

MINUTES

of the

REGULAR MEETING

and

PUBLIC HEARING

COUNCIL OF THE COUNTY OF MAUI

October 9, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, OCTOBER 9, 2020, BEGINNING AT 9:04 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting and public hearing for October 9 please come to order.

Before we take roll call and provide our instructions, I just wanted to say the word for "good morning" to all of our Members is ulaakut, ulaakut.

Okay, Mr. Clerk, please proceed with roll call.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Proceeding with roll call.

ROLL CALL

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

EXCUSED: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR LEE: And may I call on Councilmember Sugimura for our opening remarks this morning?

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei K. Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR LEE: Okay. I was trying to stop the feedback. Alright.

Everyone, please join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Proceeding with the presentation of testimony on ceremonial resolutions. At this time, we do not have any individuals signed up to testify on the ceremonial resolutions today. I'm just going to do a last call to see if anyone wanted to testify on today's resolution, ceremonial resolutions only. Please indicate so now. You can use the meeting chat, or you can, you can, you know, we'll, we'll see you on video or through audio.

CHAIR LEE: Alright, let's proceed with the presentation of the ceremonial resolution.

Mr. Clerk.

DEPUTY COUNTY CLERK: Okay, to confirm Chair, the testimony on ceremonial resolutions is closed, you want that to be closed?

CHAIR LEE: Yes. We're going to close. Did I hear a voice?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Oh, okay. Alright. There are no objections to closing testimony on the ceremonial resolutions. And now we shall proceed with the presentation of the resolutions.

Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 20-141

EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MELVIN TOMITA

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I ask the Clerk to read the resolution, please? Oh, before he does, I just want to let the Members know that helping us with this resolution is interpreter, sign interpreter Denise Green, you can see her on the screen. And it is because Mr. Tomita has some family members who are deaf and cannot hear. And so, Denise is providing sign interpretation for the family.

So, may I ask the Clerk to read the resolution in its entirety?

CHAIR LEE: Okay. Can you make your motion please?

COUNCILMEMBER SUGIMURA: Oh, sorry.

I MOVE TO ACCEPT THE RESOLUTION "EXTENDING
CONDOLENCES TO THE FAMILY OF THE LATE MELVIN
TOMITA".

Sorry about that.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Okay, it's been moved by Member Sugimura, seconded by Member Kama, to adopt the proposed resolution.

Mr. Clerk, could you please read the resolution in its entirety?

(The resolution was read in its entirety.)

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Clerk, for reading the resolution. And I believe that it says it all. Mr. Tomita, who received the Bronze Star for heroic and meritorious deeds performed in an armed conflict in Vietnam, earned this condolence that we are extending as a Council.

And today, I wanted to also talk about that by doing this resolution, I think we've now included something which we've never done before which was including the deaf, or having sign language included so that we could bring in more people to participate in this. So, I think Mr. Tomita, who I've met in my lifetime through the family, will be very glad to hear about that, as we are including his family in this ceremony today.

Members, I would like to ask for your full support for this resolution. And after, if we do approve it, I would like to ask Roxsanne Ruff-Tomita and Mikey Tomita, who are his two children, to speak after the resolution is passed. Thank you, Chair.

CHAIR LEE: Any more comments? If not, all those in favor of the motion to adopt the resolution, please signify by saying "aye" and raising your hand.

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

NOES: NONE.

CHAIR LEE: Alright, there are nine "ayes", zero "noes"; motion carries unanimously.

Ms. Sugimura, would you like to invite the family?

COUNCILMEMBER SUGIMURA: Yes, if I could. Thank you. Thank you. Thank you, Denise, for being our interpreter. And at this time, Mikey, are you at MEO; Mikey Tomita, the son. Would you like to say a few words, Mikey, through the interpreter? Oh there.

CHAIR LEE: There we go.

MS. DENISE GREEN: The interpreter doesn't see Mr. Tomita's video. Can other people see it?

CHAIR LEE: Yes.

MS. GREEN: Okay, let's see what that's about.

COUNCILMEMBER PALTIN: He's on Akaku. Can see it on Akaku.

MS. GREEN: Mr. Clerk, is there something you can do to assist me to see Mr. Tomita's video?

DEPUTY COUNTY CLERK: Yes. So, Mr. Tomita is speaking from under the name MEO. I have it pinned up. I'm going to change everybody's view to gallery view and then that should hopefully put him up. Denise, can you see him?

MS. GREEN: No, unfortunately not right now.

DEPUTY COUNTY CLERK: Okay.

MS. GREEN: I see, I see everyone on the Council, and I see some other blue boxes, but I don't see Mr. Tomita.

COUNCILMEMBER PALTIN: Can they make a sound, and maybe it'll pop up.

MS. NANI WATANABE: Can you guys see him now?

MS. GREEN: The interpreter cannot see Mr. Tomita. I'm not sure why.

DEPUTY COUNTY CLERK: Denise, are you able to turn on expanded gallery view? At least that way, you should be able to see everyone and hopefully Mr. Tomita as well.

COUNCILMEMBER PALTIN: I have expanded gallery and I can't see.

MS. GREEN: Yes, is there, now I can see Mr. Tomita. Is there a way that I can make the screen bigger?

DEPUTY COUNTY CLERK: Are you able to pin individuals on your end, Denise? Are you--

MS. GREEN: It doesn't look like it. Okay. I think, I think I just did it. Thank you for your patience.

Mr. Tomita says, first I'd just like to say I do have really mixed emotions today, really simultaneously, you know, really what happened. My father passed in September. He left us and went to heaven and really, you know, of course, we're very sad about that. But also, it's his birthday and it, sorry, sorry, it's my, it was my birthday. Just about two weeks ago, I celebrated my own birthday, the end of September. So, my father died the fourth of September and my birthday was September 25. So, I have of course mixed emotions. You know, I'm happy to be celebrating another year of my life, but also miss my father. Of course, you know, I have the, the feeling, how important it is to, to go on with our life.

I wanted to announce I have my very good friend here; Ekola. He's, he's kept me celebrating. He's young, he keeps me youthful. I don't want to, I don't want to say too much, but mostly I just want to thank the County Council; hello, everyone.

And I think, I just want to leave you all with one sign, one very important sign from American Sign Language. So, the letter "I", the letter "L", and the letter "Y" combined together make this popular symbol you've seen, which is a lot like aloha. It means "I love you", but it also expresses very deep sentiments. So, thank you so much to everyone on the Council. I really appreciate your resolution from my father in memory of his fabulous life. Thank you.

CHAIR LEE: Thank you. Mikey, can you let him know I'm talking? Mikey, I've known you for a long time, because he has been an advocate for independent living, and I'll never forget that; very effective. Thank you, Mikey.

MS. GREEN: Thank you.

CHAIR LEE: Ms. Sugimura. Ms. Sugimura.

MS. GREEN: Thank you so much for also just the work that we did together for transportation for MEO. Thank you. That was just wonderful what you accomplished for them. I really appreciate. And thank you to the Mayor as well. And, and also for providing interpreters during the whole pandemic. I really appreciate the County providing access to the deaf community. It means a lot to us.

I also just want to add, in Kauai I know they've had a lot of problems. The deaf community doesn't have access because the Mayor wasn't providing a sign language

interpreter and it was very unfortunate. But we're very lucky. The Big Island doesn't always provide an interpreter. But Oahu does and Maui does, so you've really been a standout for accessibility during the pandemic and we just applaud you. We're very grateful to have access to all this information. So, thank you so much again.

And thank you, Denise, to the interpreter. And thank you to Yuki, Yuki Sugimura, Yuki Lei and Alice Lee. Thank you to all the, the whole Council. We really appreciate it. Much aloha.

CHAIR LEE: Ms. Sugimura. Thank you, Mikey.

COUNCILMEMBER SUGIMURA: So, does Roxsanne want to say a few words?

MS. ROXSANNE RUFF-TOMITA: I do. Can everybody see me?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Yes.

MS. RUFF-TOMITA: Okay. And you can hear me okay. Yea, I just want to say, Mikey can see, or can see, Denise can sign? Thank you.

My dad, he's gone, but he is not forgotten. I just want to say on behalf of Melvin M. Tomita Ohana, and the huge extended Arai Ohana on Maui, we appreciate Maui County Council honoring dad's memory. His was a full life of adventure, spirit, and service. I'm sorry, adventure, service, and spirit. Some would say his legacy was the 32 years of military service, the 28 years Honolulu Fire Department. But his true legacy is his ohana; his 4 children, his 10 grandchildren, 9 great-grandchildren, and especially his wife of 50 years who preceded him, Catherine Isuko Arai, also a Maui girl from Spreckelsville, Camp 1. But you got to, Yuki, you might want to ask Gwen, cousin Gwen Ohashi, because her mom Rose and my mom are sisters but I think was Camp 1. But thanks, thank you so much.

COUNCILMEMBER SUGIMURA: Thank you.

MS. RUFF-TOMITA: We really appreciate this. And I see Uncle Paul and Aunty Joy joining too from California. Thank you so much.

COUNCILMEMBER SUGIMURA: Thank you.

MS. RUFF-TOMITA: It's an honor. We appreciate it.

COUNCILMEMBER SUGIMURA: Thank you for everything your father did and gave, and your family. So, appreciate all of you. And this is very special to bring everybody together. So, thank you, Roxsanne for all the hard work that you did with my staff; appreciate that; and James.

So, thank you, Mikey, I think he's going, every time I see him, he asks me to do this. So, everybody, say "I love you" in sign for Mikey and for your dad. So, thank you very much.

MS. GREEN: So, Mr., Mr. Tomita, just wanted to add, I know that Yuki Lei Sugimura and Alice Lee, we all grew up or, and Miki all grew up playing cards with my father, as a family, we would play cards. And so, I just wanted to add that, that we know everybody for a long time and we're really grateful.

COUNCILMEMBER SUGIMURA: How nice.

COUNCILMEMBER PALTIN: Paiute.

COUNCILMEMBER SUGIMURA: Paiute.

MS. RUFF-TOMITA: Paiute.

COUNCILMEMBER SUGIMURA: Thank you.

MS. RUFF-TOMITA: Oh, there's Gail.

CHAIR LEE: Thank you so much to the Tomita family.

COUNCILMEMBER SUGIMURA: Thank you for sharing that about--

CHAIR LEE: Wonderful to see you and it's an honor to pass the resolution of, for your father. Thank you.

COUNCILMEMBER SUGIMURA: Thank you very much, everybody.

CHAIR LEE: Now, Mr. Clerk.

MS. RUFF-TOMITA: Thank you for providing the interpreter, too. Thank you. Thank you, everybody.

CHAIR LEE: Thank you for the interpreter. Yes, Denise, thank you very much.

MS. RUFF-TOMITA: I couldn't see the, but thank you. Thank you, everybody, the IT.

MS. GREEN: Thank you. Thank you so very much. We really appreciate it.

CHAIR LEE: Here we go again, breaking ground with IT. Thank you.

Alright, Mr. Clerk.

COUNCILMEMBER HOKAMA: Hi, Nani.

MS. WATANABE: Hi, Riki. Aloha. Mahalo.

CHAIR LEE: Hi, Nani.

MS. WATANABE: Thank you, Yuki. Thank you, Councilmembers. Aloha.

COUNCILMEMBER SUGIMURA: Thanks, MEO for setting up and letting Mikey be here.

MS. WATANABE: Welcome.

CHAIR LEE: Thank you.

Mr. Clerk.

MS. RUFF-TOMITA: So, how do we leave? Do we just, just end?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR LEE: Yes.

MS. RUFF-TOMITA: Okay. Thank you. Thank you. Have a good day.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Clerk, we need to proceed to the next resolution, please.

DEPUTY COUNTY CLERK: Madam Chair, for the record--

MS. GREEN: Thank you again, says Mr. Tomita. Thank you to the interpreter as well.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is RESOLUTION 20-141.

RESOLUTION
NO. 20-142

CONGRATULATING JESSICA GLEASON,
2019 LIBRARIAN OF THE YEAR

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

ON YOUR BEHALF, I MOVE TO ADOPT THE PROPOSED
RESOLUTION ENTITLED "CONGRATULATING JESSICA
GLEASON, 2019 LIBRARIAN OF THE YEAR".

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: It's been moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember King, to adopt the proposed resolution honoring Jessica Gleason.

Now, go ahead, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I please request the Clerk read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Alright. I, I, I have, I have a very short comment. But I want to apologize to Jessica, because actually we had planned to do this back in May, before all the, you know, the pandemic started surging and so forth. So, it's, it's been a while. Sorry to, to delay this, but I'm glad we're finally doing it for you.

I know Jessica, because she's my niece. And she is my brother's daughter. And we're, we're very lucky to have somebody so special like her in the family. My mother had eight grandchildren, yea; seven boys and Jessica. So, it was a little bit lopsided, but I know that my mother is very proud of you, as the rest of the family.

And so, I see that Councilmember Kelly King would also like to say something. Kelly.

COUNCILMEMBER KING: Thank you, Chair. I, this is a really special position for me, because, well, first of all because Jessica was, came out of the Kihei Library, so thank you for everything you did here. But even going way back before you became a librarian, Jessica, when I was serving on the State Board of Education, which as you know oversees all the library system, there was no library committee on that, on the Board of Education. So, I advocated for it. We created a library committee. I became the Chair, and we were able to get our, our library system back on track as you remember.

You may remember just following the issues back then when our book selection was outsourced, and we had to bring that back, we had to, you know, cancel the contract and change our State Librarian over. So, I was, like right in the thick of that. And when I spoke to, I really realize when I spoke to the librarians across the State how important book selection is, that that's a critical part of your job and the thing that you take pride in.

One of the things I wanted to ask, if we could do a friendly amendment, Chair, is to add the State Board of Education onto the list of recipients for this, since they do oversee the library system.

And, you know, so it's just a personal thing for me. My, my daughter actually wanted to be a librarian from the time she was three, and then she changed her career in college.

But so, congratulations. Thank you for representing us so well, for representing Maui and especially Kihei and Makawao. I really appreciate everything that librarians do. And it's a, it's one of the big equalizing resources we have in education. Thank you for my opportunity to comment, Chair.

CHAIR LEE: Members, I don't think you have any objections, do you, sending a copy of the resolution to the Board of Education? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

I see another hand up. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I'd like to congratulate you, and what an honor. I know how important your work is, because during this pandemic time, you're able to embrace the minds and hearts of the children, the spirit, especially with the circumstances being the way it is. And I know it takes a special person. I remember when I was growing up, we spent a lot of time at the library. But it takes a really special

person to have, you know, have the children come in. We had to make sure we didn't raise our voices. But to engage the community the way that I've seen the libraries have.

So, congratulations, Jessica. Of course, we have to agree, come from a great line and bloodline of, you know, with, with Alice Lee and her family. Her mom's a super amazing person, too. So, but, thank you very much and congratulations. I lend my support to this wholeheartedly. Thank you.

CHAIR LEE: Okay. Any more comments? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

CHAIR LEE: I see nine "ayes", so motion carries unanimously. And the resolution is adopted.

Now, my, my niece, Jessica, would you like to say a few words?

MS. JESSICA GLEASON: Yes, if I may? Thank you so much. It's such an honor to be recognized in this way. And I just want to say mahalo nui loa to all of the Councilmembers. I need to recognize the Maui Friends of the Library. They've been instrumental. In fact, they gifted our bookmobile to the Maui community four years ago. And they tirelessly work in their used bookstores to raise funds for Maui County libraries.

The collection you see behind me, I'm on the bookmobile right now, all of these books, the vast majority of them were purchased using Maui Friends of the Library funds. And so, I am grateful for all they do. I'm also grateful to the Friends of the Library of Hawaii for also supporting statewide initiatives and funding for the Hawaii State Public Library System. And so, without these friends' groups, I don't know where we would be.

And also, the Maui Friends of the Library did lobby the Legislature to reinstate or recreate and fund the bookmobile librarian position. And it just shows you the power of advocacy and community will toward creating something that was lost for 20 years. But it's such a privilege to be able to serve in this capacity.

And I just want to also mention that I hear all the time the nostalgia people have for libraries and bookmobiles. And we encounter it every day, before the pandemic, of

course. We were on the road four or five days a week going all over the island. And wherever we went, people would smile, would shaka. We'd be like, hey bookmobile, you know, and it just is so fulfilling to see that.

But I also want to point out that my job and this bookmobile remains relevant today. We provide vital services to our most vulnerable populations in the County. And one of those populations is the keiki, our young keiki in whom we hope to spark a joy of reading and learning at a very young age. We know that that's pivotal and foundational for lifelong learning and literacy.

Our kupuna, who are no longer mobile or as independent, and to really need that access to books, audiobooks and services to the library for the blind and physically disabled. My favorite patron is Esther, who lives in Lahaina. She's 103 this year and she's incredible. She is incredible. She reads advanced astronomy books and she, she's sharp as a tack and she describes books as mana from heaven. She's just absolutely inspirational.

And finally, to individuals who may be incarcerated or institutionalized. And it's really important. They're very grateful that we go to the Maui Community Correctional Center to provide them the opportunity to browse a collection, to get reference assistance, to escape mentally, you know, for their mental health, to improve themselves, to learn new things, and to simply be treated as human beings.

So, I join you today after four years of being the bookmobile librarian. I'm really uncertain about the future, as we all are. But I'm confident that we will find ways to safely reach out to our increasingly vulnerable community during these challenging times. And I am the outreach librarian, so I'm here if you want to partner, collaborate in any way that I can in collaboration with our State Librarian, Stacy Aldridge, who's doing a fantastic job trying to keep our staff safe, at the same time offering as many services as we can during this time.

I also want to say I share this honor with our bookmobile driver, Michael Tinker, who has been here from the beginning. He's gone above and beyond to keep us safely on the road. He takes immaculate care of this vehicle. I'm right across the street from you guys, so if you ever want to come over, we can socially distance and you can come check it out. It's really beautiful. And he's doing extra work, now that we're not on the road, to keep it clean and well run. I also want to say that my Wailuku Library ohana is awesome. The staff is wonderful here, and all Maui County public library staff.

I want to thank my mom, my dad, my husband, my kids, my family, who inspire me to be the best I can be. And I'm basically here today because I love what I do. So, before I start crying, I want to say mahalo to you all and thank you so much for this honor.

CHAIR LEE: How can anybody possibly follow that? Thank you so much, Jessica. And thank you, Members, for supporting her resolution.

And please, I haven't seen your parents for a while, about three months. Our, our best to, to them, the entire family, the boys, Matt, everybody. Alright, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is RESOLUTION 20-142.

RESOLUTION
NO. 20-143

RECOGNIZING OCTOBER 2020 AS NATIONAL
CYBERSECURITY AWARENESS MONTH

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Chair, I think that was Councilmember Hokama's resolution.

CHAIR LEE: Okay, we have a misprint here.

