealing with an unwilling buyer *[sic]* usually. But in this case, if...you know, none of these apply, really. So I think the course that the...the Director is pursuing is the right course, course of negotiation. Thank you.

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CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. Seeing no other hands, since we just received the appraisal and other reports now, I want to check with the Members to see where they're at on this item. If Members would like to defer and take action on Friday, or defer and wait to take action on the next Council meeting, December . . . *(inaudible)*. . . I think Member...Member Paltin, Member Hokama were the...the two that would like more time. And I'm...I'm open to, you know, your guidance. Member Hokama.

COUNCILMEMBER HOKAMA: Madam Chair, thank you very much for your comments. I understand there's a lot of buttons, yeah, out there, regarding this item. One from the seller, and their desire to close by end of the month, and so I'm going to ask Finance, Mr. Hironaka, please, I hope you're there. Tell this Committee now, if we do defer to December 18th, the last Council meeting of the term, is...will there be sufficient time for the disclosure and the County to still retain the price that is being offered?

CHAIR RAWLINS-FERNANDEZ: Mr. Hironaka?

MR. HIRONAKA: Oh, hello. We would be cutting it really close. We were hoping we could get it this time around, so that we would have the, you know, two weeks to close escrow.

COUNCILMEMBER HOKAMA: Okay, so that.... . *(inaudible)*. . . that comment, Mr. Hironaka, thank you for sharing that. You're saying that on what you believe is the best interest of the County, or the best interest of Maui Land and Pine?

MR. HIRONAKA: We...we could possibly close it by the 31st, providing that, you know, everything goes smoothly and we can get signatures. Because of the holidays, you know, that cuts down the number of days that we have to get all of the paperwork to escrow.

COUNCILMEMBER HOKAMA: So when you say signatures, that is what, the Maui Land and Pine corporate officers and our County officers, whether they be the Director, Corp. Counsel, Mayor, Finance Director?

MR. HIRONAKA: That's correct. And we would have to make arrangements to wire the funds to escrow.

COUNCILMEMBER HOKAMA: Well, to me, they're working. They better be on the job and better be available to do the business of the County. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Hokama. Director Nakagawa? Did you... oh, okay. Member Paltin, followed by Pro Temp Kama, and then Chair Lee. Unless... Chair Lee, did you want to jump in to comment on what was

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being said here?

COUNCILMEMBER LEE: Yeah, I did, if you don't mind, because I thought the...the reason for the...the County trying to move this forward was the...the funding. The 2020 funding and the 2021 funding, so it wasn't...it didn't sound like we were trying to accommodate, you know, a big corporation. I...I thought it was in the best interest of the County to use the funding because I'm assuming it's going to expire. Or, you know, maybe you need to expand on that, Director Nakagawa.

CHAIR RAWLINS-FERNANDEZ: Director?

MR. NAKAGAWA: Chair. Yeah, so you're correct, Chair Lee. The 2020 funds will expire on December 31st, so that's what we're trying to utilize. We save our 2021 funding for the actual construction of infrastructure.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. Mahalo, Chair Lee. Member Paltin, followed by Pro Temp Kama.

COUNCILMEMBER PALTIN: Thank you. And I just wanted to clarify what you had said, because it would affect the way I feel. You were planning to adjourn half day and then we could go over these documents in the second half of the day? Like, on our own time?

CHAIR RAWLINS-FERNANDEZ: That is an option, if Members would... I...my...my intention, that I announced in the beginning of the meeting, was that we would adjourn for the day, and then that's it. But if you...if Members wanted to have lunch to review the reports that we just received, I can save this item for the end of the agenda, and then we can --

COUNCILMEMBER PALTIN: Oh, that wasn't --

CHAIR RAWLINS-FERNANDEZ: -- take . . . *(inaudible)*. . .

COUNCILMEMBER PALTIN: -- my --

CHAIR RAWLINS-FERNANDEZ: -- and return --

COUNCILMEMBER PALTIN: -- intention. I was just...if we have the second half of the day free, then I don't have to stay up late to read all this stuff, and --

CHAIR RAWLINS-FERNANDEZ: I see.

COUNCILMEMBER PALTIN: -- assuming that I don't find any, like, wrong maps or wrong information, I would be okay to move on it on this Friday because of the

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good of the earth, if maybe not the good of the people. But you know, it's good to keep the earth good for the people. Not a happy predicament for me, but you know, we got to do what we got to do. So if...if we're off from Committee for the second half of the day, I'll...I'll commit myself to going through the material, and I would prefer to hear it sooner rather than later, so that the whole thing goes through.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Paltin. Yeah, my intention was to adjourn at...at 12:00 and then not come back, so you would have the second half of today to review the --

COUNCILMEMBER PALTIN: Okay. Then yeah, that would...that would be my preference. We don't need to come back and I don't need to give you my opinion on it. I...I just wanted to read it before I vote at the Council. So that I know exactly what it is that I'm voting on, so that it doesn't come back to me later on.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Before I call on Pro Temp Kama, Ms. Thomson, so we...we would need to replace the map. Is that something that we would replace here and then discharge to Friday, or would I make that amendment on Friday?

MS. THOMSON: I think it could be done either way. Just whatever your preference is. But I...you know, we can make sure to submit the...the correct...a replacement resolution with the correct map for Friday. I can do that today. And I'll look into how that happened, and you know, terribly sorry that that happened. That's bizarre.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Thomson. Okay, Pro Temp Kama?

COUNCILMEMBER KAMA: Chair, either way you decide is good with me. I don't read as fast as Member Paltin, but I...I'll take the two days to read.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Pro Temp Kama. Okay, I think...I think I'll just...I'm not super clear how I would make the amendment and then defer and then discharge on Friday, so I think I'll just save all of that for Friday, if that...if there aren't any objections. Okay. I feel like it would be cleaner like that. All right. Very good. Okay, so if there aren't any objections, Members, I'll defer EDB-116.

COUNCILMEMBERS VOICED NO OBJECTIONS

ACTION: DEFER pending further discussion.

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CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo Members. Would you like a ten-minute break, and then we'll return and do the referral items and the COVID item?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR RAWLINS-FERNANDEZ: Okay, it's 11:09. We'll break to 11:20, and then complete our agenda, and then adjourn for the day. Okay. Mahalo, Director Nakagawa. Mahalo, Mr. Hironaka. Okay, it's 11:09 and the Economic Development and Budget Committee is now in recess. . . .*(gavel)*. . .