Mr. Hokama. Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Madam Chair. Thank you, Ms. King, for recalling that.

YES, CHAIR, I MOVE TO, THAT THE RESOLUTION BROUGHT
FORTH BY THE CLERK, BE ADOPTED.

COUNCILMEMBER KING:

I SECOND THE MOTION.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay. Moved by Member Hokama, seconded by Member King, to adopt the resolution.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. And I am very aware of the requirements of time that you're under, Chair, and so I'll make this very quick. October is the month of cybersecurity, nationally. It's something that this County has participated over 10 years since I've been made aware by the former President Chris Rodgers of Nebraska, who held security cyber summits, and also included Hawaii in the discussions.

I just bring this up at this time, because cybersecurity, although a lot of it is unseen to us, has never been more important today than ever before because of our dependency now on distance learning, remote meetings, personal finances, virtual doctor appointments, as well as other banking and professional business requirements that have shifted to online platforms because of the pandemic. We have found that cybersecurity is paramount to protecting all components of professional and personal lives. And one of the things that I just wish to share with our community is the impact of breaches as cybersecurity as how it also impacts our neighbors.

During the current period of cybersecurity agencies, we have currently 4.8 billion users worldwide; 4.8 billion internet users currently. Of that, 7 million data records are compromised daily; 7 million records are compromised for being phished daily. Results, and that results on a daily impact of \$3.5 billion globally to cybercrimes; \$3.5 billion daily. And since the pandemic has occurred, our information is that cyberfraud has increased 20 percent, usually preying on our elderly and those that may not be quite use to the requirements of internet and device services.

So, I just share that with the Council and our community that says that for continued reliance, please take safety measures to protect your personal information. If you do feel that you have been compromised at all, please contact our law enforcement agencies, whether it's the Police Department, FBI, Secret Service. We have enforcement that is prepared to respond to our community needs. And if you ever feel threatened or you feel you've been violated, please make enforcement known regarding your personal requirements.

I hope the Members will support me. And I also share this with their friends, neighbors, and the rest of their community. Thank you, Chair.

CHAIR LEE: You're welcome. Any other comments? If not, all those in favor of the motion to adopt the resolution, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR LEE: Okay. I see nine "ayes", zero "noes"; motion carries. Thank you, Mr. Hokama.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

DEPUTY COUNTY CLERK: Madam Chair, for the record, that is RESOLUTION 20-143.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: I see Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I just, I wasn't sure if you could see Member Paltin when we took the vote, cause I couldn't see her. So, I wasn't, I wanted to make sure for the record she voted "aye".

CHAIR LEE: Ms. Paltin, did you vote "aye"?

COUNCILMEMBER PALTIN: I'm sorry, I had to use the bathroom but I'll, I'll vote "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, Member Paltin.

CHAIR LEE: Wait.

VICE-CHAIR RAWLINS-FERNANDEZ: I just wanted to make sure it was reflected accurately in the record.

CHAIR LEE: Oh, okay. I'm, well, good catch, I didn't see it. We're, we're going to have to put one "excused"; eight "ayes", one "excused". Okay. And I was, you know something, I was just about to take a short recess.

COUNCILMEMBER PALTIN: Oh, shucks.

CHAIR LEE: Yea.

COUNCILMEMBER PALTIN: I could've waited, but I didn't want to miss the public testimony.

CHAIR LEE: Yes, okay. I'm going to take a short recess, if there are no objections. And I would like the Vice-Chair to resume the meeting, reconvene the meeting for a few

minutes, cause I, I have to take a phone call from the mainland. And if you don't mind, everybody. Okay, short recess.

COUNCILMEMBER SUGIMURA: How many minutes?

CHAIR LEE: And then to be reconvened by the Vice-Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:47 A.M., AND WAS RECONVENED AT 9:57 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting and public hearing of October 9, please reconvene.

Mr. Clerk, can we start with testimony?

DEPUTY COUNTY CLERK: Yes, Madam Chair. Proceeding with the presentation of testimony on agenda and public hearing items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agenda and public hearing notice.

Individuals connected to the Council's online meeting intending to testify should notify staff in the meeting chat. If you do not intend to testify, you can watch the meeting on Akaku, Channel 53 or on maucounty.us. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones muted and should unmute them when it is their time to testify.

Testimony is limited to the items listed on the agenda and public hearing notice. Individuals may testify for three minutes per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

Chair, the first person we have signed up to testify is Philip Lowenthal. To be followed by Shay Chan Hodges.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. PHILIP LOWENTHAL, (testifying on Committee Report No. 20-128):

Hello. Can you hear me?

CHAIR LEE: Yes. Good morning, Philip.

MR. LOWENTHAL: Hi. I don't see any video on. How do I, maybe I can fix that. Oh, there you go. Can you see me now? No?

CHAIR LEE: Yes. Hi, Phil.

MR. LOWENTHAL: Oh, you're lucky if you can't see me. But anyway, good morning. Aloha. Thank you for your service. I'd like to speak to CR 20-128, the water report. I am also a member of the Board for the Haiku Community Association. But, I'm speaking individually, really. I have not read the entire 1200-page report. It's a little too dense for me. I'm not a hydrologist or an engineer.

But I wanted to testify about what seems to be missing in the report and why it should go back to Committee. And I testify individually, because my family and I have lived for the last 50 years off getting our domestic water and our ag water from a small spring in our gulch. And we, so we know about the water table. It goes up and down with the rainy season and the dry season. When it was raining, we got water in the lo'i and, and we can take long showers. This time of year, it's like, alright, you've been in there for 30 seconds, you're out of there. And we have to really conserve water, because that's our only source; we can't get County water. There are no water meters. There's 400 people on the list and they're not putting anyone else on the list for Haiku. So, I live in Haiku and Peahi and we've been out there a long time.

So, what I wanted to say was, our concern is that the report, and I think Eva Blumenstein did a great job compiling all the data, but it doesn't really address the problem of, for us, like if that water table goes down because of wells in Haiku, we won't have any water and we don't have any access to water. Our, what's the County going to do? Do I have to make a claim against the County? The property value will be down to zero. You can't live there anymore. And we're not, we're also not where you can get County water.

Now, I know that in Haiku, there are many people in that situation, either on springs or wells, and there's nothing in the report indicating that anybody has looked at either how many people there are like that or what they're supposed to do if these wells reduce the water table and affect us all. And that's a, that's a major problem. Just the data alone as to how many people in, in the Haiku area, and there's a lot of people in the Haiku area that aren't on County water. What are we supposed to do? There's nothing in there. And it needs to go back to Committee just to look at that issue alone.

The second thing is that with the, with climate change coming, looking at what happened in 2013 or even earlier, if you're trying to make a plan for the next 20 years with regards to water, the problem is we don't know what's going to happen with water. Are we going to have more rain? Are we going to have less rain? We just don't know.

How can you make a plan now for 20 years when we have, we know the climate is changing, but we don't know exactly how for, for Haiku, but we live on an island in the middle of the Pacific Ocean and water and rain is a finite resource? It's not like we have anywhere else to go. And when we run out of water, we run, we're not going to be having any more growth. I mean, it's a finite resource, so we don't know how much.

If you look at this report, they're all over the block when it comes to how much water is available in the aquifer for Haiku.

CHAIR LEE: Okay. Phil, Phil, can you please--

MR. LOWENTHAL: Yea. I'm pau.

CHAIR LEE: --you know, summarize and conclude?

MR. LOWENTHAL: Yea, so anyway, so I'm . . . with the Haiku Community Association in asking you to send it back to Committee. And appreciate your work on this thing. Thank you.

CHAIR LEE: Thank you, Phil. Are there any questions for the testifier?

Yes, Kelly, and then Ms. Paltin.

COUNCILMEMBER KING: Thank you, Chair, Chair Alice. Aloha, Phil. It's been a long time. I haven't seen you for a while. Good to see you.

MR. LOWENTHAL: Yea, I want to talk to you about the biodiesel that my rats ate my--

COUNCILMEMBER KING: I know, I'm assuming that you outlived your biodiesel Hummer, because that was a really old vehicle.

MR. LOWENTHAL: Yes, I know. Thank you.

COUNCILMEMBER KING: But, but thank you for being a climate change champion that way. I just wanted to, to ascertain that the, were you at the Haiku Community Association meeting that they held on this the other day?

MR. LOWENTHAL: Yes.

COUNCILMEMBER KING: Oh, okay. That's, so, and do you know how many people were there?

MR. LOWENTHAL: Well, it was, it was a video conference and I heard--

COUNCILMEMBER KING: Oh, right. Yea.

MR. LOWENTHAL: But I heard, I heard anecdotally that there were a thousand people that tuned in--

COUNCILMEMBER KING: Wow.

MR. LOWENTHAL: --which is fantastic.

COUNCILMEMBER KING: Okay. Well, thank you for your input. I appreciate you being here. It's good to see you. You look well.

MR. LOWENTHAL: Yea, I, thank you, I just hope somebody can gather the data that's necessary.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lowenthal, for your testimony. I appreciate, I just wanted to clarify. You know, I, I agree that there's climate change going on and, and we don't know things. I mean, similar to the budget, we didn't know a lot of things, but we still had to make the plan, you know. So, I just wanted to clarify, are you, you want, I understand that you want it to go back to Committee. And, and we don't know the future in terms of water, but we still need to make a plan, right? Or are you not even for having the Water Use Development Plan because of climate change?

MR. LOWENTHAL: No, I think you can have a plan, but you got to have contingencies for, because we're just speculating on what's going to happen in the future. So, you want to have contingencies. And the other thing that, that is missing, because you don't have the data as to people such as myself who are not depending on the County water, but who are affected by the water table, that could lead to dramatically higher expenses. If you have to compensate people for the loss or the value in their property, that's going to be an added cost. It could be as much as the, putting a transmission in. But I think somebody ought to look at that.

COUNCILMEMBER PALTIN: Okay, thank you. Thank, thank you for that clarification.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Nice seeing you, Mr. Lowenthal. And, I, I just, you know, so you're saying we need a plan. And this Water Use Development Plan is a guide for the future. It, it's not a document that is, is probably going to produce the kind of data you want. So, are you saying that you want the Water Department to come up with a water plan in detail to answer some of the questions you're talking about?

MR. LOWENTHAL: Well, not exactly in detail, but I just think that's a huge missing piece of data; all the individuals and residents in this area. This is not like we're going to an occupied area. We're going to a place that's already residential in many respects, and agriculture. So, somebody's going to look at the people who are there using it to get a better sense of what they, what's available. And sure, you can have a plan, but you need more data, I think, to make that plan.

COUNCILMEMBER SUGIMURA: Okay, so you're asking then about another document?

MR. LOWENTHAL: For example . . . the water table and what's the effect of that?

COUNCILMEMBER SUGIMURA: So, yea, I hear you. I understand what you're saying. And maybe that's where this confusion is coming from; the use of the document and the, it's a guide for future use and management of water resources. So, it's a guide. But I hear you loud and clear. So, we can ask for another document to provide the data that you're looking for. Thank you.

MR. LOWENTHAL: It seems to me that the guide is, okay, well, we need more water over here, so where is their water? You're asking the Water Department where is there more water? And the answer is oh, well, there's some in Haiku. But if you're going to go to Haiku, you need to understand what the resource really is, and what the effects are, and what the costs could be, and if you diminish it. And I don't think this report fully--

CHAIR LEE: Alright. Thank you.

MR. LOWENTHAL: --addresses that.

CHAIR LEE: Thanks, Phil.

Ms., yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo, Mr. Lowenthal, for being here today. I was just curious, is there a ballpark figure of how many people are on springs or in wells in Haiku?

MR. LOWENTHAL: I don't have that figure. But I would just anecdotally, because I've lived out here so long, I would say certainly hundreds. And, but that data--

COUNCILMEMBER SINENCI: We should get that data?

MR. LOWENTHAL: --is available, somebody could gather.

COUNCILMEMBER SINENCI: Right.

MR. LOWENTHAL: Maybe the association, maybe the County could gather I don't know. Somebody needs to know at least what we're dealing with.

COUNCILMEMBER SINENCI: Alright, great. Thank you.

MR. LOWENTHAL: Thank you.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Lowenthal. Mahalo for your testimony this morning. Really quickly, I know you said it earlier. But you said that at your, your home, you rely on a well or a spring?

MR. LOWENTHAL: A spring. It's a, right at the bottom of a . . . gulch at the bottom of the cliff, water comes out at the bottom. We have a little reservoir around it to catch it.

VICE-CHAIR RAWLINS-FERNANDEZ: And--

MR. LOWENTHAL: It fluctuates with the, with the weather.

VICE-CHAIR RAWLINS-FERNANDEZ: And is it your household alone that relies on that spring, or are, are there multiple people that also--

MR. LOWENTHAL: No, it's just us. And it's, it's sweet and good water. We've been drinking it. Of course, I used to have more hair. I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Lowenthal. Mahalo, Chair.

MR. LOWENTHAL: I . . . but I mean, if it goes down and it's caused by drainage or reduction of the water table because of the County, I think the County would be responsible.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Lowenthal. Mahalo, Chair.

CHAIR LEE: Anyone else? Alright, thank you, Phil.

Mr. Clerk. Mr. Clerk, can you, I'm not hearing the bell.

DEPUTY COUNTY CLERK: Okay, Chair. I'll try and make it louder.

The next person signed up to testify is Shay Chan Hodges.

MR. LOWENTHAL: Should I just hang up?

DEPUTY COUNTY CLERK: Yes, sir.

The next testifier is Shay Chan Hodges. To be followed by Lucienne de Naie.

MS. SHAY CHAN HODGES (testifying on Committee Report No. 20-128):

Aloha. Can you folks see me?

CHAIR LEE: Yes. Good morning.

MS. CHAN HODGES: Good morning. Aloha, Members of the County Council. My name is Shay Chan Hodges and I'm testifying as an individual on 20-128. And I want to thank you for allowing me to provide information about the Board of Water Supply's involvement in the Water Use and Development Plan. Because I've served on the BWS for over four years, I'm one of the few members who was part of the entire WUDP process. So, I just want to provide some background, chronological information as an individual; not a representative of the Board.

So, from June 27, 2017 to May 17, 2018, approximately a one-year period, board members heard numerous presentations from Department of Water Supply's Eva Blumenstein on the draft WUDP. Of our current Board of Water Supply members, only three were members for most, most of the presentations.

Once the draft WUDP was complete, the Board of Water Supply had 180 days to review the plan and make recommendations, and further, we were required to solicit public input. We were initially told that the presentations at our regularly scheduled meetings were sufficient since they were agendaized and the public could attend and testify at those meetings. However, in September 2018, we were told that we needed to hold meetings in the community. Because of notice requirements, those meetings did not take place until early December. And we went out to Hana, Lahaina, Kihei, Pukalani, and Wailuku.

This meant that the Board ultimately had two meetings before the deadline at which to review and discuss public comments and make recommendations. Most members had attended all the meetings and taken copious notes; and we had a spirited discussion in December 2019, and then basically worked over Christmas to get things ready.

In January, we developed our recommendations and approved a letter to Director Pearson, asking him to pass along 17 pages of recommendations and comments to the County Council.

We did not approve the draft WUDP. Instead, we stated that by submission of this letter and attached table, the Board now conveys its feedback and advice on the Maui Island Draft Water Use and Development Plan.

Although I know this letter was passed along to the County Council, the Board was never informed by the Department or the Council of any actions that happened subsequent to the January 22, 2019 letter. We were not advised about the County Council Committee meetings; nor provided with a March 2019 final draft, nor advised of, nor given the opportunity to review the July 13, 2020 addendum before it was presented to the WIT Committee.

At a special meeting on September 1, 2020, we asked Eva to describe the progress of the WUDP over the last 20 months and to summarize the July addendum. The Board then unanimously approved the letter that was submitted to the County Council last month, recommending further input from the community before final action is taken.

I'd like to add as, as an individual, I strongly support amendments requiring updated and accurate, accurate data in the WUDP, as well as inclusion of the current status and discussion of the Wailuku Water purchase, Wailuku Water Company purchase . . . water system that was unanimously approved by the Board December 19. Thank you.

CHAIR LEE: James, maybe not quite so loud.

DEPUTY COUNTY CLERK: Sorry, Chair.

MS. CHAN HODGES: And sorry for my phone.

CHAIR LEE: Okay. I thought that was a fire drill, James. Okay. Questions?

I see Ms. Sugimura, I see Ms., Member King. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you. Shay Chan Hodges, are you still there?

MS. CHAN HODGES: Yea.

COUNCILMEMBER SUGIMURA: So, do you have that in writing that you want to submit, or did you, or could you submit your testimony that you just read?

MS. CHAN HODGES: Sure. I'm happy to submit it.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KING: Oh, you're muted, Chair.

DEPUTY COUNTY CLERK: Chair, you're still muted.

COUNCILMEMBER KING: You're still muted. Still can't hear you. But if you want me to go ahead I will. Just give me a thumbs up and I'll go ahead. We can't hear you.

CHAIR LEE: For some reason, you, I had a blank screen. I had a blank screen.

COUNCILMEMBER KING: Oh, okay. Now we can hear you.

CHAIR LEE: For, yea, yea, now I can see you and, okay.

Member King.

COUNCILMEMBER KING: Okay. Thank you, Chair. And also, Mr. Sinenci, had his hand up as well. So, now I'm trying to remember where I was at. Sorry. Shay, can you, can you repeat the last couple of sentences, because that alarm went off and I didn't hear exactly what you were saying.

MS. CHAN HODGES: Sure. Basically, I just wanted to say that I strongly support amendments requiring updated and accurate data in the WUDP, as well as inclusion of the current status and discussions of the Wailuku Water Company purchase and the Board of Water Supply's TIG report analyzing a potential purchase of the East Maui Water System that was unanimously approved by the Board on December 19, 2019.

COUNCILMEMBER KING: Okay. Yea, that was one of my concerns too, was that, that was that TIG report that was not addressed. So, if we can bring it back to Committee, would you be available to be part of that discussion, you know, as the Board of Water Supply Chair?

MS. CHAN HODGES: Yea, if, if my Board is okay with it.

COUNCILMEMBER KING: Okay. Alright. Thank you. Thanks for, sorry about that loud alarm going off.

CHAIR LEE: Other hands?

COUNCILMEMBER KING: Oh, I think Mr. Sinenci has--

CHAIR LEE: Mr. Molina and then Mr. Sinenci. Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, I think Councilmember Sinenci had his hand up before me, so I'll, I'll yield to him.

CHAIR LEE: Okay. Mr. Sinenci, then Mr. Molina.

COUNCILMEMBER SINENCI: Mahalo, Mr. Molina. Real quick. Hi, Shay. Thank you for being here. You know, last October, the Board of Water Supply provided us with the TIG report. And in the current Water Use Development Plan, it's, it asked for the cost of managing the East Maui Irrigation System and the necessary information to evaluate future management responsibilities. And I know part of the TIG report, you guys in, included I guess scenarios of public control of the system and along with public investments and repairs. So, do you think that portions of the, your TIG report should be included in the WUDP?

MS. CHAN HODGES: I think certainly it would make sense to at least mention that there was a report done, and a study done, and recommendations. One of the primary recommendations, and this was actually, you know, the TIG report was presented in October and then approved in December with two amendments; one of them was just, well actually was just to emphasize the need for an appraisal of the system. And of course, that's what we're looking at with the Wailuku Water Company, currently, as well.

COUNCILMEMBER SINENCI: Yea, I can, I appreciate all the information that you guys shared in that report. So, I will consider that. Thank you, Ms. Hodges.

MS. CHAN HODGES: Thank you.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Thank you.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And boy, I tell you, that alarm woke the heck out of me. I thought we were having a fire drill in the building. But anyway, Ms. Shay Chan Hodges, thanks, thank you for being here. Just wanted to clarify your testimony regarding the, I guess the draft plan. The Board was presented a review of the, the draft of the Water Use Development Plan. Do you recall on or about what date that was?

MS. CHAN HODGES: So, wait, say that again? I'm sorry.

COUNCILMEMBER MOLINA: Yea, the, the, did you receive a draft of the Water Use Development Plan for the Board's review?

MS. CHAN HODGES: So, we were presented, and I think similarly to how it was presented to you folks, if I understand correctly, from June 27, 2017 until May 17, 2018, Eva Blumenstein presented sections of it.

COUNCILMEMBER MOLINA: I see. Okay.

MS. CHAN HODGES: But that, again, we never were presented or given the, the March, the final March 2019 plan, nor were we told anything about the presentations to you folks or the addendum.

COUNCILMEMBER MOLINA: Okay. So, so, no official position from the Board of Water Supply on this, so?

MS. CHAN HODGES: Just what we sent to you folks in January 2019 was our official position which, you know, appreciated all the work that was done on it, but we had 17 pages of comments from the community that we really wanted you folks to, to look at.

COUNCILMEMBER MOLINA: Okay. Great. Alright, thank you. Thank you, Madam Chair.

CHAIR LEE: Any other comments?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Chan Hodges, for your work and your service on the Board of Water Supply. My, my clarifying question was, is it, is that the standard practice? I mean, it does seem to me that you would be told about the final and, and the process of it. Are you aware, like, that it's standard practice not to inform the Board of Water Supply on these types of progress of the Water Use Development Plan? Or, I mean, is there a reason that it wasn't shared with the Board of Water Supply?

MS. CHAN HODGES: So, you know, this is just based on my experience over almost five years now. I, you know, the, the Board of Water Supply is considered advisory to the Council, to the Department, and to the Mayor. And I think there's a big question about kind of what that means. And to be very honest, in the first few years that I was on the Board, there was almost nothing ever on the agenda, except for if there was a specific request from a Councilmember or the, or the Mayor to, or the Department to do something. And, you know, to be very honest, I felt like we were sort of a rubberstamp.

And then actually the act of going out to the community, and I credit the Water Use Development Plan on this, the act of going out to the community by the Board, it really affected everybody. People went out and they learned things from the community that they had no idea of.

And just to clarify, we don't get any kind of orientation about water. We get orientation when we start on the Board about ethics rules, you know, various kinds of things, but nothing about water. And that's one of the things on our agenda right now is to create an orientation, because we learned all this stuff from the Water Use Development Plan and from the community. And that kind of energized the Board wanting to do more and be more proactive.

But there doesn't seem to be anything in place from the, whether it's from the County Council, or the Department, or the Mayor, of constant communication with the Board. And I think that is actually a big issue that needs to be resolved, because what is our purpose? We put in a huge amount of volunteer time. We, and, you know, and then you, you just, you know, it would, it would make sense to let us know what's going on. But I, I think that's just not part of the, that's not part of a, a accepted process, I guess. I hope that answers your question?

COUNCILMEMBER PALTIN: Yea. I, I, I think so. I was just also looking into the Charter and it is like how you said, "advise the Mayor, the Council on matters on water systems". So, I mean, I think with the definition in the Charter, it would make sense that, you know, for us, we're reading, I'm reading like land use applications this thick every week, and then an additional 1228 page document on water that your Committee is just reading that water document.

It would make sense that we, we hear from you guys, you know, as, as, you know, Board of Water Supply shall act as advisor to Director of the Department of Water Supply, the Mayor, and the Council in all matters concerning the County's water system. So, yea, maybe the ball was just dropped there, but I don't think it's too late to fix it. Thank you.

CHAIR LEE: Alright.

MS. CHAN HODGES: Thank you.

CHAIR LEE: I see the hand of Vice-Chair Rawlins-Fernandez, and then Ms. Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I was thinking perhaps if we continue these in-depth lines of questions, that perhaps we can ask Ms. Chan Hodges to serve as a resource when this item comes up if she's available or, you know, cause it's, it's kind of gone beyond clarifying questions at this point?

COUNCILMEMBER KING: No objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

COUNCILMEMBER SINENCI: No objections.

CHAIR LEE: Yea, my, my crystal ball tells me that this item is going to be recommitted. But if you want to stay, you're welcome to stay. Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, I was just going to have a discussion, how many, well, how many testifiers are there? I mean, I can hear the, the voices that are happening. I also heard the voices of the Council as it went through the Haiku Community Association candidate's forum. And Chair, I wonder if you are also hearing what I'm thinking, is that this is going to get recommitted to my Committee, just wondering? How would you like to go forward?

CHAIR LEE: Well, I think, I think everybody needs to finish their testimonies and then we can, when this item comes up, you know, we can make that determination at that time. I mean, I, I have a sense that this is going to be recommitted.

COUNCILMEMBER SUGIMURA: Sounds like it.

CHAIR LEE: I, I don't feel any sense of opposition from you. So, but I think everybody--

COUNCILMEMBER SUGIMURA: Well, I, I can.

CHAIR LEE: --deserves to have a say.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: What's that?

COUNCILMEMBER SUGIMURA: I, I have, okay, I have a question for Shay Chan Hodges then. So, as the--

CHAIR LEE: A clarifying question, right?

COUNCILMEMBER SUGIMURA: Clarifying. You talked about your work with the Board of Water Supply and the efforts that were put in, I think you said during Christmas. And you came up with a document that was submitted to the, and that, that letter, I think it was signed by Anders Lyons, as the Chair of the water, Board of Water Supply. And that was incorporated in the Water Use Development Plan. I like how you call it WUDP, but it was incorporated in the Water Use Development Plan.

And the Department said that those items were included in the document that we received. So, it wasn't denied, or it wasn't ignored. And, and Chair, if you want, you can ask the Department for clarification on that. But that is my recollection in this 1200-page document, 1200 plus page document that we got and received, of which the letter was part of it. So, thank you. Thanks for your hard work.

MS. CHAN HODGES: Okay. Can I respond?

CHAIR LEE: Yes.

MS. CHAN HODGES: So, my, my understanding is, this is based on a report from Eva in September, last month, there were of the, and I would have to count how many, but I think there were something like 40, no actually I think more like 70 comments and recommendations. There were five that were, five changes or edits that were made to the Water Use and Development Plan draft based on those.

And just to also clarify, we weren't sort of notified of what those changes were or given the opportunity to sort of follow up. And part of that is, is just the reason because we had that 180-day deadline. So, if there, if we had had sort of follow up regardless of the deadline and knowing that you folks were looking at it, then we could have followed up more on some of those and, you know, maybe asked for more changes. But it wasn't as if every single one of our comments was included in the, in the thing. And, and, and not all of them would have been appropriate, so.

CHAIR LEE: Okay. Thank you. Thank you, everybody.

Mr. Clerk, can we have the next testifier please?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Lucienne de Naie. To be followed by Kanoelani Steward.

CHAIR LEE: Okay. Good morning, Lucienne.

MS. LUCIENNE DE NAIE, SIERRA CLUB MAUI (testifying on Committee Report 20-128):

Good morning. It says my microphone has been muted.

CHAIR LEE: No, no. We can hear you.

MS. DE NAIE: You can hear me? Okay, very good. I won't believe that. Good morning. My name is Lucienne de Naie. Nice to see you all this morning. Very inspiring start to our, our resolutions, our ceremonial resolutions. I'm testifying on item 20-128, on behalf of Sierra Club Maui.

I did dash off some written comments that I sent in this morning. But in essence, we believe that this does need some important amendments and should be recommitted to the Committee, so those can be made. The areas that we have some concerns about is we would like to see the plan have more details about private water agreements the County Water Department has with A&B and others and how they affect who gets what water. There, there's some pretty substantial agreements out there. There are a few agreements that are referred to in the plan, and that's good, but it should be across the board for transparency.

We're also concerned that the information on the Mahi Pono farm plan in Central Maui ag/irrigation water use is, is kind of confusing. First of all, you know, there wasn't a Mahi Pono when this report was drafted. There was only A&B, so there was the A&B farm plan. Then the Mahi Pono plan was discussed in the addendum. And it, and it's still, there's more updated information from me than that, about 2019 and 2020, that we should just use that as a starting basis and that information is out there, it's part of current court cases, it's available to the County. We'd just like to see it folded in.

Also, the, the WUDP really needs to have a recommendation in the . . . section that we amend our water standard for resorts. I just testified as an expert witness in a case. Large resorts like the Grand Wailea can use 17,000 gallons a day of water per acre. No one else in the State allows any resort use at that level. And the attorney for the Grand Wailea said, "oh yea, we're allowed to use it and that's why we use 800,000 gallons a day for our hotel". That, that's a lot of water. And they were going to go up to 900,000 gallons; almost a million gallons for one property. Most of it for irrigation. Not, not most, probably a third to, you know, 40 percent for irrigation. So, could we do better by lowering that standard to what Oahu has? We think the WUDP should just make that concrete recommendation. They don't pass any laws. You guys pass the laws. But it gives the Council some stuff to work on.

And then last, there's a lot of tables in the, in the WUDP that refer to our old State Water Resources Protection Plan data. There is one map included in the addendum. But a lot of the tables that have to do with our streams and how many diversions they have, have all been updated and they've really changed. Seriously, they'll have like 10 different items that will change in one chart, you know, in West Maui or Na Wai Eha. And we should just pop these new charts in, you know. So, it's important that we have the latest data in whatever we're going to pass that we can get in simplified form. I realize we can't go back and change every word in the text. But some of these things are low-hanging fruit. So, we appreciate your consideration.

MS. DE NAIE: Thank you. Are there any questions? Keep in mind more than likely this is going to go back to Committee.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Yea, and I can wait till the item comes up. I was just wondering if Ms. de Naie would hang around to be a resource, Chair, the item comes up?

CHAIR LEE: Sure, if she's available. Any objections, Members?

MS. DE NAIE: I, I can. I'll probably be doing other things in between, but I'll, I'll keep it on for when the item comes up. Yea, I can.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Alright, any more questions?

If not, Mr. Clerk. Mr. Clerk, how many testifiers do we have?

DEPUTY COUNTY CLERK: Chair, there are currently, there's currently 11 testifiers remaining.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kanoelani Steward. To be followed by the individual connected to the meeting under the name Douglas.

CHAIR LEE: Alright.

MS. KANOELANI STEWARD (testifying on Committee Report No. 20-128):

Aloha kakou. Can you guys hear me?

CHAIR LEE: Aloha, Kanoe.

MS. STEWARD: Aloha. . . . Kanoelani Steward no Lahaina, Maui maiiau. My name is Kanoe. I come from Lahaina. And I will be testifying as an individual Lahaina community member on CR 20-128. I definitely kakou everything that Lucienne just shared about keeping all of the tables up to date, the most relevant information put into these really dense drafts, over 1200 pages.

But I really wanted to talk about Table 19-39, that talks about the Selected Demand Scenario: the Projected Water Demand and Supply Options for Lahaina. Just looking at the list that's in that table, there is this one item that says, "Taro met by IIFS", the Interim Instream Flow Standards. And the number doesn't change, from 2014, 2015, 2020, 2025, 2030, and 2035. The, it, it basically says that there will be no increase in lo'i kalo, therefore, there is no additional water that is projected to be used for this area. And so, just wanted to bring that to everybody's attention and that maybe there should be something changed in there. Because if we're expecting that our agricultural demands, if we expect our agricultural demands to increase, I would also hope that we could expect our kalo demands to increase as well.

Also, inside the document, I'm reading, I was just reading the addendum part. But there is another area that talks about the Honokohau diversion and that it was repaired in May 2020. I just talked with members of the Honokohau community and there was no maintenance, there was no repairing done. There was definitely maintenance done in terms of putting in a new sluice gate and using a crane to lift rocks out of the gate. But it was in no way repaired. And so, if it hasn't been repaired, that's definitely something that should be brought to everybody's attention as well.

Additionally, this will be my last point. In the Summary of Recommended Strategies for Lahaina, and this probably goes for all of the recommended strategies. When it talks about resource management, I definitely urge Maui County to increase their financial support for watershed management. There isn't a lot of funds going into conservation right now. And if we would want to keep our water supply as is, and or potentially increase, we need more people on the ground, in our watershed management areas, in the different conservation organizations that take care of these areas.

And so, I would definitely urge you guys to find ways to increase the financial support for these different organizations so that they may increase what they're doing and that

they may increase their manpower to continue to malama these places that, that provide us water. That's all. Mahalo.

CHAIR LEE: Thank you. Are there any questions?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Kanoe. I don't know if you wanted to turn on your video, but I just was wondering, you know, when it, it has no increase in water for lo'i kalo. If there was more water, you're saying there would be more kalo cultivation in the west side? That's the question.

CHAIR LEE: Kanoe, did you hear the question?

MS. STEWARD: No, I kind of missed that. I just heard lo'i kalo and no water.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: Could you--

COUNCILMEMBER PALTIN: Sorry.

CHAIR LEE: --repeat the question?

COUNCILMEMBER PALTIN: Yea, the question was, like, when you were saying that the table says that the amount of water needed for lo'i kalo cultivation is the same for 2014, 2025, 2035, that if the water was available there would be more lo'i kalo cultivation in West Maui.

MS. STEWARD: For sure. But also, inside the same table, it kind of like, well, from my understanding of reading the table, it, everything else is increasing agricultural demands and, and population and all these kinds of stuff, but kalo remains the same. And so, it doesn't seem that there's being more water put aside for kalo.

COUNCILMEMBER PALTIN: Okay. Thanks. And my last question, would you be willing to help me go through the Lahaina section after, bumbye?

MS. STEWARD: Totally.

COUNCILMEMBER PALTIN: Thanks.

MS. STEWARD: I'll bring . . . and . . . too.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Sneaky, yea? Okay, thank, any more questions?

Ms., Member King. Member King. Can't hear you. You're muted.

COUNCILMEMBER KING: My button wasn't working. Okay. Can you hear me now?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Thank you for being here, Ms. Steward. So, I'm sorry, I just got, had a thought about how appropriate your last name was. But, no, I, I wanted to ask you if your comments about increase in kalo, because I do feel like there's been a big push to increase kalo production in the last couple of years. Did that make it into the Board of Water Supply's suggestions; that big 17-page list of, of suggested changes and amendments? Do you know?

MS. STEWARD: So, sorry. I just got. I'm so sorry, my internet is like not the greatest where I am. But I just caught the last few words of what you just said, Ms. King.

COUNCILMEMBER KING: Oh, okay. Okay.

MS. STEWARD: Something about amendments.

COUNCILMEMBER KING: Yea, I just wondered if your, your concern about, you know, increase in kalo and needing, need to be reflected in the plan, if that was part of, if that was on the Board of Water Supply's submission to the Council; that 17-pages that they submitted to us? Was, was that one of the suggestions?

MS. STEWARD: Maybe. I'm sorry, but I'm not familiar with the Board of Water Supply's submission that they made.

COUNCILMEMBER KING: Did you, did you--

MS. STEWARD: I was just going over whatever you guys had on your guy's website.

COUNCILMEMBER KING: Okay. Oh, so did you testify at the Board of Water Supply about this, about the Water Development Plan? Did, can you hear, did you testify at the Board of Water Supply?

MS. STEWARD: I did not.

COUNCILMEMBER KING: Okay. Okay. Thank you. I just was wondering about that.

CHAIR LEE: I saw other hands.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you. So, just, what was the table that you mentioned in the beginning of your testimony? Nineteen.

MS. STEWARD: Yea, so, all of these were in the addendum part. And then I was just jumping into like, cause I think that was like the most recent addition to the entire draft. But the table numbers, Table 19-39, 19-39. And that's where it lists the "Taro met by IIFS".

COUNCILMEMBER SUGIMURA: Thank you. Thanks for participating.

CHAIR LEE: Any other questions? If not, thank you, Ms. Steward. Thank you.

Mr. Clerk, the next testifier please.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Douglas. To be followed by Rose Reilly.

MR. DOUGLAS BIGLEY (testifying on Committee Report No. 20-122):

This is Douglas, but I'm, I think I might have mis-sent that one. I had, I'm testifying on two other issues, but not the water. I should be down there some place.

CHAIR LEE: Alright. Fine.

MR. BIGLEY: So, I apologize. I, just, I'm not used to this as you can tell.

CHAIR LEE: No, no, but you can testify on other items now.

MR. BIGLEY: Can I, okay, if I can do that? I'm testifying on CC 20-497, changes to 3.35. Okay, so I can start now?

CHAIR LEE: Yes.

MR. BIGLEY: I can put my camera on, but the COVID hasn't treated me as well as it's treated all of you. I'm, I'm here to speak today on, on changes to the proposal, to proposed, to MCC 3.35, Affordable Housing Funds. Our significant competitive advantage for the County of Maui to attract other funds at the State and Federal level for projects that target tenants earning 60 percent or less of area median income.

To give you some perspective on what this means, a local funding source of \$25 million, in this case, AHF funds, could leverage between 150 and 225 million of other funds. Translated into housing units, this means rather than self-funding between 50 and 75 units, you will be able to fund between 300 and 500 units. We currently have a proposed development in West Maui that will target rents between 30 and 60 percent of AMI. Rents for a two-bedroom will be between 575 and 1275, and three bedrooms between 650 and 1500.

Affordable housing funds are governed by MCC 3.35 and there's some changes that need to be made to provide the flexibility necessary to utilize these high leveraged affordable housing funds. The changes being requested are not dissimilar to those already available to the County of Maui when the County of Maui allocates home and HDF funds every three years.

We have a development in West Maui that could be doing construction in December of this year. But these changes are necessary to make that happen. More importantly, going forward however, is that these changes would be necessary for anyone requesting these high leveraged funds. And so, that's all I have to say in the testimony. And I'll be around if anybody has any additional questions.