RECESS: 11:09 a.m.
RECONVENE: 11:26 a.m.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR
THE 2021-2023 COUNCIL TERM**

CHAIR RAWLINS-FERNANDEZ: Will the Economic Development and Budget Committee please return to order. It's 11:26 on December 2nd and we are now on the referral items on the agenda. The Committee may recommend the following communications be referred to the Council Chair for the term beginning January 2nd, 2021 in accordance with the Rule 23 of the Rules of the Council. Members, the Committee has posted 38 communications for referral to Council Chair for the term beginning January 2nd, 2021 in accordance with Rule 23 of the Rules of the Council. They are listed on the agenda. And as a reminder, requests can be made to remove items from the discretionary referral list, but at this point no items can be added in this Committee. If you have any items on the list, if you would like...if you would like, you can mention your intention for the item today so that next term, the Chair can take that into account when setting their agendas. If there is an EDB item that will auto-file at the end of this term that you would like to instead be referred to the new Council term, please submit a PAF to the Office of Council Services, and they will assist you in posting the item or items on the agenda for December 18th, 2020 Council meeting for consideration. Please keep in mind that any filed item can be reintroduced in the next term, along with all of the legislative history. Are there any questions or concerns about the 38 communications that were posted, or do Members have any items that they would like to mention here and have the PAF sent to OCS for the December 18th meeting? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I...I have four items that I'm not sure if I wanted to refer or do the PAF thing. I just kind of was wondering your thoughts as to not referring them because maybe I agree with you. Would this be the appropriate time?

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CHAIR RAWLINS-FERNANDEZ: Sure. Let me pull up the master agenda. But you can begin.

COUNCILMEMBER PALTIN: Okay. Okay. So the first one on my list -- and I only got to 182 last night, but the first one on my list is the Anaergia. Is that a pau? Are we not...it's...the contract is over, they didn't move forward, and so we don't need to talk about it anymore? That was 31.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Yeah, my understanding is that the contract ended in June. That was the last time...at the last EDB meeting, I think Committee Vice-Chair King asked about the Anaergia contract and Director Nakagawa responded that (*audio interference*) contract (*audio interference*).

COUNCILMEMBER PALTIN: So we're just done with them then?

CHAIR RAWLINS-FERNANDEZ: ...(nods)...

COUNCILMEMBER PALTIN: Okay, cool. And then I had questions about the TIG. Are we...we're not doing the TIG this year, EDB-37?

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. We are going to do a TIG. We are going to create a new umbrella item for all of the TIG referral item.

COUNCILMEMBER PALTIN: So that's why that's auto-file?

CHAIR RAWLINS-FERNANDEZ: Yeah.

COUNCILMEMBER PALTIN: Okay, cool. And then I guess EDB-33 and 41, Sandhill Lots and Fairway Maui Lani Lots, just wondering what --

CHAIR RAWLINS-FERNANDEZ: Oh, yeah.

COUNCILMEMBER PALTIN: -- we wanted to do with those.

CHAIR RAWLINS-FERNANDEZ: So...oh, Staff just reminded me that we're not supposed to have a discussion on those, but yeah. So I'll just quickly respond to your question and then we won't discuss it. I'll just answer your question. So those items...if the Administration would like to send Council something new, then we...we can accept it at that (*audio interference*)

COUNCILMEMBER PALTIN: Okay.

CHAIR RAWLINS-FERNANDEZ: So those are the (*audio interference*) four items, yeah.

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COUNCILMEMBER PALTIN: The only one I would like a PAF done is 109, and then I got to look past 182. So I'll do those on my own.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Paltin. Did I see another hand? Okay. Okay. So no more questions on those. Okay.

COUNCILMEMBER SINENCI: Chair?

CHAIR RAWLINS-FERNANDEZ: Oh, Member Sinenci, I'm sorry.

COUNCILMEMBER SINENCI: No, I just had a...I have a question about...so if items are being auto-filed, what would be the process to...to bring it? I...I know you mentioned that all of the legislative history would also come back with it. So is there a...

CHAIR RAWLINS-FERNANDEZ: ...(Head shaking)

COUNCILMEMBER SINENCI: It won't.

CHAIR RAWLINS-FERNANDEZ: No, what I was saying is that if you want to bring it back as, you know, you can introduce it at that time after you create the...the item.

COUNCILMEMBER SINENCI: Then we can ask for the --

CHAIR RAWLINS-FERNANDEZ: So...and I...I've done that with other items where I've taken legislative history from filed items and...and then brought it back to an item that we're currently discussing so that the Members and the public have access to legislative history that was related to something else.

COUNCILMEMBER SINENCI: Okay. Thank you for that. Thank you.

CHAIR RAWLINS-FERNANDEZ: Uh-huh. Okay. The Chair will now entertain a motion to recommend the 38 communications listed on the agenda be referred to the Council Chair for the term beginning January 2nd, 2021 in accordance with Rule 23 of the Rules of the Council.

VICE-CHAIR KING: So move.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER KAMA: Second.

CHAIR RAWLINS-FERNANDEZ: Moved by Committee Vice-Chair King, seconded by Pro Temp Kama. Any discussion? Okay. Seeing no other discussion, other

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than Member Paltin...Member Paltin sending a PAF down for item EDB-109. I'll call for the question. All those in favor, please raise your hand and say "aye."

COUNCILMEMBERS: Aye.

CHAIR RAWLINS-FERNANDEZ: Okay, it looks unanimous. Eight ayes, one excused, Member Hokama.

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: Councilmember Hokama.

MOTION CARRIED.

ACTION: **Recommending REFERRAL of communications to the Council Chair for the term beginning January 2, 2021, pursuant to Rule 23 of the Rules of the Council.**

ITEM 85: LEGISLATION AND DISCUSSION ON THE EFFECT OF THE CORONAVIRUS PANDEMIC, RULES, CARES ACT, AND RELATED ISSUES (CC 20-207, CC 20-275)

CHAIR RAWLINS-FERNANDEZ: Okay, and now we're on the last agenda item, EDB-85, Legislation and Discussion on the Effects of the Coronavirus Pandemic, Rules, CARES Act, and Related Issues. We have Budget Director Michele Yoshimura on for sure. I'm...I'm looking to see if we have Managing Director on.