CHAIR LEE: Alright.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Hi, nice to see you, Doug. Your, you're only showing about half your face.

MR. BIGLEY: Oh, I'm sorry. Yea, I've been bothering with the, yea, sorry.

COUNCILMEMBER KING: Okay. Yea, thanks for being here. So, you're testifying on County Communication 20-497?

MR. BIGLEY: You know, I, I'm, this is the, maybe. It's the affordable housing fund, the 3.35.

COUNCILMEMBER KING: Okay.

MR. BIGLEY: Is that right? Did I give you the wrong number?

COUNCILMEMBER KING: No, no, you had the right number, but it's a county communication, so it's up for a referral. So, it's kind of, it's got a long process to go through and it's--

COUNCILMEMBER PALTIN: 20-122.

MR. BIGLEY: Oh, maybe it was 20-122? Oh. Oops. Sorry about that.

COUNCILMEMBER KING: Okay. So, it's a committee report? That's what I wanted to kind of--

MR. BIGLEY: Yea, yea, yea.

COUNCILMEMBER KING: I think you referred to a county communication in the beginning. So, this is, so this is up for first reading? And you're testify--

MR. BIGLEY: Yes, that is correct. It's up for first reading. That is correct.

COUNCILMEMBER KING: Okay. I think that, no, that clarifies it, because then we can take action today.

MR. BIGLEY: Thank, thank you. Oops.

CHAIR LEE: Anybody else with questions?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, is this Doug Bigley? You look different.

MR. BIGLEY: Yes, it is.

COUNCILMEMBER SUGIMURA: Oh, you only said Doug, and it said Douglas. So, this is Doug Bigley. Okay.

MR. BIGLEY: Yea, Doug Bigley, yea. I'm aging. And I think they call it, I think they call it COVID-19 because I've gained like 19 pounds. . . . , so.

COUNCILMEMBER SUGIMURA: Okay. Thank you for the clarification of your name.

MR. BIGLEY: Thank you.

CHAIR LEE: Was that the question?

COUNCILMEMBER SUGIMURA: Yea, I wanted to know his name. It just said this is Doug.

CHAIR LEE: Oh, okay. Anybody else with questions? If not, thank you, Doug.

MR. BIGLEY: Thank you.

CHAIR LEE: Alright. Mr. Clerk, may we have the next testifier?

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Rose Reilly.
To be followed by Carol Lee Kamekona.

MS. ROSE REILLY (testifying on County Communication Nos. 20-498 and 20-502, and
Committee Report Nos. 20-126 and 20-128):

Aloha. Good morning. Alright, so--

CHAIR LEE: Good morning.

MS. REILLY: Thank you. On the agendas, there are two different meetings for this morning.
Is that why there's only 11 people signed up to testify? There's two different meetings
for 9 a.m. for the Council.

Okay, so on CR 20-128, the Water Use and Development Plan, I listened to their entire
meeting last time they got together. So, basically, they didn't know, they didn't know,
they didn't have staff. They're trying to justify lack of ability. So, like, you know, for an
hour and a half they're going on about how they went around and talked to all these
different people in community. And then it comes out that 80 out of the 90 issues that
were brought up weren't addressed, right? So, hundreds of concerns they didn't
address, I'm assuming that those went down to 90 different points of contention that
were not included into the plan. So, that's the real problem, right? You know, they
heard the community; they didn't put it in.

So, they're having problems with private purveyors disclosing their usages? They need
more help from the Council, apparently something with Hokama. Sorry, I didn't get the
whole thing on that. They're not getting responses from other agencies. So, I don't
know what's going on with that. But there's something with CWRM and CWS. So, the
communication, the way that this is going is the problem. So, who are these volunteers
that are putting together such an important plan for this community and island?

The use of water is a very specialized, it's extremely important. It's, the first thing on
the State Constitution, the County Constitution is to take care of the water. There are
uncles that are, like I go to water committees all over the island, I'm involved, you know,
listening to the different communities, what's going on. Obviously, we haven't had any
this year.

But you know, last time there was some new water thing brought up for East Maui, my favorite uncle was on there. And like that guy should be in charge of the Water Use and Development Plan. But in these different communities, there are these people that have so much knowledge and they need to make the plan. Who are these volunteers? Lovely, thank you. You know, if they gathered information, perhaps the uncles can use it to put it together. But the real problem is that in the making of the plan, there needs to be a new plan of how the plan is made.

So, and then, for the CR 20-126, the Mayor with the Department of the Interior, moderate, monitoring; no thank you. Please let the Department of Interior leave our water sources to our community members. And again, putting these people that are actively engaged in the water use, actively engaged in how water use works. Like, how will the different water systems function is a very complex multigenerational assessment. And we don't need these guys coming in with their 5G monitoring on the rivers, you know, is just appalling to me. I just definitely do not want to see that.

And as far as CC 20-502 on homelessness, I listened to all the homelessness with the volunteers and then all the homelessness with the people who are working for the County. And the County is like oh no, everything's great. Yea, they're not maintaining their list. They're not actually like reaching out in the community. They're just waiting to see what comes to them. And then the volunteers are the ones that are going out, and they're like, we need this, we need this, you know, communication to be happening. So, somewhere in between are the answers of how there's outreach and how there's receptivity.

As far as CC 20-498, investing in a vibrant community, I really want to make sure that we recognize the frailty of having tourism as our base based on the amount of resources used. So, in the amount of water that's taken from Iao Valley and brought to the South Maui, 60 percent of the water is brought to 30 percent of the users in South Maui. That means that we got a bunch of water hogs over there in South Maui taking up a lot of water that these people over in the source are saving and scrimping and making sure that they're being akamai with their water resource.

So, that's what I see as far as the investing in vibrant community. Really want to see a lot more in the agriculture with the tech positions; getting people trained to be all of the medical personnel, all of the different like emergency personnel, all the training so that everybody who's needed in high paying positions is coming from the County. Thank you so much.

CHAIR LEE: Alright. Any questions?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Rose. Good to see you.

MS. REILLY: Aloha. Good to see you.

COUNCILMEMBER KING: So, I just wanted to, because you mentioned CC 20-498 and that's going to be, that's put on there as referral to the Climate Action Resilience Committee, which is scheduled for, I think it's Wednesday the 21. So, I just wanted to hope, hope that you can be part of that discussion in that Committee meeting, because we're going to be discussing the THRIVE Agenda, which is sort of the new, it's a, it's a new way of looking at the Green New Deal issues. So, anyway.

MS. REILLY: Okay. If I can't make it, I'll definitely submit written testimony.

COUNCILMEMBER KING: Okay.

MS. REILLY: Thank you so much for letting me know.

COUNCILMEMBER KING: Thank you.

MS. REILLY: Thank you.

CHAIR LEE: Any other questions, comments? If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Carol Lee Kamekona. To be followed by Dick Mayer.

CHAIR LEE: Good morning, Carol Lee.

MS. CAROL LEE KAMEKONA (testifying on Committee Report Nos. 20-122, 20-127, and 20-128):

Good morning, Chair. Good morning, Members. My name is Carol Lee Kamekona. I am coming before you, okay, I'm hearing an echo. Are you guys hearing that echo?

CHAIR LEE: Not anymore.

COUNCILMEMBER SUGIMURA: It's gone.

MS. KAMEKONA: Okay, mahalo. So, I am coming before you regarding CR 20-122, which is the bill amending Chapter 3.35 of the Maui County Code, allowing flexibility in Affordable Housing Fund grant and loan requirements. I am in approval of that moving

forward. I believe that Mr. Douglas touched on it pretty well. And so, I agree with what he said.

CR 20-127, the bill authorizing the Mayor to enter into an Intergovernmental Agreement with other entities. If this is to do with natural disasters, you know, emergency, emergency reasonings, then I would agree and have that move forward also.

With regards to CR 20-128, the bill adopting an update to the Water Use and Development Plan, I know a lot of people have already testified on this, so I won't go into it too much. What Shay mentioned, the different communities that they had reached out to, I didn't hear Haiku as one of the communities that they had met in. I think that has a lot to do, being that they are one of the communities that are going to be affected by this. So, if they were not included, I would like to see that they are included.

With regards to the possible Wailuku Water purchase, that needs to be updated and explained more. And I think with regards to a lot of the missing information, the, it needs to be updated before it can go forward. So, I ask that it be recommitted to Committee. So, mahalo, Chair, for this opportunity.

CHAIR LEE: Thank you. Are there any questions? If not, thank you very much for your testimony.

MS. KAMEKONA: Mahalo.

CHAIR LEE: And, Mr. Clerk, it's your turn.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Dick Mayer. To be followed by Noelani Ahia.

CHAIR LEE: Good morning, Dick.

MR. DICK MAYER (testifying on Committee Report No. 20-128):

Good morning, Councilmembers. Can you see me?

CHAIR LEE: Yes.

MR. MAYER: Very good. There are five items I want to mention with regard to the Water Use and Development Plan item, and I'll just list them off they're relatively short. There needs to be a much better discussion of public management, potential public management of the East Maui Water System. The water comes from State leased

areas, and the potential for the County to take over that system either hiring EMI to manage it or something of that sort. But that discussion needs to be done. It's the most important source of water we have on the island and there needs to be a much better discussion of the implications, the public implications of that system being taken over.

Number two, there are a lot of private water agreements between the County and various developers: Everett Dowling's well in, in upper Haiku; the A&B's Wailea Resort has a special source water credit of some several hundred, or actually over a thousand water meters; A&B memorandum of understanding regarding East Maui and Na Wai Eha waters. Have those been transferred to Mahi Poni? Are they still there? There needs to be a clarification of all the private and that may be just a sampling of other ones that are out there. They should be referenced and with some indication of the implications for the Water Use and Development on Maui.

Number three, they mentioned already the Wailuku Company water system that has been in and out of the budget of the County over the years, certainly a lot of discussion. There is no real clarification of what the, what the potential is for that water and how it would be used, how it could be developed, what the cost might be. Some, some recognition of that very important source of water in the Wailuku Water, Wailuku Water Company.

Number four, the Upcountry water meter list. Rather than showing always a number, let's say 1500 or 1800, you should clarify what kind of meters people are asking for, so we'll have a good idea of the potential needs that people have. Some of those are for single family homes. Some of them are for ag lots that may need lots of water. Some of it might be for subdivisions, and many of them are in fact for subdivisions. How many housing units are on that subdivision considering some of those may be ohanas?

There should be a much better in clarifying numbers, so that when the County has to negotiate at some future date for the East Maui waters, we'll have a very good idea what the needs of the County. And I would have add to that Hawaiian Home Lands in Keokea is also getting its water from that system. So, and they want to put more houses up that are, and I don't think they're on the water meter list.

And finally, and also in that, the data on the water meter list is from 2014. Many meters have been issued since then, and we need to have updated data.

And lastly, one thing that we talk about when we talk about climate change is we talk about rising sea levels, etc., and we occasionally mention the fact that rainfall amounts maybe decline. I would want to throw in one other item, and that is because of the warming of the atmosphere, there's much more evaporation going on. And what would be the effect of all that evaporation? As we know, the last two years we've had many

days over 90 degrees. Water is evaporating more rapidly. What impact will that have on the various elements within the Water Use and Development Plan if an extra 10 percent or 20 percent of the waters that we distribute in our farms, and our, and our yards, etc., is evaporated?

I leave that with you. And I want to refer it back to, have this referred back to Committee with those items to be included. Thank you very much for your attention.

CHAIR LEE: Thank you, Dick.

Ms. Sugimura, and then Mr. Molina.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Mayer. What was the second item? I was trying to write as fast as I could, so.

MR. MAYER: I'm sorry. The second item was the water agreements. There are many private water agreements that the County has with the various developers both smaller and larger ones, and there are other ones that those developers are coming in to negotiate to get, they'll say we'll put a well in, we'll drill the well for you, but then we'll turn it over to the County to manage it.

COUNCILMEMBER SUGIMURA: Thank you.

MR. MAYER: Those kind of considerations need to consider, be, be handled.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair.

CHAIR LEE: Mr. Molina. Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And good morning, Mr. Mayer. Thank you for your points with regards to the Water Use Development Plan. One of the suggestions you made was the County hiring EMI to manage the system in East Maui. Would that be under the assumption that the County purchase that system and then hire East Maui to manage it? Or is it to just leave them as owners of the, the water system, but then hire them? I mean, can I get a clarification on that?

MR. MAYER: I, I don't have necessarily the answer of how it should be done. But that is something that the Water Use and Development Plan very clearly should examine the options that are there; County complete ownership and management, County owners.

It doesn't have, EMI may go out of business as soon as it sells its 50 percent share to Mahi Pono. The, EMI may not even be a company anymore. A&B may not have any role in that. So, the, what are the options going to be for the County? And the, much

of the water that comes from the ditches from East Maui comes from State land, and it's in ditches that are there that I don't think the ditches necessarily belong to A&B or, or, or Mahi Pono per say. So, there, there are questions there.

So, I think that whole area of water source and, and its, and its development should be handled in the Water Use and Development Plan. It's by far the biggest source of water on the island. And the, the, the Plan itself is not just the County system; it's also private systems as well. Will this remain a private system? Those kind of issues need to be discussed. I don't have the answer, but I would hope the Water Use and Development Plan would. If not, giving clarity to making the recommendation, at least indicate what are the variables there.

COUNCILMEMBER MOLINA: I, I totally agree with you, Mr. Mayer. And certainly, the possible option of the County purchasing should be on the table for discussion.

MR. MAYER: Absolutely.

COUNCILMEMBER MOLINA: Thank you. Thank you, Madam Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Dick. Always good to see you and your little island there.

MR. MAYER: Yes, that's--

COUNCILMEMBER KING: Palm trees in the back.

MR. MAYER: I, I'm sit, I'm sitting in a closed room in Kula hibernating.

COUNCILMEMBER KING: Anyway, I just wanted to clarify that, you know, the, I wrote down all the five things that you suggested, but you're not necessarily saying and, and correct me if I'm wrong, that we need to figure all this out and put it in the plan, but the plan should recommend that we explore these, that the Council explore these issues like the Wailuku Water Company purchase? We don't have to figure that out to put it in the plan, but that the plan should guide us; that that is something we should be discussing, the EMI ditch system we should be discussing? That's, to me, the elephant in the room.

And the, if these things are recommended, because we're talking about using this, this document as a guide, but we also, we need to be guided in which, which items we should be working towards or, you know, at least, at least researching and deliberating on, not necessarily that we have to have them all worked out to publish this plan.

MR. MAYER: Exactly. It would, it, indicating some contracts the County may at some point want to give out to, to handle it, I mean, the Water Use and Development Plan in addition to the items I mentioned, there are other things in there that will need clarification. The Haiku wells, for example, that are mentioned, and many, many other things, you will eventually have to have studies done. It could be done internally if you have the, the, the technical stability to do that. Or you may have to contract out to find out what are the answers, like, like the Wailuku Water Company thing. What are the options? How much would it cost? How much water will the County get? How much will, where will it go? Those issues that the plan will, probably will not be able to get into, but at least to give the framework.

COUNCILMEMBER KING: Right, right. That's, I just wanted to clarify that because I think those are things that are, are extremely detailed that we'll have to go into. But I think the, I agree with you that they should be mentioned in the plan.

MR. MAYER: Exactly.

COUNCILMEMBER KING: You know, so? Okay. Thank you. Thank you, Chair.

CHAIR LEE: Anyone else? If not, thank you, Dick.

MR. MAYER: Thank you and best wishes in your decision making.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Noelani Ahia. To be followed by Albert Perez.

MS. NOELANI AHIA (testifying on Committee Report No. 20-128):

Aloha. I just need my video on. Oh, there we go. Am I there? Can you see me? I can't see myself.

CHAIR LEE: No, we can't see you, but we can hear you. Oh, now we can see you.

MS. AHIA: Okay, there I am. Aloha kakahiaka. It's nice to see all you folks again. I'll try to keep it brief. It sounds like this is probably going to go back to Committee, which, which I kako'o. In fact, I kako'o all of the testimony that has come forward this morning. I specifically wanted to address the Ka Pa'akai analysis and the protection of our

kanaka maoli hoa`aina native Hawaiian rights. It appears in this report that there was an attempt to do a Ka Pa`akai, but it wasn't really very complete. It kind of, it kind of shows the, the difficulties and it look like, it basically says we tried but we couldn't do it.

And so, my answer to that is try harder, because it's actually the law. You know, it's, the public trust doctrine is set up to protect kanaka maoli rights, because the public trust doctrine understands the kanaka maoli and the aina, which includes wai, are interdependent. We don't exist without each other. We need each other and, and our life force as kanaka maoli comes from the aina and the wai; ola, you know ola ika wai.

So, the purpose of the Ka Pa`akai is to make sure that those values are protected, and that the rights are protected, and the cultural practices are protected. And, you know, Ka Pa`akai is not just doing consultation. There's a whole analysis that's involved to assess what practices are going to be impacted, and then also to look at mitigation. And there really isn't any mitigation that's looked at, at this point. So, you know, it's not just, oh yes, we reached out to Hawaiians and we checked the box. That, that's not what Ka Pa`akai is about.

So, I hope that when it goes back to Committee and this is looked at further that the Ka Pa`akai will be taken more seriously, because in general government hasn't really taken Ka Pa`akai seriously. But it is part of the State, protecting native Hawaiian rights is part of the State Constitution in the public trust. And, you know, those are rights that exist that corporations don't have, and people who are taking the water don't have, hotels don't have. They don't have rights protecting them, but we do. It's mandated and there's a fiduciary duty to do, to do such analysis. And so, yes, hopefully, that they will take a much better, much more serious approach to Ka Pa`akai going forward. Mahalo.

CHAIR LEE: Alright. Thank you. Are there any questions? If not, thank you for coming.

MS. AHIA: Mahalo nui. . . .

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Albert Perez. To be followed by Kaniloa Kamaunu.

CHAIR LEE: Good morning, Albert.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on Committee Report No. 20-128):

Good morning, Chair; Chair Lee and Councilmembers. Albert Perez, Maui Tomorrow Foundation, testifying on CR 20-128. So, the Water Use and Development Plan is missing important information about Mahi Pono water use, even with the sections that were put in the addendum. This amounts to a difference of millions of gallons per day and the plan needs to be sent back to Committee and amended.

Maui Tomorrow, Hui o Na Wai Eha, and OHA reached a settlement with Mahi Pono in 2019, which covered a variety of water related agreements for 3740 acres of Central Maui. This settlement was publicized in the newspaper and is a legally binding document that's currently enforced. It covers all future use of Na Wai Eha stream water on Mahi Pono lands for the entire 20-year scope of the Water Use and Development Plan and beyond.

The parts of the settlement that affect the Wailuku and Central sectors are that Mahi Pono agreed to use just 2500 gallons per day per acre, for the 30, sorry, 3740 acres, for a total of 9.35 million gallons per day, including 4.68 million gallons a day of Na Wai Eha stream water, and 4.57 million gallons a day of well water from Kahului Aquifer and from Iao Tunnel. The settlement limits system losses to five percent, which is really significant when you compare it to the 22 percent system losses that are assumed in East Maui. This indicates an opportunity for a reduction of system losses in East Maui.

Mahi Pono is also allowed to access an additional 1.87 million gallons a day of surface water if it meets all of its settlement commitments, including planting 1850 acres of food crops before the end of 2021. So, the WUDP needs to be including this updated information. This is important, because the WUDP addendum is using a water duty of nearly 4,000 gallons per acre per day. And this is very high-water usage that puts strains on the Maui, East Maui streams and leaves Upcountry with possible water shortages. Mahi Pono could use less water for some crops in East Maui based on its experience with the Na Wai Eha water. And that difference could amount to millions of gallons per day. So, the Water Use and Development Plan should make it clear that 4,000 gallons per acre per day does not apply to the Mahi Pono land irrigated by Na Wai Eha waters.

Finally, a layman's summary of the Water Use and Development Plan should be included so that the public will be able to understand this document without having to read all 1200 pages. So, please send this back to Committee to incorporate this important information. And mahalo.

CHAIR LEE: Okay. Questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Albert. And I just wanted to clarify a couple of the details that you mentioned in the, in the agreement that you have with, with Mahi Pono. Maui Tomorrow, OHA, and Na Wai Eha are part of that?

MR. PEREZ: The Hui, yes.

COUNCILMEMBER KING: Okay. And so, you said that the agreement limits Mahi Pono to 2500 gallons per day per acre. Is that only for, so are they only allowed under that agreement, to use water for the acres that they're actually farming so that they can't aggregate the, the total amount per day based on the amount of acreage they own and use that for whatever they're farming? Is that how they're, they're coming up with the 4,000?

MR. PEREZ: There are provisions in the settlement to prohibit waste. And there are other, there's another provision in the settlement that talks about having, I believe a survey done of what's actually being farmed, so.

COUNCILMEMBER KING: Okay. So, but your agreement, your agreement limits them to only the, to water usage per acre for only the acreage that's being farmed? Because I, I'm asking because if you take that aggregate amount for that number of acres they own and you apply it to the number of acres that are farmed, then it could go way up, and that could be what that 4,000 gallons per day is.

MR. PEREZ: Well, I apologize, Member King. I would, I've never thought of that possibility. I'd have to review the language and--

COUNCILMEMBER KING: Okay.

MR. PEREZ: --I'd be happy to provide that information if it goes back to Committee.

COUNCILMEMBER KING: Okay. That would be great. And then the other question I had was, you had a requirement for food crops. And was there something attached to that that food crops for Maui County or is, does it leave open the possibility of growing food crops and exporting, exporting all that food?

MR. PEREZ: You know, I don't think it mentions exporting. The section, it talks about they get access, and this is only for the additional surface water, so they get 9.35 million gallons a day. And then if they want more, then they have to have planted 1850 acres

of food crops. But I don't recall, and I'll be happy to check on the, any restrictions on export.

COUNCILMEMBER KING: Okay. Alright. Thank you.

MR. PEREZ: Thank you.

COUNCILMEMBER KING: Thank you. Yea, appreciate it.

CHAIR LEE: Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Albert, for being here. And you know, honoring the Librarian of the Year, his wife is a librarian at Makawao Library, correct, Albert.

MR. PEREZ: Correct.

COUNCILMEMBER SUGIMURA: Yea, she's good too. So, I wondered what is the name of the document that you came to agreement with Mahi Pono? And is it a public document? I guess I should ask you that first.

MR. PEREZ: I believe it's public. Can you see the document here?

COUNCILMEMBER SUGIMURA: Mhm. I can't read it though.

MR. PEREZ: The, the title, it says, "Stipulation Regarding Surface Water Use Permit Application 2206". So, this is a settlement that we've reached with Mahi Pono and the other, the Hui and OHA. And we are asking the water commission to, to adopt this. So, they haven't made a, a decision yet--

COUNCILMEMBER SUGIMURA: Oh, CWRM.

MR. PEREZ: --in the Na Wai Eha case. But this is a valid and binding agreement between us and Mahi Pono.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any other questions?

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Mahalo, Mr. Perez. Yea, if we could request the agreement? That's all I'm asking. Thank you, Chair.

CHAIR LEE: Sure, we can. And I'm almost positive that the Chair of that Committee is going to ask for that, a copy of that.

MR. PEREZ: Okay. We'll be happy to provide that.

CHAIR LEE: Okay. Thank you. Are there any other questions? Okay. Thank you, Albert.

MR. PEREZ: You're very welcome. Thank you.

CHAIR LEE: Mr. Sinenci. Mr. Sinenci, every time you move your head, yea, you sort of like kind of blend in with the, your, the taro or whatever that is in the back of you.

COUNCILMEMBER SINENCI: That's the idea, Chair.

CHAIR LEE: But if you keep your head still--

COUNCILMEMBER SUGIMURA: With his green aloha shirt.

CHAIR LEE: That was, oh that's the idea. Okay. Alright. Okay, any, no, no more questions, so, of the testifier.

Can you call the next one up please?

DEPUTY COUNTY CLERK: The next person signed up to testify is Kaniloa Kamaunu. To be followed by Aram Armstrong.

CHAIR LEE: Okay. Could you call the name again, please?

DEPUTY COUNTY CLERK: Yes. Kaniloa Kamaunu, it is your time to testify.

CHAIR LEE: Okay, try, try the next one--

MR. KANILOA KAMAUNU (testifying on Committee Report No. 20-128):

Is that on?

CHAIR LEE: --and then we can always call Kaniloa.

COUNCILMEMBER KING: He's there. He's there.

MR. KAMAUNU: Aloha.

COUNCILMEMBER KING: He's there.

MR. KAMAUNU: Kala mai. I had to go back in again.

CHAIR LEE: Okay. Alright.

MR. KAMAUNU: So, of course, my name is Kaniloa Kamaunu from Waihee Valley. And this is a very important topic for me. It has been for many years. In fact, what's not mentioned during the Na Wai Eha case, that that came of course to the contested case for the water. And I stood for Waihee. I am not part of Hui Na Wai Eha and there's reasons for that.

But I am recognized as kuleana. And this is not a backdrop. This is exactly where I live. This is exactly why I fight for the water. I am the seventh generation of my kuleana. And I fight for this because our lands are established on the growth of taro. So, for us to have property, you had to cultivate taro, and this is what I have. And I continue this throughout my generations. We can make money by going, by putting up houses, doing other things. But the stewardship was given to me because of the kalo. So, the kalo is very important. It's not something to be dismissed. It is a reason why we have our lands. There was a propagation of kalo. It is a law.

And if you check, if you check the, it is a law and, and it's recognized by the State CWRM. It's recognized, in fact, in the County Council. I believe Mr. Hokama and Mr. Molina were there when I came to testify on behalf of my water rights. And I continue to stand on that. What isn't being mentioned is that right is affirmed. Those rights are in your State Constitution, Article XII, Section VII. They're also in, in HRS 174C, which talks about our water rights, saying that we, you know, our rights will not be encumbered.

And so, your fiduciary duties to me as kuleana is to protect that ongoing right. I not saying things just because I'm Hawaiian and want to be different. It is what you are bound to do. It is your fiduciary duties. These are things I fought for. These are things I continue to fight for. And it's because it is my responsibility.

I am kuleana. I, I am kanaka. And, you know, the water rights that have been given to me are precious to me. My home is, I use the water from our awai, from my household. I don't have any County meters here. All of the land that we, that we take care of over here is by, of course, the water that comes from our, our river. And so, as my mother told me, the water is never to stop.

Here in Waihee, we didn't have complications such as Waiehu, Waikapu, or Wailuku. We didn't have those arguments with Wailuku Water Company. The reason of that, we were interactive as far as protecting our rights, and that's why today I still can do

this. And I have friends that come down here that I share my aina with so they can, they can step back into the past through this area. And the water that I have, that I get used is very precious to me and to my ohana.

As the Aha Moku Chair for the Water Committee, under Act 212, we did, we did send to you, as a Council, our concerns about the Water Development Plan. We did get an answer from Eva and I appreciate that. We will, we will be returning an answer to that. But we have many concerns of . . . that were mentioned that actually weren't addressed, but she mentions that were addressed, especially with the concerns that the Aha Moku o Maui, which is the Island Council, agreed or, or affirmed to support it. Also that all Hawaiians supported the Water Development Plan.

And as a kuleana, I never ever participated in Ka Pa'akai. She did use a letter that I had sent in, but I never met with her on that. So, you know, there's a lot to be discussed as far as what was being mentioned in the report which was inaccurate. I don't want to call people liars. I'm just saying it's inaccurate; they're not accurate reports. So, on that basis, it really needs to be taken back to Committee. And do, the duties of the Water Department needs to come into play and to have consultation with those, especially those that have rights that can be infringed upon which by the State law protects. Okay, so this is my testimony. Mahalo.

CHAIR LEE: Thank you. Thank you so much.

Yes, Ms. King, and then Mr. Sinenci.

COUNCILMEMBER KING: Aloha. Thank you, Chair. Aloha, Kaniloa. Good to see you here.

MR. KAMAUNU: Aloha.

COUNCILMEMBER KING: Thank you for sharing your farm with us in your background. I, I have a question. And the issue came up earlier with Kanoelani Steward. . . . to increase your kalo production?

MR. KAMAUNU: I missed, you're going in and out. Is it me? I'm not sure.

COUNCILMEMBER KING: Do you have, do you, can you hear me now? '

MR. KAMAUNU: Yes, I can.

COUNCILMEMBER KING: Got a little bit of wind there. But do you have intention or desire to increase your kalo production?

MR. KAMAUNU: So, what you see here is the actual area that was given to our family. We do have, we do have patches which are further down, if you look at the very end. It still needs to be cultivated, but this is actually the ancient original lo'i kalos. And there is still about 20 of them that still need to be actually refurbished because of neglect. And so, the family that actually has control of that area is starting to return. So, yes, you know, it, it needs to be addressed. And we're lucky we, we have really good flow here. But that's because we participate, yea.

COUNCILMEMBER KING: Okay, great. That's, that's what I wanted to find out because I know there was a concern that the, the kalo production increase was not in the--

MR. KAMAUNU: Right.

COUNCILMEMBER KING: Okay. Thank you for that. Thank you for being here. Appreciate it.

MR. KAMAUNU: Thank you.

CHAIR LEE: Mr. Sinenci, and then Ms. Sugimura.

COUNCILMEMBER SINENCI: Aloha. Aloha nui, Kaniloa. . . . and we just . . . and we did receive your written testimony. So, my question . . . Aha Moku O Wailuku Chair and also the, the, the WAI Committee Chair, do you think that the, the report lacks Act 212 that gives the Aha Moku that right to water?

MR. KAMAUNU: I think the lack of continuous consultation, not only with Aha Moku Wailuku, but Aha Moku o Maui, LLC, which is the one, is the organizer of all the Aha Moku's, I think wasn't, there was no continuous conversation with the Aha Moku. And I think for me to make a better assessment, of course, more consultation needs to be made. But I believe that it wasn't really addressed, and because we're under an Act legislated and, you know, it needs to be addressed.

COUNCILMEMBER SINENCI: Okay. Mahalo.

MR. KAMAUNU: I hope that answers your question.

COUNCILMEMBER SINENCI: Yea, I, thank you, Chair.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Shane asked my question, so thank you very much. Nice seeing you, Kaniloa.

MR. KAMAUNU: Aloha. Thank you.

COUNCILMEMBER SUGIMURA: Aloha.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Mahalo, Chair. Aloha e, Kaniloa.

MR. KAMAUNU: Aloha. How are you?

COUNCILMEMBER HOKAMA: Mahalo for your mana`o this morning. So, again, yea, as my kupuna had taught me back home on Lanai, the Hawaiian value of ike pono. You understand that ike pono? I, my question is more about, and appreciate it, you expressed it well, that value, so what I'm trying to come down to the, you know, basic is that what you, you share with me and my colleagues this morning is the concern about, what I would say, appurtenant water rights. Would you . . . kind of . . . Kaniloa?

MR. KAMAUNU: You know, it, that is what it refers to. But, you know, over my years of learning olelo, I come to realize that a lot of words that should express what our people mean really isn't, it isn't a true outlook on how our people are. Because when we speak, and the words that we use, really have an attachment, such where there's appurtenant. And I understand the meaning of it and what it says with water running through your property and stuff like that. But what it leads to, what it gives itself to is that, that it becomes a land right and it's because we deal with real estate or we sell. And so, when it's sold, those rights supposedly belong to the land and sold.

But really when you talk about the kuleana, and then you talk about the water rights, it's actually given to that, that person, because our belief is that, you know, aina is us, is for us to take care. And we need rules and rights to be able to malama aina. And so, those laws and to reflect on it, on an English standard is not a true outlook of how our people actually felt and related to aina. Because for us, aina is a living, breathing person. And it's our, our job to protect, malama, take care, you know, and to make sure that it operates the way it should.

So, the right belong under the law of 1859 went to the Kuleana, LCA holder. And it was because he had the responsibility to make sure that those, such as our wai, continue to run in this proper fashion. So, though that you guys use that word, it still doesn't, it still doesn't connect to how they really relate. I don't know if that answers your question. Sorry.

COUNCILMEMBER HOKAMA: No, Kaniloa, I can say that I receive . . . your strong sense of what you're trying to explain to us, and I get it. When you talk to the other nations, the Navajo Nation, the Shoshone Nation, the Apache Nation, they all deal with the same

issue. Everything is explained in the white man's tongue, white man's language, and white man's definition of their words . . . nation's language and how they view their culture and their values.

So, I appreciate what you're telling us exactly, and the Queen wrote that in her own diaries too, about the It's hard to put the Hawaiian and the English always, you know, literally translate it correctly. . . . saying . . . and I appreciate your . . . this morning. Thank you, Chair. Thank you, Kaniloa. Mahalo.

MR. KAMAUNU: Mahalo. Thank you.

CHAIR LEE: Okay. Are--

Oh, Ms. Paltin, had her hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kamaunu. I just was, I missed the HRS that you stated it. You said Article XII, Section VII of the Constitution, but I missed the HRS number.

MR. KAMAUNU: It's 174C. So, it's 174C.

COUNCILMEMBER PALTIN: Okay.

MR. KAMAUNU: Oh, one, no. Sorry, I having an argument with my wife. Sorry.

COUNCILMEMBER PALTIN: I hope not cause of me.

MR. KAMAUNU: You got to test, you got to testify on your own they said. Sorry.

COUNCILMEMBER PALTIN: Okay. Thank you. 174C, got it.

MR. KAMAUNU: Thank you.

CHAIR LEE: Alright, any more questions? If not, thank you so much, Kaniloa.

MR. KAMAUNU: A hui hou, malama pono.

CHAIR LEE: A hui hou.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Aram Armstrong. To be followed by Aja Eyre.

MR. ARAM ARMSTRONG (testifying on Committee Report No. 20-128):

Hello?

CHAIR LEE: Hello. Mr. Armstrong, we can see you.

MR. ARMSTRONG: Aloha. Oh, you can see me? Excellent. I'm also on my phone. I think Kaniloa's might have just blasted my internet access and I had to shut down everything, so I'm just on my phone now. Mahalo, County Council. Thank you, Council Chair Lee. I am testifying on behalf of myself, as a private citizen, but I'm calling to, today from the ahupua`a of Hamakualoa on the northern slope of Haleakala, just up from the Jaws Country Store. And, I think I want to summarize what I'm hearing, because there's a lot of testimonies already come up and this is also going back probably to Committee. And there's a lot, this is like the song that never ends. This is the issue that never ends, how to deal with water.

And essentially, I think there are three things that I, that I would just like to share. And these are essentially Druckerisms. Peter Drucker is a management guru. But the first one is management is doing things right and leadership is doing the right things. And so, thank you for your leadership. I think the issue here is about management of our natural resources and how that gets executed, whether it's by people directly observing stream flow or other systems of management. It's very clear that we don't have transparency on what waters they can use, how much water is out there, what's being wasted due to evaporation. All these different factors that would help us understand what's, what's possible and how to accurately allocate water and share, share this precious resource.

The . . . , the second Druckerism, which is what's measured improves. And so, if we don't have systems of accounting, we can't actually say who, who's using what water for what and what water's available. And I think, let's see, I think it was Mr. Lowenthal that brought up this very good point that things could change. And also, Dick Mayer also mentions the climate change. So we can have three-year plans, six-year plans, but the water is falling on a daily basis. And, and so, the, it's a, it's a very real time daily, sort of data that you're working with. So, how do we understand what's happening and, and what can we do to allocate this resource?

The third Druckerism is a good one, I think, for us to think about, which is if you want to predict the future, the best way to do that is to create it. And so, there's a big question with climate change, all these different factors. Maybe there's more development, maybe there's more ag. How do we actually have more water supply?

I'm going to use the mana`o of Simon Russell, who's probably on his farm, or someone else's farm, but we need to grow, we need to grow rain. And that's through reinstituting agroforestry. You can actually plant plants that attract the rainclouds. And so, this is a long-term issue. But I think, essentially, it's, it's a matter of our process and having a transparent process, and having metrics for hearing information about who's coordinating and . . . across the board.

I think the other thing that Simon Russell taught me was, or . . . that I learned from his was the, our boards. So, Shay Chan Hodges was sharing this lack of coordination, lack of communication, and the boards aren't paid; they're volunteer members. And I think it was Rose who brought up, like this is, it's a very complex issue, which we leverage in indigenous knowledge leaders, people who have lived on the land for generations, as well as there's also like a lot of technical know-how. And so, there's, yea, there's all these other factors.

And I look forward to the ongoing saga of water. It's, it is the most important question for this island, for, for all islands, or for all communities. And I want to thank Council for its continued work, and all the other members of different boards, different parts of the system because it's a very complex issue. So, we need to be coordinated and communicating, and share what's going on. Thank you.

CHAIR LEE: Thank you. Are there any questions for Mr. Armstrong?

If not, thank you. Appreciate your testimony.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

MR. ARMSTRONG: Aloha.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Quick question before we call the next testifier. Is Mr. Krueger keeping time? I haven't heard the, the timer go off in a while.

DEPUTY COUNTY CLERK: Chair, yes, yea, I am keeping time. Apologies. I do have the timer going off. I thought, it looked like it was coming through from my end, but it sounds like it might not be except that one time where I made it really loud. So, I'm still trying to troubleshoot to try and get it to where you can hear it, but not to that degree. Apologies.

CHAIR LEE: I tell you what. I tell you what, Mr. Krueger, just say, time's up. Okay? Then, then you won't scare anybody with the too loud of a sound or whatever. Just say, time's up, okay? Very good. Thank you.