MS. MILNER: Chair, he had a meeting he had to attend at 11:15.

CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Ms. Milner. Okay, but we do have Budget Director Michele Yoshimura and Finance Director Scott Teruya? No, I don't see there if it's really on. Okay. Right, have Budget Director Yoshimura for opening comment, and then I'll open it up to the Members for question.

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MS. YOSHIMURA: Hi, Chair. I...I guess --

CHAIR RAWLINS-FERNANDEZ: Aloha (*audio interference*) questions if you like.

MS. YOSHIMURA: Sandy and Scott are not joining me this morning. So I think we had submitted the last report, which was as of November 8th. To date, we have expended about \$46 million of the 66 million...and when I say expended, I mean actually paid out. We still have encumbrances and other programs that are wrapping up. We did have them all try to finish everything by November 30th so that we could do our final reports and process the final payments. So we are in the process of that phase right now, but I am available for any questions that you may have on the report or if you need updates on any programs.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director, for...for remaining in the hot seat for us. Okay. So I'll go to Committee Vice-Chair King, and then we'll start with Member Sinenci and work our way down. Committee Vice Chair King.

VICE-CHAIR KING: Thank you, Chair. So, you know, my...my...one of my biggest concerns is how this information is being disseminated to the public. Because a lot of people are asking me how do we know what money's been spent from the CARES Act funding, some of it was funding that the Council appropriated before we got the Federal CARES Act funding, and then there's things that have been happening like this turkey giveaway that was three-quarters of a million dollars that we...you know, I've had people who were even involved in the packaging and giving away of...or the voucher giveaways that were wondering where that money was coming from since the Mayor was telling him, here's a turkey dinner from your Mayor. So was that, like, CARES Act money, was that appropriations from the Council? I'm sure it didn't come out of the Mayor's pocket. So we need...we sort of need...is there a plan to disseminate all this information or put it up on a public dashboard that shows our citizens and our taxpayers, here's how we spent the 66 million, here's the money that was appropriated from the Council and how that was spent, here's, you know, our emergency fund. I don't know if there's any additional emergency funding that was spent towards this effort but, you know, that kind of lays it all out where the money came from and what it was spent on. Because the public doesn't always attend our Committee meeting, so they're not sitting here watching generally.

MS. YOSHIMURA: So the report that we provide you is public, so we could put it up on our...on our website. The turkey dinner distribution that we did did come out of CARES Act monies, it was an extension to the MEO H.E.L.P. Program. So as you all know, we ended the MEO H.E.L.P. Program on October 31st because of the payment and the reconciliation of all the funding and...but there

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was still that need for assistance to the public. And we wanted to make sure that, you know, the public--those who were in need and they had proven that through the MEO application process--were provided with a voucher that they could use to pick up their...their turkey, and a food box, and...and the gift certificate. So that's how we had distributed the letters. It was based on the MEO applicant...applications.

VICE-CHAIR KING: Okay.

MS. YOSHIMURA: So we had mailed out vouchers to each address...not each applicant, but to each address. So it was one per house.

VICE-CHAIR KING: Okay...but so...so, you know, the...I know this...that everything that's...that's disseminated in Committee is public, but is there, like, a dashboard, like, a website where folks can go to and see how the money, you know, how much money was spent on these various programs, you know, if it's businesses? I...I've seen a lot of other municipalities that have these public dashboards. And if they're giving grants away to businesses, the businesses are actually listed there which ones got grants and for what. And so there's, you know, there...it just makes it totally transparent, and then folks that are...keep asking these questions have a place to go. Because it's, you know, it's not enough to just go to the same information that we're getting. We have this opportunity to ask questions, and none of these questions or answers are being attached to that information for the public to see. So if you can make it as clear as possible what all these different pots of money were, what...and if you want to just do it just for the CARES Act so they know, here's all the 66 million and here's how it was spent, I think that would satisfy a lot of people too. But just...folks are just constantly asking, where was the money spent? How were people approved for getting money? What different avenues do we...we used a lot of different nonprofits in the community, like, you know, the Chamber of Commerce, MEO, MEDB, The Farmers Union of the Farm Bureau...and I don't know what else was used, but something that shows what agencies or organizations that we use that we went through and, you know, the...the amount of...of funding that was given to disseminate it. That's another, you know, question I keep getting asked: well how much are they paying these different organizations to disseminate this money? So I think it's just all in the interest of transparency, it would be great to have a public dashboard that everybody could go to and see. And then, you know, that...I think that alleviates a lot of the concern for what I'm hoping is more money coming in from the Federal Government too.

MS. YOSHIMURA: Thank you, Councilmember King. I will work with Director Teruya on getting that information out.

VICE-CHAIR KING: Okay, really appreciate it. And then if you can give us, you know,

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a website that we can all publish and say here's the information, you know, we're only going to probably have, I'm thinking, one more meeting, I guess, before it's all done, right, for the...the last monies all spent or...we may or we might have another...we'll have another one after it's all been spent, but basically, the money is...there's no more money available because it's all been encumbered, the 66?

MS. YOSHIMURA: Yes, it's all been committed.

VICE-CHAIR KING: Okay. So the...so the money is...there's no more money to --

CHAIR RAWLINS-FERNANDEZ: . . .*(inaudible)*. . .Chair King. . .*(inaudible)*. . .

VICE-CHAIR KING: -- it's just about...it's just getting reports about how it's been spent? Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Committee Vice-Chair King. Yeah, so today...today is the last EDB meeting for December, for the term actually, and then, yeah, whoever is the Budget Chair, I'm...I'm sure will pick up where we left off here and I'll put in a quick plug for OpenGov that helps with the transparency. We're pushing for OpenGov so we can see how money is budgeted and spent. And I would like to welcome back Finance Director, Scott Teruya. Mahalo for joining us so Budget Director Yoshimura isn't the only one on the hot seat. Okay. So we'll go to Member Sinenci, and then Member Molina. Member Sinenci.