DEPUTY COUNTY CLERK: Will do, Chair.

CHAIR LEE: Next speaker is who?

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Aja Eyre. To be followed by Clare Apana.

CHAIR LEE: Okay. Aja Eyre. Thank you.

MS. AJA EYRE (testifying on Committee Report No. 20-128):

Aloha, Madam Chair and other Chairpersons. I won't be superfluous here and add too much because there have been great testimonies made already. I just hope this will be sent back to Committee and hope that, again, echoing what has been said that that water meter list will be addressed. There, this, again, this is with item 20-128.

There's just one page that speaks specifically to the water meter list. This is an issue that that disproportionately affects Upcountry, Makawao, Haiku, and Kula, and Pukalani residents. There, there is not updated information on the water meter list. In fact, people who have received their water meter are included in the water usage, and also in projections. And so, there's just not a lot of clarity.

And I haven't read all 1200 pages but have scanned it. And I feel like a lot of the data is out, is outdated and I would like to see more updated data that are monitoring, and just some better exploration and guidance on what we can expect from our water systems in the future. Thank you.

CHAIR LEE: Thank you. Are there any questions? If not, thank you very much for coming.

Our next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Clare Apana. To be followed by Johanna Kamaunu.

CHAIR LEE: Yes. Good morning, Clare. I can see you. Can't, can't hear you yet. Try again.

MS. CLARE APANA (testifying on Committee Report No. 20-128):

Can you hear me? Can you hear me now?

CHAIR LEE: Now we can.

MS. APANA: Okay, great. Good morning, Council. Thank you for holding this meeting. I, I want to, I have many things to say, but I want to start with you, as you realize we're, Malama Kakanilua was engaged in a contested case with the Grand Wailea Resort new applications, SMA application, for their expansion project. And during this process, we learned a lot of things that we were not anticipating, and I'd like to share some of those with you.

Besides the many burials, there were, we've discovered that there were injection wells at the hotel that were not permitted. And that their standards for what can go into the ocean that the State and the Department of Health has, but no one is holding anybody to those. So, we have a project asking to increase their size, which will of course take more water. And this water is not being managed properly or in a good way for our island. And I think that we need to look through the whole process of what's happening when, when, when we give water to people. Like, there's so many projects in Makena in the place where it's dry, arid, no water. Where does that water come from? It comes from our, our aquifers right now in Na Wai Eha. We need to look at that process.

You know, I think you are aware that a hotel is allowed 17,000 gallons per acre of water. And in another island, it would be 4,000. That is something Council could do. You could decrease that amount to make it come into keeping with other, other counties. It's, it's criminal. It's so much water from, coming from my aquifer. Okay.

I want to say that I've asked about the public trust, what public trust really means. And I think that it is, part of it is really being not understood. It is, part of the, the public trust doctrine is to protect kanaka rights; to, to those people who have fiduciary trust rights. Yes, they must be protected. And I hope that that will be included very clearly in this water development plan.

And the, the third thing I want to talk about is, why is there no plan for decreasing water usage in South Maui? I've spoken to you several times already. I don't know what else to do, Council. I mean, I've testified, I've testified, I've talked to Eva, I don't see anything happening.

DEPUTY COUNTY CLERK: Three minutes.

MS. APANA: I, I, I brought the plan from the Water Use and Development Committee from 2008, they had a plan for South Maui to decrease their water usage. As a citizen, I don't know what else to do. Nothing has happened. I have been testifying about this. It is a tremendously important thing. Instead of making wells on Haiku, let's decrease the water usage in south--

CHAIR LEE: Clare, can you, Clare--

MS. APANA: I'm done.

CHAIR LEE: Could you conclude in one minute please?

MS. APANA: I'm done.

CHAIR LEE: Are you done? Oh, okay. More than likely this is going back to Committee, so you have lots of time to discuss this much more thoroughly. But if there are any questions for the testifier, for Clare right now, are there any questions? If not, thank you for coming. Thank you for your testimony.

MS. APANA: Okay. Thanks.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Johanna Kamaunu. To be followed by Gabe Johnson.

MS. JOHANNA KAMAUNU (testifying on Committee Report No. 20-128):

Okay. Aloha, Councilmembers.

CHAIR LEE: Hi. Can't see you--

MS. KAMAUNU: Can you hear?

CHAIR LEE: --but we can hear you.

MS. KAMAUNU: How is that?

CHAIR LEE: Oh, we see something.

MS. KAMAUNU: Okay, I got my video on. Does that help?

COUNCILMEMBER PALTIN: I think it's flipped around.

CHAIR LEE: No, no, no. No, I can see somebody's legs.

VICE-CHAIR RAWLINS-FERNANDEZ: That's Kaniloa.

MS. KAMAUNU: It is. It is flipped around. You know this technology, I'm not really good at it.

CHAIR LEE: That's okay. That's okay.

MS. KAMAUNU: Hang on just a second.

CHAIR LEE: Okay, now we're up to the table.

MS. KAMAUNU: Does that help? Alright. Very good.

CHAIR LEE: We got you. We got you.

MS. KAMAUNU: Sorry. Okay, not going to be that long. I just had a couple things to say. Basically, it comes back to that HRS Section 174C.101, in particular, (d). It's the very last item in that whole section. And one thing that item says, and it uses the words, "can neither extinguish nor diminish those rights". And that is something I don't see a part of this plan. I think if anything, you should provide that as full disclosure to people who are applying for water. Because it definitely puts them at risk of falling into a category where they could be . . . on kuleana land commission award claims. Okay, so that was one thing.

And the other thing is thank you, Mr. Hokama, for acknowledging how current modern-day language seems to throw a net over our kuleana rights and Land Commission award claims. But in essence, that's all they're doing; trying to claim it. As long as we understand where those statements are coming from, just as in western law, those definitions are not in the laws that allow us our kuleana and our Land Commission award claims. So, the two are like apples and oranges; one cannot override the other. And again, that's another point for disclosure.

And then the last thing, which was the first thing that interested me today, is Ms. Steward's comment about planning for kalo farming. You know, in the past, it wasn't planning for kalo farming; it was planning for the livelihood of a community. When a child was born, kalo was figured out into the equation for how it would be planted and how much would be planted. It wasn't a question of whether there's enough water, or whether there's enough land. It was to support the family, support the people; that was the whole purpose of planning.

So, we're kind of going at this backwards, but this is another process. It's not the process of the kuleana or the Land Commission awards. And so, on those three points, I hope you will consider a careful review of this plan. Thank you.

CHAIR LEE: Points well taken. Are there any questions? If not, mahalo for your testimony.

MS. KAMAUNU: Thank you.

CHAIR LEE: You have a beautiful, you have a beautiful yard, farm.

MS. KAMAUNU: I hide out here all the time.

CHAIR LEE: Yea?

MS. KAMAUNU: Thank you.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Gabe Johnson. To be followed by Dean Frampton.

MR. GABE JOHNSON (testifying on Committee Report No. 20-128):

Aloha. Can you hear me?

CHAIR LEE: Yes, we can. Can't see you, Gabe.

MR. JOHNSON: Aloha, Council. Yea, sorry, I'm on the road, but I'm testifying on my phone.

CHAIR LEE: Okay.

MR. JOHNSON: In, in regards to CR 20-128. I think that we need more community voices involved. Haiku needs to be at the table. I felt that they were kind of left out. The, I think it's, it's, when I looked at the plan, I really think it's now, they could really move on purchasing the Wailuku Water Company. I'd really like the idea of County owning more of water systems, the private on private water systems is the, should be looked at; the, the selling between the two. And then, I would like to recommend to refer it back to the Committee. It seems like there's a lot more community voice and community input.

And I also think the, the farming plans need to be explained a little bit better with the, you know, what are, what are the intentions and are we going, where are we going with the farming plans? Are you, are you doing monocropping again? Are you doing, you know, what type of ag? What type of trees are you planting? What type of water, you know, growth? Like, are you growing almonds? Those are really, really water, water hogs. So, you have to be careful on what your crops are. And so, I think that the, going back and taking it to Committee would be great.

And I think the, let's see, the, you know, the, the future ag shouldn't be based off of sugar plantation land styles. So, that's, that's my testimony. I would again like the County Council to refer it back to the Committee. Mahalo.

CHAIR LEE: Thank you, Gabe. Are there any questions? No questions. Mahalo for joining us.

Mr. Clerk.

DEPUTY COUNTY CLERK: The last person we have signed up to testify is Dean Frampton.

MR. DEAN FRAMPTON (testifying on Committee Report No. 20-128):

Good morning, Madam Chair, Members of the Council.

CHAIR LEE: Good morning.

MR. FRAMPTON: My name is Dean Frampton. I'm a board member of the County of Maui Board of Water Supply. I'm testifying this morning as an individual on item 20-128.

I was involved in the review of this document. I'm, I've come late to this meeting this morning and I apologize. But I've heard the tail end of the testimony in the last 15-20 minutes. And I'm really saddened by the community resistance to adopt this plan. This plan is overdue. The Water Department, in drafting this plan, underwent an extensive review process. They could not have tried harder to include the community in any way that they try, in any efforts, any additional efforts. I'm sad, I'm truly sad if residents feel like they were left out.

This is a policy document. It's intended to give our leaders direction. And specifically, the direction is the challenge to balance our water needs, our future growth projections, balance that with protecting our precious resources. This is just a tool to give our leaders decision-making guidelines. It does not imply approval of well, new wells. It does not give specific approvals. Any future development of new wells, for example, would have to go in extensive review process. There's nothing guaranteed about this.

It's a planning document, just like the Community Plan. The Community Plan might recommend that a property be designated for residential use, but that does not mean that they can necessarily go through with the development without proper approvals.

Again, this plan is about finding balance. And, and I, the people who I, who feel that they were left out of this process, I implore you to please stay involved, be diligent and pay attention. Because the use of water, development of new sources, finding balance, it's, those are things that will not just pop up. We need to stay involved. We need to get the community involved. But we need to pass this plan.

We need to adopt it. And a plan is a living document that goes through stages, and we're at the final stages. And it's in your report, you've got the community concerns, you're aware of them. Update the document as you, if you see fit, but please move it onto the State and let's move forward as a community. And thank you for listening to me.

CHAIR LEE: Alright. Thank you, Dean. Are there any questions for Mr. Frampton? If not, thank you very much for coming and participating.

Mr. Clerk, was that the last testifier?

DEPUTY COUNTY CLERK: Yes, Chair. We do not have any other testifiers noted. If there are any individuals connected to the meeting now that have not testified but would like to do so, please indicate to us now. You can indicate by audio, or you can let yourself be known in the meeting chat. Again, this is last call. If there's anybody who wishes to testify, please identify yourself now.

Chair, no one else has indicated that they wish to testify, and we have received--

Oh, apologies, Chair. There is one additional person. Tiare Lawrence would like to testify.

CHAIR LEE: Alright. Ms. Lawrence.

MS. TIARE LAWRENCE (testifying on Committee Report No. 20-128):

Sorry, trying to figure this out; kala mai.

CHAIR LEE: We got you.

MS. LAWRENCE: Oh, wait. I think--

CHAIR LEE: We see you, we hear you.

MS. LAWRENCE: Can you see me?

CHAIR LEE: Yea.

MS. LAWRENCE: Dude, I'm still not, trying to get used to this. Aloha, Councilmembers. I was just tuning in and just listening to some of the testimonies. Sorry, I came in late. I just wanted to say I kind of, after listening to Dean, I kind of felt like empowered to just jump in and say something too, because I sat in many of those meetings back, was it like a few years ago, when we had the meetings that went to Lahaina, it went to Upcountry. And I remember personally putting the kahea out on all of my social platforms for people to come.

And I feel like, you know, I commend the, the Board of Water for all the work that they've put in. And it's 2,000 pages, so I haven't really been able to grasp my head around it, but I just personally feel like the community showed up and if, whether you came or not a few years ago, it's, this plan takes years to create. And then to kind of go back to the drawing table, drawing board again, I just think that's, that's just too much to ask for at this time. And it's a document, it's a guiding document. And I don't know, I just really appreciate the work that the Water Board made. And I just wanted to put it out there and say, say that.

CHAIR LEE: Alright. Well, thank you. Appreciate your testimony. Anybody have questions for Ms. Lawrence? If not, mahalo for coming. Thank you. No questions.

Mr. Clerk, do we have another testifier?

DEPUTY COUNTY CLERK: Chair, no one else has identified themselves for testimony.

CHAIR LEE: Okay, Members, are there any objections to receiving written testimony into the record, and to closing public testimony? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

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

1. Shay Chan Hodges, Maui County Board of Water Supply;
2. Lucienne de Naie, Sierra Club Maui;

3. Kaniloa Kamaunu, Aha Moku `O Wailuku;
4. Joyclynn Costa, Aha Moku o Hamakualoa;
5. Amy Fonarow;
6. Kecia Joy;
7. Shelley S. Maddigan;
8. Matt McDonald;
9. Robert Spangler and Cathleen Toda;
10. Laura and Tracy Stice; and
11. Scott Werden, Haiku Community Association.

CHAIR LEE: Members, are there any objections to the Chair adjourning today's public hearing?

MEMBERS VOICED NO OBJECTION.

ADJOURNMENT

The public hearing of October 9, 2020 was adjourned by the Chair at 11:53 a.m.

CHAIR LEE: And to proceeding with our regular meeting agenda?

COUNCILMEMBER SUGIMURA: Thank you for holding it. Thank you. No objections.

CHAIR LEE: Okay. Now, Members, let me ask you, now's a good time to take a lunch break. What do you think, one hour?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections. One hour.

CHAIR LEE: Okay, come back at one 1:00?

COUNCILMEMBER SUGIMURA: 1:30.

CHAIR LEE: No, no, no. We might get all lazy by that time. How about 1:00? 1:00, okay?

COUNCILMEMBER KING: 1:00 is good.

CHAIR LEE: Alright, if there's no objections, this meeting is recessed until 1:00. So, that's one hour and five minutes or so, okay? So, let me get my gavel. Recess, 1:00, till 1:00.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:53 A.M., AND WAS RECONVENED AT 1:07 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of October 9 please reconvene.

Mr. Clerk, where are we? On minutes?

DEPUTY COUNTY CLERK: Yes, Madam Chair. Proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting/public hearing of July 24, 2020, and regular meeting of August 18, 2020, were presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES AS READ BY THE CLERK.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Council Vice-Chair Rawlins-Fernandez, seconded by Councilmember Hokama, to approve the minutes as read by the Chair, the Clerk.

Any discussion? If not, all those in favor of the motion please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: And I do not see Ms. Sugimura? Does someone see her?

VICE-CHAIR RAWLINS-FERNANDEZ: I heard her voice.

CHAIR LEE: You see her?

COUNCILMEMBER SUGIMURA: I'm right here.

COUNCILMEMBER KING: I see her.

CHAIR LEE: Okay. So, you voted "aye"?

COUNCILMEMBER SUGIMURA: Yes, I voted "aye".

CHAIR LEE: Okay. Nine "ayes", zero "noes". Oh, now I see you. Okay. Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 20-487 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated September 15, 2020)

Transmitting a grant agreement from the Office of Youth Services for the KALO Program in the amount of \$89,000.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up County Communications 20-488 through 20-491?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

NO. 20-488 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated September 18, 2020)

Transmitting a letter from the Maui Police Foundation for a grant for the Traffic Division's Drone Program in the amount of \$9,110.26.

NO. 20-489 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated September 15, 2020)

Notification of a grant award from the Federal Highway Administration for the Old Haleakala Highway Traffic Signal Improvements at Pukalani Street Project in the amount of \$362,096.84.

NO. 20-490 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated September 15, 2020)

Notification of a grant award from the Federal Highway Administration for the Guardrail and Shoulder Improvements, Phase 1 – Haliimaile Road Project in the amount of \$631,975.31.

NO. 20-491 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS,
(dated September 21, 2020)

Transmitting Contract Modification Order No. 5 from the State of Hawaii, Executive Office on Aging for the Title III Program in the amount of \$27,064.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-487
THROUGH 20-491.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember King, to, let's see--

VICE-CHAIR RAWLINS-FERNANDEZ: File.

CHAIR LEE: Yea, I'm sorry, file County Communications 487 through 491.

Any further discussion? Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Really quickly. These communications are informational, and no further action is required by the Council. Mahalo, Chair.

CHAIR LEE: Any further comments or questions? If not, all those in favor of the motion please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", no "noes"; motion carries.

Mr. Clerk.

NO. 20-492 - MICHAEL P. VICTORINO, MAYOR,
(dated September 22, 2020)

Informing of a vacancy on the Committee on the Status of Women due to the resignation of Mahie McPherson, effective September 22, 2020.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. May I request the Clerk also call up County Communication No. 20-493?

CHAIR LEE: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Molina. Mr. Molina.

DEPUTY COUNTY CLERK: Chair.

COUNCILMEMBER MOLINA: Yea, I think the Clerk needs to read the communication first.

CHAIR LEE: Oh, I'm sorry.

COUNCILMEMBER MOLINA: No worries.

CHAIR LEE: There's a car starting over here. I can't hear you. Okay.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Proceed. Proceed.

NO. 20-493 - MICHAEL P. VICTORINO, MAYOR,
(dated September 30, 2020)

Informing of a vacancy on the Board of Water Supply due to the resignation of Harolen Kaiwi, effective September 30, 2020.

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS NOS. 20-492
AND 20-493.

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Okay, moved by Mr. Molina to file County Communications 20-492, 493, and seconded by Ms. Sugimura.

Any discussion?

COUNCILMEMBER MOLINA: Yes. Yes, Madam Chair.

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you. First, relating to County Communication 20-492, the Mayor received notice of Ms. McPherson's resignation from the Committee on the Status of Women, effective September 22, 2020. And relating to County Communication No. 20-493, the Mayor received notice of Ms. Kaiwi's resignation from the Board of Water Supply, effective September 30, 2020. I want to thank both of these individuals for participating in local government and for volunteering their time for our community. Mahalo.

CHAIR LEE: Anymore discussion? If not, more discussion?

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I also want to extend my mahalo to the two for volunteering their time to serve our community in that capacity. And mahalo to Ms. McPherson for serving on the Status of the, Commission on the Status for Women who represented Molokai, and that I will be working with Mr. Mossman in replacing her on that Commission with someone on, from Molokai. Mahalo, Chair.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", no "noes"; motion carries.

Mr. Clerk.

NO. 20-494 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 1, 2020)

Informing of the acceptance of Drainage Easement "D-1", The Gorilla Foundation
Subdivision, Lahaina, TMK: (2) 4-3-001:017 POR.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. With no objections, I would like to ask the Clerk to also bring up 20-495.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk. Mr. Clerk.

NO. 20-495 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated October 1, 2020)

Informing of the acceptance of Waterline Easement "W-1", The Gorilla Foundation
Subdivision, Lahaina, TMK: (2) 4-3-001:017 POR.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I'D LIKE TO MOVE TO FILE COUNTY COMMUNICATIONS
20-494 AND 495.

I need a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Wait. Okay. Moved by Ms. Sugimura, seconded by Ms. Rawlins-Fernandez,
to file the Communications 20-494 and 20-495.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. These communications are purely
informational, and no further action is required by the Council. Thank you, Chair.

CHAIR LEE: Anymore discussion? Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I just, if, I'm not sure if Ms. Sugimura knew or, it's just because of the wells being driven, drilled in Kahana and it's going through the old gorilla enclosure, that, that's all that's happening, right?

COUNCILMEMBER SUGIMURA: You know, I don't know.

COUNCILMEMBER PALTIN: Oh, okay.

COUNCILMEMBER SUGIMURA: I can find out. I like the name of the organization, The Gorilla Foundation. So, it's purely informational from the Department.

COUNCILMEMBER PALTIN: Okay. Yea, cause the gorilla never did come to West Maui. And, and passed away already, so.

COUNCILMEMBER SUGIMURA: This is an easement.

COUNCILMEMBER PALTIN: Just was checking. It's for the Kahana wells though, right?

CHAIR LEE: Do you want us to put that on the side and get an answer from the, the--

COUNCILMEMBER SUGIMURA: The Department. Okay.

CHAIR LEE: --the Department?

COUNCILMEMBER SUGIMURA: Sure.

COUNCILMEMBER PALTIN: Yea. I, I just wanted to confirm it was just, like, the well infrastructure was going to go through the gorilla enclosure.

CHAIR LEE: Okay. Can someone from the, your staff, Mr. Clerk, ask Water Department to, to respond to that? And we'll, we'll call on them as soon as they get online. Okay?

COUNCILMEMBER SUGIMURA: Great, thanks.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: So, we'll just defer these two items for now. We'll come back to them.

(COUNTY COMMUNICATION NOS. 20-494 AND 20-495 WERE
FILED LATER IN THIS MEETING. See pages 87, 88, 90, and 91 for
discussion and action.)

CHAIR LEE: Okay, moving, moving along to 496.

NO. 20-496 - ALICE L. LEE, COUNCIL CHAIR,
(dated October 2, 2020)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATION OF CITY AND COUNTY OF HONOLULU COUNCILMEMBER JOEY MANAHAN TO THE NATIONAL ASSOCIATION OF COUNTIES' BOARD OF DIRECTORS FOR THE PERIOD ENDING DECEMBER 31, 2020".

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 20-496,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
FILING OF THE COUNTY COMMUNICATION.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Okay. Moved by Councilmember King, seconded by Councilmember Sinenci, to adopt the resolution attached to 20-496.

Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. The resolution would approve the appointment of City and County of Honolulu Councilmember Joey Manahan to serve as one of the two Directors to the National Association of Counties for a term ending December 31, 2020. And this, the other NACo Director is a Kauai County Councilmember, Kipukai Kualii.

But the, the reason we're, where this is coming up, and it's really only for two months is he will replace, Councilmember Manahan would replace former City and County of, County of Honolulu Councilmember Ikaika Anderson, who resigned on September 23, 2020. So, he's no longer with the Council and we, we needed to put a name in there.

Council Manahan, Councilmember Manahan is termed out at the, at the end of this year, so I'm expecting we'll be discussing a replacement at some point. But I respectfully ask for the Councilmembers support of my motion. Mahalo.

CHAIR LEE: Yes, Mr. Hokama. No question?

COUNCILMEMBER HOKAMA: Thank you, Chair. I, I also speak in support as my colleague, Ms. King did previously, Chair. I can tell you that Mr. Manahan has been active. He has flown up to the conference sites that is, and his presence was noted, and he did participate actively, especially with the ongoing financial demands of the rail on Oahu.

So, I can tell you that for the next two months to three months, there's just one more potential board meeting in December that is still being decided whether we may try to meet or not. And that would be the only meeting that, if any, Mr. Manahan would attend on behalf of the State, Hawaii State Association of Counties as the Oahu Board Director.

And again, Chair, once elections take place and come January, all the new Councils will be able to elect their representatives for the upcoming term to these types of appointments. So, thank you very much.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor--

COUNCILMEMBER KING: Just--

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you. I just wanted to add also that at the end of the year, that we've only committed to, to the positions on the HSAC board till the end of the year. So, the understanding is hopefully we'll, we won't be Treasurer after the end of this year. We'll probably another position for Maui County.

CHAIR LEE: Okay. Alright. Okay, all those in favor of adopting the attached resolution, please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries. Thank you, Members.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-144.

Proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 20-497 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 24, 2020)

Transmitting a proposed resolution entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE FOR THE KAIAULU O KUPUOHI AFFORDABLE HOUSING PROJECT".

The recommended action is that County Communication 20-497 be referred to the Affordable Housing Committee.

THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-497 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 20-145. COUNTY COMMUNICATION NO. 20-497 WAS THEN FILED. See pages 80 through 84, and 89 and 90 for discussion and action.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: We have a Member raising her hand.

Ms. Kama, we'll come back to that one.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Okay. Thank you, Chair.

CHAIR LEE: Okay. Mr. Clerk, you can proceed. Thank you.

NO. 20-498 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated October 1, 2020)

Transmitting a proposed resolution entitled "SUPPORTING AN AGENDA TO TRANSFORM, HEAL, AND RENEW BY INVESTING IN A VIBRANT ECONOMY: 'THRIVE'".

The recommended action is that County Communication 20-498 be referred to the Climate Action and Resilience Committee.

NO. 20-499 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 21, 2020)

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

The recommended action is that County Communication 20-499 be referred to the Economic Development and Budget Committee.

NO. 20-500 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 21, 2020)

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

The recommended action is that County Communication 20-500 be referred to the Economic Development and Budget Committee.

NO. 20-501 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 29, 2020)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2019 to June 30, 2020 and the Capital Improvement Projects Report as of June 30, 2020.

The recommended action is that County Communication 20-501 be referred to the Economic Development and Budget Committee.

NO. 20-502 - MIKE MOLINA, COUNCILMEMBER,
(dated September 23, 2020)

Relating to appointments to the Commission on Healing Solutions for Homelessness.

The recommended action is that County Communication 20-502 be referred to the Governance, Ethics, and Transparency Committee.

NO. 20-503 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated September 28, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF A NEW IDEMIA CARDS CAN DEVICE AND ACCESSORIES FROM THE HAWAII CRIMINAL JUSTICE DATA CENTER TO THE MAUI POLICE DEPARTMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication 20-503 be referred to the Governance, Ethics, and Transparency Committee.

THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 20-503 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 20-146. COUNTY COMMUNICATION NO. 20-503 WAS THEN FILED. See pages 85 through 87 for discussion and action.

CHAIR LEE: Okay. We do have one item that is going to be addressed by Councilmember Kama. Ms. Kama. You, can't hear you. You're muted.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 20-497

COUNCILMEMBER KAMA: Thank you, Chair. Yes, I would like to take up County Communication 497.

I MOVE TO WAIVE COMMITTEE REFERRAL OF THIS COMMUNICATION PURSUANT TO 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay, moved by Member Kama, seconded by Member Sugimura, to waive the Rules of the Council; Rule 7.G.

Ms. Kama.

COUNCILMEMBER KAMA: Thank you. Members, I'm asking you to waive--

CHAIR LEE: Well, you don't have to explain it. We're just going to vote on--

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: --waiving. You want to say anything else?

COUNCILMEMBER KAMA: No. Just want to move to approve the resolution attached to the County Communication 497, entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED--

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: --THROUGH CHAPTER 3.35, MAUI COUNTY CODE FOR THE KAIAPULU O KUPUOHI AFFORDABLE HOUSING PROJECT".

CHAIR LEE: Alright.

COUNCILMEMBER KAMA: Need to second.

CHAIR LEE: Any more discussion on the waiving, waiving?

Yes, Ms. Fernandez, Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I recognized the time sensitivity of this issue. But my question, I don't know if, if it would be for our OCS attorney who is on the line? We have Committee Report 20-122, which is up for first reading that, my understanding is we, I think we would need to amend the law first. So, I, I think we would need two readings on amending 3.35 before we pass a resolution to take advantage of the structure that we would be creating through passing this with two

readings. So, I don't know if, if our OCS attorney on the line would be able to answer this procedural question.

CHAIR LEE: Sure. Is David on the line, or Remy. Could one of you answer the question please? David?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh there. Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. This is David Raatz from Office of Council Services. I know that the resolution and the ordinance go hand in hand. They're basically linked proposals. We haven't considered the question of which needs to come first. I don't know if the Administration who submitted this proposal has a thought on that. But our, our plan was to take, take them up in the order they are on the agenda today, with the resolution being adopted first and then having the bill considered for passage of, on first reading today. But the Council Vice-Chair does raise a good question. We just haven't had a chance to consider that yet. If Department of Corporation Counsel has an opinion on that, I would suggest hearing that. Otherwise, we'd be happy to review this and get back to the Council a little bit later in the meeting. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Raatz. Because this is, 20-122 is a bill, so it would require two readings. So, even if we pass it today, which it likely will pass, it would only be first reading, and it would need a second reading. And the resolution would be taking advantage of the amendments that we haven't yet passed. So, my recommendation is that we defer this item to the next meeting, the next Council meeting, where we would be taking this up for the second reading. Because I, I don't think we can take this up simultaneously.

SUPERVISING LEGISLATIVE ATTORNEY: Chair. Chair, if I may?

CHAIR LEE: Yes.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you. And I'm sorry I didn't point this out earlier, but I do see on page 3 of the resolution, the second to the last "BE IT RESOLVED" clause states "That the resolution will become effective upon the adoption and effective date of certain proposed amendments to Chapter 3.35, Maui County Code, which were approved by the Affordable Housing Committee on September 18, 2020."

So, I, I see now that the idea was that this resolution could be adopted today, but it wouldn't take effect until the bill that's on the agenda today is enacted as an ordinance at a later date.

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

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. Now, somebody gave you advice for this, Ms. Kama. Who was it?

COUNCILMEMBER KAMA: Both, sorry, both OCS as well as Corp. Counsel.

CHAIR LEE: So, they, they're the ones that recommended that?

COUNCILMEMBER KAMA: Yes, they recommended that in order for, to do what we want to do, that the process would be to do this, to do the waiver, have it done, have it approved, and then when we get to the first reading this after, well, later on today, on the reso, approve it then too.

CHAIR LEE: Alright. Any more discussion on this? Oh, we're just voting on the waiver right now.

COUNCILMEMBER KAMA: Correct.

CHAIR LEE: Yea. So--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. So, this resolution would, we could pass it today, but it wouldn't become effective until the 3.35 amendments pass.

CHAIR LEE: Right. Okay. Right.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. So, so do, all those in favor of--

COUNCILMEMBER KAMA: The waiver.

CHAIR LEE: --waiving the Committee referral, please raise your hand and say "aye".

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

CHAIR LEE: Anybody against, say "no", raise your hand.

NOES: COUNCILMEMBER HOKAMA.

CHAIR LEE: We have one "no"; Mr. Hokama. So, we have eight "ayes", one "no"; motion carries on the waiver.

Now, I don't know if we need to explain this again, but can you make the motion, Ms. Kama? Move to approve the County Communication 20-497. Okay, can't hear you. Can't hear you.

COUNCILMEMBER KAMA:

SO, THE MOTION IS TO, IS "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE FOR THE KAIAULU O KUPUOHI AFFORDABLE HOUSING PROJECT".

CHAIR LEE: Alright. Any more discussion?

COUNCILMEMBER KAMA: Did we get a second?

CHAIR LEE: Oh, we didn't have a second. Is there a second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Seconded by Ms. Paltin. Okay, anymore discussion? Okay, all those in favor of the motion, say "aye" and raise your hand.

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

CHAIR LEE: Okay, that's eight "ayes". Those against?

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

CHAIR LEE: Okay. And one, two against. Okay. We have seven "ayes", and two "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record--

CHAIR LEE: The, are, are, and do the Members want to pull out any other county communications?

Oh, Mr. Molina.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-503

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

I'D LIKE TO ASK CONSIDERATION FOR COUNTY COMMUNICATION 20-503 BY PROPOSING THAT, TO REQUEST WAIVER, TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL. THAT'S MY MOTION.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Okay, moved by Mr. Molina, seconded by Mr. Sinenci, to waive committee referral on County Communication 20-503.

Mr. Molina.

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

CHAIR LEE: Any other comments or questions? If not, all those in favor of the motion, say, say "aye" and raise your hands.

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

NOES: NONE.

CHAIR LEE: Okay. I see all "ayes". Nine "ayes", zero "noes"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION NO. 20-503.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Mr. Sinenci, to adopt the resolution in County Communication 20-503.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The proposed resolution would authorize acceptance of a donation of a new IDEMIA cardscan workstation, which includes a PC, scanner, and monitor for the Hawaii Criminal Justice Data Center to the Maui Police Department. The new cardscan device includes a one-year warranty period and will replace the current cardscan which operates on a Windows 2000 platform and is no longer supported or under maintenance contract by IDEMIA. The estimated value of the donated equipment is \$7,500. I ask for the Members full support. Thank you.

CHAIR LEE: Anymore discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, no, I was just going to ask our Committee Chairman, Mr. Molina. Help me understand, did the Police tell you what, what is a cardscan actually? Is it like a, what, they checking your identity or for that? I mean, I . . . that that old operating system is, yea, totally outdated. But I was just wondering what the, what it accomplishes for the Department, Chairman Molina?

COUNCILMEMBER MOLINA: You know, thank you for the question, Mr. Hokama. I never really did have that full discussion with the Police. But I know just in general they wanted an equipment upgrade, especially for the sake of compatibility with other related technology. So, being that, you know, they need the equipment now and it would save a lot on, you know, us taking it to Committee before they can accept it. So,

it was more to try and expedite them accepting the equipment with our approval. So, as far as the details, as far what exactly else it can do, I don't have that information, but I'd be happy to contact the Police Department and provide us the full information about the equipment itself.

COUNCILMEMBER HOKAMA: Thank you, Chairman Molina. Again, I support you, because this should help us reduce potential virus attack risk to the Department, so I'm in support of your motion, Chairman. Thank you, Chairman Lee.

CHAIR LEE: Anyone else with comments or questions? If not, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries.

Okay, that takes care of our referrals, so-called referrals.

Mr. Clerk. Oh, Ms. Sugimura, you have one more?

DISCUSSION RELATING TO COUNTY COMMUNICATION NOS. 20-494 AND 20-495

COUNCILMEMBER SUGIMURA: I have the answer for Ms. Paltin, regarding 20-494, 20-495, if I can?

COUNCILMEMBER PALTIN: I'm ready.

COUNCILMEMBER SUGIMURA: You're ready?

CHAIR LEE: Oh, okay.

COUNCILMEMBER SUGIMURA: Is it okay, Chair?

CHAIR LEE: Alright, somebody gave you the, okay?

COUNCILMEMBER SUGIMURA: Yea, I called Jeff Pearson. So, he said that this project is above the Mahinahina Treatment Plant in North Honokowai Valley.

COUNCILMEMBER PALTIN: But they're not going to put any gorillas or anything?

CHAIR LEE: Oh.

COUNCILMEMBER SUGIMURA: Your question was--

CHAIR LEE: Well, you, okay. We're not quite finished. You need to ask the Director that question. Any other questions you have, Ms. Paltin?

COUNCILMEMBER PALTIN: Yea, yea. I knew where it was. I just, the waterline and the easement is for the wells and not for gorillas, right? No monkey business?

COUNCILMEMBER SUGIMURA: It's called "The Gorilla Foundation Subdivision", is what it's called, right?

COUNCILMEMBER PALTIN: Yea, it was--

CHAIR LEE: So, just go find out if there's going to be gorillas there or not, you know, or any, any animal. Yea, any kind animal. Then we can move on. Let's see--

COUNCILMEMBER PALTIN: The, the gorilla with the sign language was supposed to go there; Koko. But we don't want anymore, we don't, we don't want gorillas. If it's for the easement for the wells, that's, I just want to clarify.

COUNCILMEMBER SUGIMURA: Easement for the well without gorillas.

COUNCILMEMBER PALTIN: No gorillas or animals, yea.

CHAIR LEE: Okay, you guys.

COUNCILMEMBER SUGIMURA: Oh, you think its real gorillas?

CHAIR LEE: Look, just, just call him okay, and get the answer. Alright. Very good, very good.

Mr., Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, the resolution that was attached to County Communication 20-497, that's RESOLUTION 20-145. And the resolution that was attached to County Communication 20-503, that is RESOLUTION 20-146.

FILING OF
COUNTY COMMUNICATION NO. 20-497

CHAIR LEE: Alright.

DEPUTY COUNTY CLERK: Also, Chair, for County Communication 20-497, the body took action to adopt the resolution, but no action was taken on the communication itself. I just wanted to ask what the body's intent was for the disposition of that item?

CHAIR LEE: Okay. Is it the body's intent to file the communication? Yea, any objections to filing the communication?

DEPUTY COUNTY CLERK: Chair. Chair, apologies, for filing, would it be alright to have a motion vote?

CHAIR LEE: Okay. Anybody want to make a motion?

VICE-CHAIR RAWLINS-FERNANDEZ:

MOVE TO FILE. I MOVE TO FILE.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Move to file by Vice-Chair Rawlins-Fernandez, seconded by?

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama.

CHAIR LEE: Mr. Hokama.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Hokama.

CHAIR LEE: Alright. Any more discussion or questions? If not, all those in favor of the filing, raise your hand, say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm, I'm sorry, where are you? Where are you?

CHAIR LEE: We're, we're just voting to file something.

COUNCILMEMBER SUGIMURA: But what are you filing, so I can?

CHAIR LEE: Was it 497? What was it?

DEPUTY COUNTY CLERK: Yes, Chair. County Communication 20-497, the body already adopted the resolution.

CHAIR LEE: Yea. This is the filing of the communication.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR LEE: Okay, so all those, yea, we have nine "ayes", zero "noes"; motion carries.

So, before we proceed, I saw you on the phone Ms. Sugimura. Do you have the answer? Okay.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NOS. 20-494 AND 20-495**

COUNCILMEMBER SUGIMURA: Yea. It's interesting.

CHAIR LEE: Go for it.

COUNCILMEMBER SUGIMURA: So, the question is relevant because at one time, there was talk of putting gorillas up there, but there's no gorillas, so, that's where that, the name is, The Gorilla Foundation Subdivision. Because at one time, Maui Land and Pine with, I don't, the only person name I know is David Cole, but it, if they were going to put gorillas up there--

CHAIR LEE: No, no, no, no, no, no. No, no. That was Mazie Sanford's project.