COUNCILMEMBER SINENCI: *(audio interference)* the opportunity. So . . .*(inaudible)*. . . Budget Director, just some updates on the...on grants. You...you mentioned that all of the CARES Act funding has been expended, and so I just wanted to check back with some of the...the grants that had received CARES Act funding.

MS. YOSHIMURA: Okay. So like I mentioned...

COUNCILMEMBER SINENCI: Or how the non...nonprofit, excuse me.

MS. YOSHIMURA: Nonprofits? Okay. We...we did use MEO for the...for the H.E.L.P. Program, and again, that one has concluded and we are awaiting their final report. We did use MEDB, Maui Economic Development Board, for a adaptability program. We initially had funded that program with \$5 million, and I think we added an additional \$500,000. So they have worked through all of their applications and have awarded their funding. The Maui Chamber, they were awarded two programs, one to help farmers and one to help small businesses. Small business program was...is still ongoing. I believe they're still going through their applications, as well as the farm grants, and that's a different program from what was funded in the Fiscal Year 2021 Budget for the

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microfarm grants through MEO. So...okay.

COUNCILMEMBER SINENCI: And then I...real quick, what is...I know that the deadline has passed to expend the funds, but as far as timelines for...for the Budget Office, you guys have to the end of the year to submit all of...all of the information to the State? What is the process?

MS. YOSHIMURA: So we have until December 20th to return any unspent money to the State. Director Teruya could update you on when our final report to the State has to be provided to them.

COUNCILMEMBER SINENCI: *(audio interference)* Teruya.

MR. TERUYA: Chair.

CHAIR RAWLINS-FERNANDEZ: Director.

MR. TERUYA: Thank you, Chair. Member Sinenci, we...it...this...this whole CARES Act process has been kind of trying for all of us, . . . *(timer sounds)*. . . this thing moves and changes by the week, literally. We were just on a CARES call Monday with the State Director of Finance and the other Counties. And although we don't have it in writing, which is the reason why I don't want to really say too much until it's in writing from the State, the most recent guidelines allow the County to give the...the...I guess as long as it's expended and received by December 31st, the reporting aspect has been given an additional 90 days to report the...the receipts or the invoice, I guess, but the date as far as receiving the product onsite or the services can be done until December 30th now. And the reporting is an additional 90 days, as I previously mentioned, but we're waiting for that in writing. The three Counties are waiting for that in writing from the State of Hawai'i so that it's very clear what it is. Other than that, our reporting is on the December 20th, so we need that amendment in order for us to understand what needs to be communicated back to the State. And then my understanding is that there will be an audit done by the State, and if there's any items that maybe were misappropriated or not allowable as an expense, that the State is...is able to use other invoices, I guess so to speak, to swap it out. So there will be time for us to make changes as it goes. But like I said, there's a lot of uncertainties yet, and I'm waiting for that...that document in writing from the State to us so that we can make appropriate changes. But if there...seems to be little bit more lax on reporting and, you know, even the...what we can be used for, those also change from time to time so this...this is, I guess, fluid, I guess, situation, but it is somewhat little bit more relaxing to the fact that I've...we're not under the gun of the December 10, December 20th. And so it seems like I think everybody, including the State, is still at that threshold of not fully spending all of their money yet. Although the State have already said that there will be no money going back to the

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Federal Government because any excess will go to UI, so that's...that's certain already. Thank you, Chair.

COUNCILMEMBER SINENCI: Mahalo, Director, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director. Mahalo, Member Sinenci. Member Molina, followed by Chair Lee.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair, and thank you, Director Yoshimura. I know you on the hot seat, there's no Mister...Mr. Baz to answer some of these questions. Just following up on the question, or the inquiry, that was made by Member King regarding the turkey giveaway. So that, I guess, there were labels put on there that it was -- I mean, I'm just trying to confirm if this is true or not -- that...well, one, were any of these funds private funds from the Mayor, or from someone else, or...or these all just CARES Act, which includes the...I guess the gift card; everything was all CARES Act monies?

MS. YOSHIMURA: Member Molina, yes. There was all CARES Act money.

COUNCILMEMBER MOLINA: Okay. Okay. Now with the gift card, was it earmarked for any particular business, or was it like a...a...a debit card?

MS. YOSHIMURA: With the gift card...so like I had mentioned earlier, this was an extension to the MEO H.E.L.P. Program, and MEO had used Foodland as the vendor for the voucher program. So we worked with Foodland to get gift cards that were restricted to the sale of tobacco and alcohol. So you couldn't use it to purchase either item.

COUNCILMEMBER MOLINA: Okay. Well...

MS. YOSHIMURA: And because of the requirement of using CARES Act monies by the end of this month, we had put a December 10th deadline on the use of the cards.

COUNCILMEMBER MOLINA: Okay. Yeah, I bring this up because there could be concerns from other businesses questioning why was, you know, Foodland earmarked for this and not other, you know, supermarkets or other businesses. So there may be some questions from the public about maybe the procurement process or how, you know, Foodland was selected. And nothing against Foodland, so...and as far as the confirming what was on the labels--because I saw a letter in the *Maui News* from a citizen concerned about that--so what did it exactly say on the label to the recipients of the turkeys and the gift cards?

MS. YOSHIMURA: So on the label, it said that it couldn't be used for alcohol or

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tobacco, was not allowed, and that the cards needed to be used by December 10th. So the alcohol and...I'd even have a card in my office, but in the...on the card, I think it was in red lettering that alcohol and tobacco purchases were not allowed, and in black lettering it said that it expired December 10th of 2020.

COUNCILMEMBER MOLINA: Okay. So did it say anything about it being a gift from the Mayor, as the person that wrote in the *Maui News* alleges?

MS. YOSHIMURA: No. We did send out a voucher, a letter with a Thanksgiving message to each MEO recipient and I might have one . . .(timer sounds). . . it was a...it was a Thanksgiving message wishing everybody a Happy Thanksgiving. We did ask Chair Lee to join us in signing the letter. So Chair Lee and Mayor Victorino sent out the letters to each of the MEO H.E.L.P. applicants.

COUNCILMEMBER MOLINA: Okay. Okay. Yeah, I just wanted to confirm what was alleged by the letter writer in the *Maui News* that...stating that it was mentioned on that whatever, labels or letter, that it was...all of this was --

MS. YOSHIMURA: There was -- there was --

COUNCILMEMBER MOLINA: Okay.

MS. YOSHIMURA: -- no labeling and nothing in the letter that said that it was a gift from the Mayor.

COUNCILMEMBER MOLINA: Okay, great. Thank you for confirming that. Thank you, Madam Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Molina. Chair Lee, followed by Member Paltin.

COUNCILMEMBER LEE: Thank you. Okay, Director, I am concerned that many people had a hard time accessing grants, going through the process, and really not getting very good service. And...and I know...and I know it's not all your fault because, you know, there was just...and it was overwhelming, the numbers that came through. But...but now that we've had a chance to experience some of our major services during the pandemic, which will continue on in the New Year, are you folks going to evaluate some of the services that you provided and figure out how you can improve them? Like, for instance, with regard to grants, would it be possible instead of...you know, at first, I was thinking well, maybe you should have an internal committee having to do with grants and...to expedite the process for all departments, all kinds of grants. And then I was thinking maybe...maybe you...you ought to just provide funding for a nonprofit to do that or a separate group because, you know, they won't get

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tangled in all the red tape, as our people. The one thing about using County personnel for these kinds of projects is that you taking them away from something else usually, yeah? So I was thinking we could have, you know, a...a committee that's called...let's say, the Navigators, yeah, to navigate through the County process and work with some of your key grant people so that the process will, you know, can be expedited exponentially if everybody was on the same page, everybody was following the same guidelines. Because, you know, it's very disturbing that we rushed...Budget Committee are rushed to approve funding, and then we find...then...then we get a hail of complaints from people, for one reason or another. And I think if...if we just had an...a nonprofit group or another group dealing...becoming the navigators for the public, things would...can move a lot smoother. What do you think, Michele?

MS. YOSHIMURA: So . . .*(inaudible)*. . . so we had two things going on at the same time, right? We were trying to disburse the \$66 million, as well as a new fiscal year starting. And so every agency . . .*(timer sounds)*. . . every...was trying to process their grant at the same time. So what we did was for the CARES Act monies, we did have a different grant process. We tried to streamline that...streamline that process, but it didn't mean that the grantee didn't get the documents back to us in a sufficient time either. So we did run into problems where we didn't...you know, it took longer to get the grants back. And with all grants, it...you know, just to make sure that all the paperwork...although we want to...we want to expedite everything, we want to make sure that the grant agreements and whatever documents are submitted.

COUNCILMEMBER LEE: No. Okay. But what I'm saying, Michele, yeah, is that a lot of the applicants could have been first time people or not familiar with the process people, and they need instructions, and they need continuous monitoring. So...which is different from what County people do. They give you the application, they tell you fill it out and come back when it's full. And...and when it's not filled out completely, they give it back to you. So what I'm saying is that we need a group of navigators who help people from the...A to Z, you know, and then...and then for those who maybe are only going to have a grant once or twice, you definitely would use an umbrella agency. But, you know, you would have, like, several of...umbrella agencies available of...and you would refer these...these new people to them. Rather than taking up the time of the...the two people who handling 5,000 grants in the County, you have these other people who are paid to...to teach and help navigate the grant system. I think it'll be more efficient for you guys and for the public because it's...it's so frustrating, from our point of view...just put yourself in our shoes for one minute, where we rushing through all these approvals, trying to help you guys, you know, be able to spend the money down, and then you don't spend the money down for a variety of reasons, right? So that is the concern. I mean, please don't take it as criticism. Take it as...as...as a idea that might be worthwhile following.

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MS. YOSHIMURA: Thank you, Chair. We can look into that . . . *(timer sounds)* . . .

COUNCILMEMBER LEE: Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Okay. Member Paltin, followed by Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I had a question about the testings. I think there's...on page 12 and page 13, CA-182 and 192...I just was wondering because, like, we got tested, my family, and I got a bill for, like, \$130 for one test. And so I was wondering, what is it that we're paying for? Is it, like, we're paying for the folks that don't have insurance, or are we paying for the tests, or is peoples' insurance supposed to pay for the tests?

MS. YOSHIMURA: So 182 is the community testing that was done through August 31st, and 192 is also testing...so all...all the community testing that's being done, I believe you're not getting charged for. If you...and I'm not sure where you got your test done at.

COUNCILMEMBER PALTIN: Got it at the Civic...the County's...I mean, the swimming pool, the County's drive-through one. And then I got a bill for my son getting tested, \$130 from Clinical Labs. I was wondering if the people are getting billed and the insurance is getting billed, then what is that big money for? Is it for people that don't have insurance?

MS. YOSHIMURA: Okay. I'm...I will have to look into that because I thought that the community testing was at no charge to the public. But I will check on...the Lahaina Civic Center you said, right, or Lahaina Aquatics?

COUNCILMEMBER PALTIN: Yeah, Aquatics. Sorry, my bad.

MS. YOSHIMURA: Okay. Yeah. So I'll...I'll --

COUNCILMEMBER PALTIN: I mean, when they --

MS. YOSHIMURA: -- *(audio interference)*.

COUNCILMEMBER PALTIN: I called Clinical Labs. They said that they're charging the insurance. And so then I guess my question was is if insurance is being charged for the test, then what is the County paying for? And I guess, had a other small question on page 9, CA-126. So we're helping the airport with their COVID stuff, and then they charge us to get badges to get into the airport? That seems kind of . . . *(inaudible)*. . . and funny kine, huh? We got to pay to help them do their job? I mean, it's only, like, 60 bucks or whatever and...but

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still that's kind of, like, wow.

MS. YOSHIMURA: I...

MR. TERUYA: Chair.

CHAIR RAWLINS-FERNANDEZ: Director.

MR. TERUYA: That is the...the charge from the State for access badge so that you can, I guess, be unaccompanied, I guess, to go up. That's what the \$60 charge is.

COUNCILMEMBER PALTIN: I know, but...but they cannot waive that fee? That's somebody's, you know, food right there or something. Like we're help...we're going over there to help them, and they like charge us to get in the side for help them, like, wow. . . .*(timer sounds)*. . . saved by the bell.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Member Sugimura, followed by Pro Temp Kama.

COUNCILMEMBER SUGIMURA: Thank you. Thanks, Mr. Teruya, for the new deadlines from the CARES Act State requirements. So does it mean then that any of the deadlines...I'm...I'm concerned about the rental assistance and mortgage assistance for residents. So does it mean then that'll affect the...I think MEO's deadline was, like, October 30th or 31st. Are you going to open that up again, or do they expend all their money and...and I guess I would be asking which is the State though, is Catholic Charities...the same question.

MR. TERUYA: Chair. Member Sugimura, thank you for that question. And as I kind of alluded to, I...it...when we get that letter from the State letting us know that our deadline is what they really said is, we can do it post, then I will meet with the Mayor and the Managing Director to let them know what the new procedures are. So that if that program can be extended to the end of December, then...then we should. I...I mean...I mean, all of our money is already, like, encumbered --

COUNCILMEMBER SUGIMURA: Uh-huh.

MR. TERUYA: -- so that's why. I mean, if there's disencumbrances then if that's the priority that the Mayor feels that we should be moving more into, then for sure. But I think this is not the only program. All the other programs may be requesting little bit more time. So it just gives people more time to...to...to expend the money, but I...I don't think...I think we're on track to already spend it by the end of the year --

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COUNCILMEMBER SUGIMURA: Oh, okay.

MR. TERUYA: -- if not sooner, but it just gives us a little bit more time for reporting purposes or, at least, getting the invoice or paying of the invoice so that the services can be done by December 30th. Because you can't prepay an expense, right? That's against procurement, that you've received the product, then you pay. You don't pay and then receive the product later. So this just gives us a little bit more time to settle the invoice. Thank you, Chair.

COUNCILMEMBER SUGIMURA: Thank you.

MR. TERUYA: But we will look into it. Thank you.

COUNCILMEMBER SUGIMURA: Yeah, thank you very much.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Pro Temp Kama?

COUNCILMEMBER KAMA: *(audio interference)* you, Mr. Teruya and Ms. Yoshimura for being here. My question is, you know, I heard you say earlier that whatever we don't spend, the Counties will all send it back to the State of Hawai'i. And what is the State going to do with it when they get it back? Do they have to send it back to the Feds, or do they get to redistribute it, you know, around the State or what? And is it possible that they may not know what might happen to it, that they think they might have to send it back, maybe not, I don't know. But could we, when we send it back to them, say, just in case you don't need it, can we have it back? Can we say that?

MR. TERUYA: Chair. Well, first of all, we don't intend to give any money back.

COUNCILMEMBER KAMA: Okay.

MR. TERUYA: All of our money is expended for --

COUNCILMEMBER KAMA: Okay.

MR. TERUYA: -- plus, we already have other expenditures that we already paid that are on hold pending money getting disencumbered. However, if there is something that happens where there is leftover money, including the State, the State already committed, verbally, that any unspent money to the State will go to UI. So there will be no money going back to the Federal Government, yeah.

COUNCILMEMBER KAMA: Okay.

MR. TERUYA: And...and like I mentioned also, there will be an audit done by the State, and if there's any expenditures that not...were not meeting the guidelines

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of being reimbursable, we are going to have an opportunity to exchange out, I guess, those receipts for things that, like, we already expect...we already expended, but we haven't been reimbursed. So I think there's a very...it's very likely that our entire allotment of the 66.7, thereabouts, will be fully expended by the end of the year. Thank you, Chair.

COUNCILMEMBER KAMA: So we...we went through these past couple of months, and we had some CARES Act funding, and then we had some funding that we gave out for the holiday...for the Thanksgiving holiday. What are we doing for the holidays that's coming up, and Christmas and New Year, if anything, for our families, and...or did we not think about that?

MS. YOSHIMURA: Councilmember Kama, we are doing a similar program to what we did for Thanksgiving. Again, doing food distribution probably mid-December. So that...we are currently working on that now.

COUNCILMEMBER KAMA: So the families that were helped by the H.E.L.P. Program, are these the same families we're going to help again, or do we have other families that never got help before at all that we're going to be helping this go around?

MS. YOSHIMURA: So we have...we have prepared for 6,000 food boxes and vouchers. So about 4,500 of those are committed to the MEO H.E.L.P. applicants or, you know, to those who went through the MEO Program. The other...the balance of that, we worked with Hale Mahaolu, Hale Makua, churches. We looked at different programs, Ka Hale A Ke Ola, Feed My Sheep, Women Helping Women, a lot of different agencies, to make up that balance that, you know, was not committed to the MEO Program.

COUNCILMEMBER KAMA: Do we know how much we spent?

MS. YOSHIMURA: Roughly, I think for Maui Island alone, we had purchased gift cards. It was \$625,000 for 5,000 gift cards . . . *(timer sounds)*. . . We did not distribute all of that at Thanksgiving, so we will use the balance for Christmas. And, I believe the food for Christmas and Thanksgiving, about 500,000.

COUNCILMEMBER KAMA: Thank you, Ms. Yoshimura. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Pro Temp Kama. So dovetailing off of that response with the Christmas gift cards --

MS. YOSHIMURA: Uh-huh.

CHAIR RAWLINS-FERNANDEZ: -- when would be the deadline to use it, since the 25th falls after our deadline to use the funds?

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MR. TERUYA: Our hope is that I get that letter from the State very quickly, and hopefully that gift card will be used before December 30th. That is our expectations. All three other Counties have expressed that in writing from the State. It's forthcoming. They are...they know that they're trying to get it to us as soon as possible because we have reporting deadlines otherwise. Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Director Teruya. Okay. So the...the gift cards would be kind of a plan A, but if that...we...we...we got verbal...I don't know what the word is...information that we would have the extended deadline past December 20th, but we're just waiting for it in writing or...yeah, okay. Okay.

MR. TERUYA: Yes, Chair. I...I...I believe we're going to have the extension. I think...I think everybody just wants to be safe so that I told you so kind of thing and, you know...you know, we don't want to run into any problems from the State that we didn't do our reporting in time. So we're just being cautious and having it in writing, but like I...like Ms. Yoshimura said, our plan is to do what we just told you and I think right now the plan is to spend it to December 30th because there is...there is Federal guidance on it, but ultimately, we don't report to the Feds. We report to the State based on our MOU. So that's the reason why we're asking for that in writing from the State because our obligation is to them. Thank you.

CHAIR RAWLINS-FERNANDEZ: Okay and then...so there...there were concerns on Moloka'i, as I'm sure you know, as I heard there were also concerns on Maui about who received it? So I...I understand that it was an extension of the H.E.L.P. Program, the Thanksgiving gift certificate, but there were some that received these gift certificates that weren't...didn't receive funding through the H.E.L.P. Program previously? It...I...I guess there was an extension of those...the qualifying criteria was that you were on Section 8 or you were receiving Section 8 vouchers? Was...was that part of the criteria?

MS. YOSHIMURA: Chair, yes. So on Moloka'i and Lāna'i . . . *(timer sounds)* . . . there weren't as many applicants to the MEO H.E.L.P. Program, but we wanted to try to reach as many people who were in need of assistance. And so I believe on Moloka'i, we mailed out about a hundred vouchers that went to the MEO applicants or 150, and then we looked at our Section 8 recipients because we felt those were income qualified and needed assistance. So we made sure...you know, we cross-checked lists so that one person couldn't pick up multiple voucher packets. So we reached out to them. We also reached out to MEO to see how many other people would qualify through their programs that may need assistance. On Lāna'i, we did reach out to the Section 8 people as well, and we looked at different organizations that we knew had to be income

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qualified to...to participate and that's how we reached out to Moloka'i and Lāna'i, and...and also to Hāna. We did a distribution in Hāna. We got gift cards from the local markets in Moloka'i, Lāna'i and Hāna. We didn't send them Foodland cards. We did send them cards that they could use in their area, and we didn't pick and choose which markets. I think on Moloka'i, there were three major markets: Misaki's, Friendly Market, and Kualapu'u, so we did vouchers from each market. On Lāna'i, we did Pine Isle and Richard's, and in Hāna we did Ranch...Ranch Market and Hasegawa. So we tried to distribute it as fairly as we can, and to make sure that we reached out to those who we felt that could use the assistance this time.

CHAIR RAWLINS-FERNANDEZ: Mahalo. A quick follow up. So will Foodland be the same store that will be chosen for the Christmas gift card?

MS. YOSHIMURA: I had...I had mentioned we did purchase 5,000 gift cards earlier. We did not give out all 5,000. I think maybe 3,000 gift cards were distributed, so we do have the additional gift cards that we could use for the Christmas giveaway.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director. Members, would you like a round two of question [sic]? Does anyone...okay. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just real quick about the...the COVID pandemic. I know the last time I asked about preparing for COVID moving forward that we couldn't stock up, I guess, on some of the PPEs or vaccinations. But has the Administration planned on...you know, should vaccinations come...come out and I know that some of the vaccinations require refrigeration or freezer space or...or just kind of planning to disseminate, islandwide, the vaccinations. So has there been any funding towards those efforts?

MR. TERUYA: I'm not sure if Director Yoshimura knows that answer. I think that's more of a question for Managing Director or the Deputy Managing Director. But as far as I know, I know...I mean, the intent of the CARES Act is not to stockpile beyond December 30th, that's pretty clear. And you cannot purchase after December 30, that's also pretty clear. But however, you know, you have your burn rates, and we have ordered, based on our burn rates, to last us to the end of the year. I mean, there's no doubt there will be some shortage, or there will be some carryover, or some stockpiling for sure, but we did our best to be within the spending guidelines to purchase to the end of the calendar year. Thank you, Chair.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sinenci. Member Paltin, followed by

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Chair Lee.

COUNCILMEMBER PALTIN: Thank you...thank you, Chair. I just...Member Sinenci sparked some questions in me. I was wondering about the PPE that you were speaking of. Like, if there is any additional PPE, one of my constituents was wondering, you know, with police kind of enforcing things if, you know, instead of the first avenue to go to if folks aren't wearing masks, instead of doing tickets, about providing them with some of the CARES money purchased mask [sic] as a first step and then, you know, if they decline to put it on, then write a ticket. Would that be a something that we could do?

MS. YOSHIMURA: Chair. We are looking into a mask program, and looking at distributing to the general public.

COUNCILMEMBER PALTIN: Oh, but I meant, like, as opposed to the first option getting written a ticket by a police. They say, hey, you got to wear a mask, here's one, and then if they refuse to wear the mask, then get the ticket...instead of, hey, you're not wearing a mask, here's a ticket kind of deal. Because, I guess, my constituent was...and...and I agree that, you know, writing the ticket doesn't help public health, but having the person mask up could.

MS. YOSHIMURA: Uh-huh. Well...okay. So I am...I...I...I can't answer to the enforcement part of it, sorry. I'd have to defer to Mr. Baz to provide that in writing since he's not available today.

COUNCILMEMBER PALTIN: Okay. And then the second one I had was, like, you know, Takamiya's is kind of, like, you know, locally owned and operated, whereas Foodland is like a chain throughout a bigger picture. And...and kind of along the lines of Member Molina's question, like, you know, it's if we can...we can...I guess, I mean, it's a little late now but, you know, looking forward in the future, let's try and see if we can keep the CARES money more so in Maui County. Like, I mean, Hasegawa's is great and...and like that but, you know, Takamiya's, what if they close and we could have, you know, gave out Takamiya gift cards and everybody loves Takamiya, right?

MS. YOSHIMURA: So it was...Takamiya was one of the voucher options during the MEO H.E.L.P. Program. The reason we did do Foodland was because they are in every district, right? So there's one in West Maui, South Maui, Upcountry and Central. And so convenience-wise, that's why we had Foodland, and they are . . . *(timer sounds)*. . . it's a Hawai'i company. So we did...we did use them. But in the outlying districts, Hāna *(audio interference)* with the markets there and tried to disburse the gift cards evenly amongst the markets that are available.

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COUNCILMEMBER PALTIN: Okay. Thank you. Thank you for helping the equestrian folks. And thank you, Chair. Thank you, Ms. Yoshimura. Thank you, Mr. Teruya.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Yeah, we don't...we don't have a Foodland on Moloka'i or Lāna'i or in Hāna. Chair Lee.

COUNCILMEMBER LEE: Okay. Thank you, Madam Chair. Since Mr. Baz is not here, maybe we could ask him to provide an answer in writing, having to do with the...the travel policy. It's constantly changing and nobody can...nobody really knows. I mean, you know, you cannot be referring people to Proclamation Number 12, Proclamation Number -- you know, stuff like that. And so what currently is the policy, and what model do we follow? I...in the beginning, we followed that John [sic] Hopkins formula but, you know, what model are we following now? So current near-term...near-term . . .(inaudible). . . policy, and then long-term, so that we can have an idea, you know, what justification are they using because, you know, it's...many of the states on the mainland are surging, and so how do...how do we protect ourselves from...from the outside interlopers coming here and, you know, causing...causing all kinds of health problems for a lot of people here. So how do...how do we prepare for that? And I know a...many times, the...I mean, the Mayor relies on the Governor and...and all...a lot of times you hear he's waiting for the Governor's approval. But what is the County's policy, yeah. What is Maui's, Maui County's policy based on which medical model, and what is a...current near-term and long-term plan, okay? Thank you.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Wait, Staff just let me know that Managing Director Baz is...is wrapping up his meeting and should be joining any moment. But if we adjourn before he joins the meeting then I (audio interference)

COUNCILMEMBER LEE: Madam Chair, I have to leave the meeting in five minutes. I'm sorry.

CHAIR RAWLINS-FERNANDEZ: Okay. No, no --

COUNCILMEMBER LEE: Okay?

CHAIR RAWLINS-FERNANDEZ: -- it's okay.

COUNCILMEMBER LEE: Okay.

CHAIR RAWLINS-FERNANDEZ: Okay. I...I...I wanted to follow up on one question...it was actually Chair Lee's question...her first question about getting the grants out sooner and better customer service and all of...all of that. I guess this

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question would be better for Managing Director Baz too, but if...if either of you would like to...Director Teruya or Director Yoshimura, the Council, you know, urged the...the Mayor to consider rapid response task force, and perhaps this task force could have help address what Chair Lee was describing in her first question. And, you know, we're...we're not out of this pandemic and we're, you know, hoping that the Federal Government will approve another COVID package funding soon, and so, you know, when that gets to Maui County, that we're not experiencing something similar to what Chair Lee had described. It...so is...is that something that you feel like the task force could have helped with?

MS. YOSHIMURA: Director Teruya, are you going to respond?

MR. TERUYA: ...*(Non-verbal response)*...

MS. YOSHIMURA: Well, so when we were doing all of our evaluations and analysis, we...Mayor did have separate groups. We did have...he did have a healthcare group, he had a business group, we had various different groups that, you know, we got input from. Once the dust settles on this first round, and hopefully we have time to take a look at moving forward, what we...how we proceed after all the CARES Act money is spent, and if we do get a second round then, you know, those are things that we...we could consider.

CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director Yoshimura. And...and I can write that...or send that question in writing, to Managing Director Baz too.

MS. YOSHIMURA: Okay.

CHAIR RAWLINS-FERNANDEZ: Mahalo for your response to that question. Okay. So if there aren't any last questions or comments, I can adjourn...oh, Member Paltin.

COUNCILMEMBER PALTIN: I just wasn't clear on the process. Was I supposed to write to Director Baz about the PPE police question, or was the EDB Staff going to do it, or Ms. Yoshimura? Just...I mean, just wanted to know if I was supposed to do that.

CHAIR RAWLINS-FERNANDEZ: Yeah, we can ask that question along with Chair Lee's question to Managing Director Baz and --

COUNCILMEMBER PALTIN: Do you have --

CHAIR RAWLINS-FERNANDEZ: -- the other questions. So, yeah, we can ask those three sets of questions from the EDB Committee...oh, yeah, and then just ask for a response before the end of the month, I guess, because the EDB

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Committee may not exist after December 30th, right? It'll...it'll end up going to whatever the new Budget Committee, I guess.

COUNCILMEMBER PALTIN: BFED?

CHAIR RAWLINS-FERNANDEZ: Mahalo for asking that question, Member Paltin. I...I'm still a little...reminding myself that it's the end of the term. Okay. Any other questions or comments? Okay. Mahalo for fielding all of...or responding to all of our questions, Director Teruya and Director Yoshimura.

MR. TERUYA: Thank you, Chair.

ACTION: DEFER pending further discussion.

CHAIR RAWLINS-FERNANDEZ: It's 12:29 on December 2nd, and I'm gifting you the rest of the day to do more work, I guess, and not be in the meeting. And we have PSLU tomorrow at 9:00? Yeah?

COUNCILMEMBER PALTIN: Oh, and if I...if I could just make a little announcement. I...I'm not sure I caught everyone but I wanted to request you guys' indulgence in starting from the bottom and going to the top on the agenda. Just so everybody knows, start from the end of the agenda and go to the top instead of the regular way.

CHAIR RAWLINS-FERNANDEZ: Okay, going be like...like how you would read Japanese.

COUNCILMEMBER SUGIMURA: No, Japanese go this way (*motioning across*)

CHAIR RAWLINS-FERNANDEZ: Right to the left.

COUNCILMEMBER SUGIMURA: My WIT meeting is at 1:30. I'll see you guys at 1:30.

CHAIR RAWLINS-FERNANDEZ: Okay, so 9:00 for PSLU and 1:30 for WIT. Okay, it's 12:30 on December 2nd and the Economic Development and Budget Committee is now adjourned. . .(gavel). . .

ADJOURN: 12:30 p.m.

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APPROVED:



KEANI N.W. RAWLINS-FERNANDEZ, Chair
Economic Development and Budget Committee

edb:min:201202

Transcribed by: Jaylene K. Hamilton,
Kaliko Reed and Susan Leong

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CERTIFICATIONS

I, Jaylene K. Hamilton, hereby certify that pages 1 through 30 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 18th day of December 2020, in Wailuku, Hawai'i



Jaylene K. Hamilton

I, Kaliko Reed, hereby certify that pages 31 through 43 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.

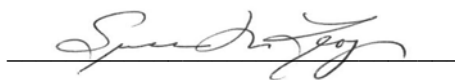
DATED the 31st day of December 2020, in Wailuku, Hawai'i



Kaliko Reed

I, Susan Leong, hereby certify that pages 43 through 64 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 31st day of December 2020, in Wailuku, Hawai'i



Susan Leong