COUNCILMEMBER SUGIMURA: Oh, Mazie Sanford, okay.

COUNCILMEMBER PALTIN: Mary Sanford.

COUNCILMEMBER KAMA: Maui News. Mary Sanford.

COUNCILMEMBER SUGIMURA: Anyway, no. The answer's no.

COUNCILMEMBER PALTIN: Okay. I'm okay then. We can move forward.

CHAIR LEE: Okay, very good.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, so are we returning back to County Communications 20-494 and 20-495 for action?

CHAIR LEE: 494 and 495 yes, we are.

COUNCILMEMBER SUGIMURA: So, now we can vote.

CHAIR LEE: Okay. Did we have a motion on the floor?

COUNCILMEMBER SUGIMURA: I did.

DEPUTY COUNTY CLERK: Yes. When, when the body deferred it, the motion on the floor was to file those two communications.

CHAIR LEE: Okay. And who made the motion and who made the second?

DEPUTY COUNTY CLERK: Councilmember Sugimura moved, and Council Vice-Chair Rawlins-Fernandez seconded.

COUNCILMEMBER SUGIMURA: Okay. So, is there any more discussion? If not, all those in favor of filing these two items, please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Unanimous. Very good. You guys are very efficient. Thank you.

DEPUTY COUNTY CLERK: Chair, I just want to confirm with the body that there are no other objections to the referrals as read by the Clerk?

CHAIR LEE: Are there anymore, any objections to the other referrals made by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: None. Okay. So, ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 20-122 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Bill 100 (2020), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO GRANT OR LOAN REQUIREMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-434, from Councilmember Elle Cochran, be FILED.

CHAIR LEE: Pro Tem Kama. Councilmember Kama.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: That is your committee report?

COUNCILMEMBER KAMA: Yes.

I MOVE THAT THE ORDINANCE ATTACHED TO COMMITTEE REPORT 20-122, ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO GRANT OR LOAN REQUIREMENTS", BE PASSED ON FIRST READING AND BE ORDERED TO PRINT, AND THAT COUNTY COMMUNICATION 17-434 BE FILED.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Member Kama, seconded by Member Molina, to pass the proposed bill on first reading, be ordered to print, and file the communication.

Discussion, Ms. Kama? Member Kama.

COUNCILMEMBER KAMA: Your Affordable Housing Committee met on September 9, 2020, and September 18 to consider amending Chapter 3.35 of the Maui County Code to give Council flexibility in setting the terms of grants or loans made from the County's Affordable Housing Fund.

The amendment was triggered by challenges raised by the Kaiaulu O Kupuohi Apartment Project, which was approved for a grant from the Affordable Housing Fund in the amount of \$6,382,000 in Fiscal Year 2020.

As noted previously, the County's funds are highly leveraged. Our contribution is less than 12 percent of the total financing. As explained by the project proponent, the existing code provisions get in the way of meeting the requirements of other non-County entities that are providing funding.

We had a considerable discussion of the language of this amendment, in particular, changes seeking greater flexibility in terms of project term of affordability rather than being back into the affordability brackets contained in the Maui County Code 2.96.

The ordinance in front of us maximizes the ability of Council to tailor requirements to the particulars of a project and the desire of Council to keep housing stock affordable as long as possible. I believe that the revised proposed ordinance incorporating your Committee's modifications and nonsubstantive revisions and attached to the Committee Report that reflects comments by Corp. Counsel and have been approved as to form and legality. I ask my fellow Members for their support of the revised proposed ordinance.

CHAIR LEE: Anymore discussion?

Ms. Paltin.

COUNCILMEMBER PALTIN: You know, I don't think this is perfect. I appreciate the amendment made by Councilmember Molina in Committee to require that the units

remain affordable for not less than 30 years. And I appreciate the manager's units being allowed. So, you know, while I would like to work more on this in the future, for now, it's acceptable to me.

CHAIR LEE: Alright, anymore discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: I would ask our attorneys for clarification. So, this Committee Report 122, the proposal is the 30, I believe Ms. Paltin said 30 years? And then in the resolution that was adopted by Council just previously, wasn't that for 65 years? So, the actual period that we talking about is 65, right, not the 30?

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: For, if you wanted to make legislation specific to the Kaiaulu O Kupuohi, we could do it 65 years. In Committee, the Department of Housing and Human Concerns advocated for 30 years, so that we could be more flexible and accept more various projects. I'm not adverse to 65 years because, you know, that's better, but, you know, perfect and good and all that.

COUNCILMEMBER HOKAMA: Yea, thank you for your comments, my colleague, Ms. Paltin. I'll just say this, yea, for me. My uncomfotability is I just wish we would just say that the housing units, instead of saying being financed from the Affordable Housing Fund, I would, I prefer to just be more upfront with our people as Chair Lee mentioned in a previous meeting; that we just should say that the ownership housing units are subsidized by the Affordable Housing Fund, okay. They're not affordable, so we're subsidizing them. This one is over, almost \$7 million of subsidy to bring the price down, okay. So, let's call it what it is already; subsidized housing projects.

Because we miss, I don't feel we should continue to mislead our community, cause if it's affordable then we have a healthy middle class with employment that pays them good living wages to afford their requirements. As long as we subsidizing, let's not use the word affordable please. Thank you.

CHAIR LEE: Anyone else?

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I really didn't support this amendment that was transmitted by the Administration. But Member Molina's amendment to those amendments made it a little easier to swallow, I guess. And I

support Member Paltin's amendment. I would be open to increasing the number of years from 30. I don't know if I'll make a motion right now. I'll think about it.

But in the committee report, it, it doesn't really discuss those actions taking place in the Committee at that meeting. So, I think if perhaps, you know, at least a sentence acknowledging that this, in the discussion of the committee report would be helpful and maybe a sentence acknowledging the, the challenge it was to reconcile, you know, affordable in perpetuity in the committee report as well. I think that's all I have to say at this moment.

CHAIR LEE: Well, you want to make a motion to amend the Committee Report?

VICE-CHAIR RAWLINS-FERNANDEZ: Does it need a, does it need a motion?

CHAIR LEE: Well, I don't know that, that we can just add stuff, you know, add information or point of view during, during a motion to adopt the Committee Report.

So, let's hear from Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. The general viewpoint of Office of Council Services is that the Committee Report speaks for the, the Committee as it was issued. There's not really a mechanism under our procedures to amend a committee report. I think comments made by Councilmembers expressing viewpoints or information that ideally would've been in the committee or, or could add to the content of the committee report are appropriate for this discussion and will, of course, become part of the Council meeting minutes. You know, so I think that, that's appropriate and worthwhile. But I, I don't believe we have the procedure for actually amending a committee report. Thank you, Chair.

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, so--

CHAIR LEE: Do you accept that answer, or do you want to do something else?

VICE-CHAIR RAWLINS-FERNANDEZ: So, at this moment, that wouldn't be reflected in the committee report is what Mr. Raatz is saying?

CHAIR LEE: No, he's saying it would be reflected in the Council's meeting, Council meeting minutes, but not the committee report. The, that there's no real mechanism right now to revise or adjust the committee report.

VICE-CHAIR RAWLINS-FERNANDEZ: I thought I've done that before as the EDB Chair when we're, when we're in discussion. I, I thought, I thought we did that. Okay. Maybe I'm recalling it incorrect. So, we've, we've never amended a committee report when we're taking it up at first reading?

CHAIR LEE: I, I haven't. But that doesn't mean it's never been done, that's why I asked David.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR LEE: And he said there's no mechanism for that. That's what he said.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, yea, in our procedure Rules of Robert's, we can amend the committee report, as well as Members that feel more aggrieved can also send in a dissention or minority report attached to the committee report. This was done previously in previous Councils when all Members used to sign the committee reports. I think Ms. Lee can remember that when all the Members signed committee reports, not just the Committee Chair, for posting. So, you had your chance to even write you did not concur on the report, or with reservations. And if you felt so aggrieved, that you could put in an addendum as part of your right as a Member to the committee report as well. So, I would just say that it's been done in the past, very rarely. But it has been done in the past as an appropriate procedure of the Members. Thank you, Chair.

CHAIR LEE: No, but Mr. Hokama, we're talking about at this point. The, you know, not, you know, before it was posted and came to the Council.

COUNCILMEMBER HOKAMA: Right.

CHAIR LEE: You know, we're at a Council meeting right now. Is it appropriate for anyone to try to amend the committee report?

SUPERVISING LEGISLATIVE ATTORNEY: Chair, if, if I may?

COUNCILMEMBER HOKAMA: --procedural call, you know. I'm sorry, Mr. Raatz. Chair, I would say that's a procedural call of the body. And if you put the question to the body and, and receive support for your ruling or your position, I would say that would, it would be acceptable by, by procedure.

CHAIR LEE: Mr. Raatz.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. I just want to--

CHAIR LEE: And then Ms. Kama.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you. Just one point of clarification. Under the Council's current procedures, what's before the body when a committee report is issued, is a motion to approve the recommendations of the committee report. In prior Council terms, the motion was to actually adopt the committee report, so the Council was vouching for the Committee Report. And it was in those Council terms, I believe, that there were motions made to amend committee reports, as Councilmember Hokama is referencing, because it was the Council again adopting the entire report. Whereas now, you're just adopting or considering adoption of the recommendations in the report. Thank you, Chair.

CHAIR LEE: Okay, well, so what does that mean? You know, are you saying we can or cannot amend the report at this stage today, not while it, while the committee report was being formulated at this stage, at this time in the Council meeting? So, what is your opinion on what Mr. Hokama said about really the, the, the body's, you know, decision to make, to make that change? Whether to allow a change or not allow a change?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair.

CHAIR LEE: Vis-à-vis the rules. Vis-à-vis the rules.

SUPERVISING LEGISLATIVE ATTORNEY: Sure.

CHAIR LEE: Okay. What is your, what is your opinion?

SUPERVISING LEGISLATIVE ATTORNEY: Well, both the Council Rules and Robert's Rules of Order envision that procedural matters are initially adjudicated by the presiding officer, subject to overrule by the body.

CHAIR LEE: Oh, okay, me?

SUPERVISING LEGISLATIVE ATTORNEY: So, it is ultimately the body's call. Yes.

CHAIR LEE: Thank you.

Ms., Ms. Kama, and then Mr. Hokama.

COUNCILMEMBER KAMA: Thank you, Chair. My sense is that this committee report belongs to all of us on the Committee. And therefore, you know, the, you know, we leave it up to OCS, or in my case we do a lot of the heavy lifting in writing reports due. But I would think that if we all own it, then we all should participate in, in it. And if someone feels, or if a majority of our people feel like, you know, that's not what they would want to say, then we should have a mechanism to be able to have that happen. And that's what I wanted to say, Chair. Thank you.

CHAIR LEE: Okay. Mr. Hokama, and then Ms. Paltin.

COUNCILMEMBER HOKAMA: Yea, real quickly, Chair. Thank you. Yea, I will be looking for your guidance as the presiding officer shortly. But I would just say that that is why if you've heard me throughout my whole career, my motion has always been the adoption of the committee report and its recommendations. And that is why I make a big deal about the committee report putting in place the actions of the Committee as well as these discussions.

There's a lot of time that people will refer to the committee report to try and get a true sense of the intent of the discussion that was being held in the Committee. So, the report is critical for people to understand some of the things that the language of the legislation may not be very clear upon. And I take the committee report requirements very seriously. And that is why I for one don't like bullshit half a page summaries. It doesn't say what the Committee did or discussed, okay.

The staff needs to make sure that they do what we need to have regarding passage of laws and policies. Thank you, Chair.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO AMEND THE COMMITTEE REPORT PAGE 3, AT THE BOTTOM, ADDING ON "ULTIMATELY, THE COMMITTEE DECIDED THAT ALL OF THE DWELLING UNITS SHOULD BE OFFERED AS AFFORDABLE WITH THE EXCEPTION OF ANY MANAGERS' UNITS AND THAT THE DWELLING UNITS WOULD REMAIN AFFORDABLE FOR NOT LESS THAN 30 YEARS.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, does anyone need to have that in writing, or do they pretty much understand?

COUNCILMEMBER PALTIN: The writing is on page 2 of the bill, a. and b.

CHAIR LEE: Oh okay. Alright. Okay. It's part of the bill.

COUNCILMEMBER PALTIN: Number 3; 3.a. and b. It's just taking it from the bill.

CHAIR LEE: Okay, we need a second. We need a second. We need a second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Mr. Sinenci seconded it. So, moved by Mr., Ms., Member Paltin, seconded by Member Sinenci, to add those lines to the committee report, right?

COUNCILMEMBER PALTIN: Third page at the bottom of, just add it onto the bottom of the third page. And I'm taking it from the bill, the second page, 3.a. and b. Just saying, ultimately, that's what we decided.

CHAIR LEE: Okay. You know, I, I don't, I don't mind doing that because it's coming from the, you know, from the ordinance itself, right, so. Because, otherwise, otherwise, we would have, I can foresee a lot of problems in the future when there is a more contentious, or controversial issue and we go around and around and around with people trying to add things on, you know, to a committee report, merely lengthening the, the meeting, you know. And not really making any substantive changes. Not that you weren't trying to, Ms. Fernandez, but, Rawlins-Fernandez. But I, you know, I just, I just try to stay away from those kinds of things that, that are really subjective. But this is not.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for entertaining this motion. I support the motion. And I understand where you're coming from with your comments. And perhaps, as Member Hokama brought up in past practices, it's something that all Committee Members would sign onto so that we would have an opportunity to review the, the committee report prior to it coming to the floor. And if there are any edits that would need to be made, we can make those revisions prior to it being posted with the agenda. I know that would kind of add on--

I think, you know, we, we discussed this at a prior Chair's meeting as well, where, you know, Pro Tem Kama mentioned that her office has done a lot of heavy lifting and that Councilmember, Council, Committee Chair's offices wouldn't be doing that much work on committee reports, because it's really important that the tone and language used in the committee report is neutral and objective, and not subjective as, as you were mentioning.

When I do, you know, committee reports as the Chair of EDB, I do review it. And I try my best to ensure that important points in the discussion are encapsulated in the committee reports, particularly when Members in my Committee will say please be sure that this is reflected in the committee report, because this is an important point.

What Member Hokama brought up is, is spot on. This is part of legislative history. And when we're looking at the true intent of a law, this is the first place that a lot of researchers go. They'll go to the committee report prior to going to the verbatim notes, verbatim minutes. And so, it, it's, it's important that, as you said, it should be objective, neutral, and incapsulate all the important points of the decision.

And what Member Paltin, the language that Member Paltin has proposed to include in the committee report, would help to ensure that those important points in the discussion during that Committee is reflected in the committee report. So, I, I support the motion and would like to see if Member Paltin would be open to any nonsubstantive changes, so that OCS staff will be able to make the language consistent where it says, "your Committee discussed"? So, I know she's trying to make it on the fly, and I really appreciate that, but if she would be open to including nonsubstantive . . . language to just, for consistency? Mahalo, Chair.

COUNCILMEMBER PALTIN: I'll take a friendly amendment, because we all know my English ain't that great.

CHAIR LEE: I believe, okay, wait, Ms. Kama had her hand up a while back. Ms. Kama.

COUNCILMEMBER KAMA: No, I did. I did. I'm done. Thank you.

CHAIR LEE: Oh, okay. Anybody else? So, I, I'm assuming there's no objections to the--

COUNCILMEMBER KING: Chair.

CHAIR LEE: --friendly amendment of putting the verbiage in the appropriate language, yea?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, I just wanted to clarify that the, we're, the motion is about the committee report, we're not changing the bill?

CHAIR LEE: Oh, no. We're just taking, borrowing language from the bill to put in the committee report.

COUNCILMEMBER KING: Right. Yea, I just wanted to clarify that, correctly.

CHAIR LEE: Yea. Yea. Anybody else? Anybody else? All those in favor of the motion to amend the committee report, say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", no "noes"; motion carries.

Alright. So, back--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: --to the main motion.

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I would like to make one more amendment to the committee report. So, Member Paltin added the, her amendment, Member Molina's amendment, and there was one more sentence that I ask if it could be included in the committee report?

AND THAT IS THAT "MEMBERS EXPRESSED CONCERN
OVER PRESERVING THE INTENT OF THE AFFORDABLE
HOUSING FUND AND PERPETUITY REQUIREMENTS".

COUNCILMEMBER MOLINA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO INCLUDE THAT LANGUAGE.

Seconded by Member Molina.

CHAIR LEE: Alright. Been moved by Member Rawlins-Fernandez, seconded by Mr. Molina, Member Molina, to add that additional amendment, additional language. Discussion, anymore discussion?

Okay, all those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Okay, ready for the, the main motion as amended? All those in favor of adopting the main motion as, approving the main motion as amended, raise your hand, say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries.

So, Mr. Clerk, are you still there?

DEPUTY COUNTY CLERK: Chair for the record--

CHAIR LEE: I don't see you. Okay.

DEPUTY COUNTY CLERK: That is BILL 100 (2020).

COMMITTEE REPORT

NO. 20-123 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-147, entitled "RELATING TO THE APPOINTMENT OF MICHELE HEILE TO THE SALARY COMMISSION," be ADOPTED.

(Appointment of Michele Heile to the Salary Commission for term expiring on March 31, 2025.)

CHAIR LEE: Heile, right? Alright, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-123.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second, Ms. Sugimura? Okay, moved by Mr. Molina, seconded by Ms. Sugimura, to adopt the proposed resolution in 20-123.

Discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on September 22, 2020. Ms. Heile came in for an interview and she is currently employed with D.R. Horton Hawaii LLC in real estate sales. She's been involved with various community organizations, which include Lahainaluna High School, Lahainaluna High School, I should say Parent-Teacher-Student Association, Boys & Girls Club of Maui, and Lahaina Strong.

And a representative of the Mayor said Ms. Heile would provide gender and geographical balance to the Salary Commission. And if approved, she would be one of three female board members, and the only representative from West Maui.

Your Committee voted 8-0 to approve her nomination to the Salary Commission. I ask for the Members full support. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-147.

COMMITTEE REPORT

NO. 20-124 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-148, entitled "AUTHORIZING SETTLEMENT
OF CLAIM NO. 4065961 OF MAUI ELECTRIC COMPANY, LIMITED," be ADOPTED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-124.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez, to adopt the
recommendation in Committee Report 20-124.

Mr. Molina, discussion?

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee
met on this matter on September 22, 2020. And your Committee received an overview
of the claim by a Deputy Corporation Counsel.

The claim alleges damages to, and replacement of, an electrical pole located at 2694 Ohina Street in Kihei. And this resulted from a collision involving a Maui County fleet vehicle on September 7, 2018.

The purpose of the proposed resolution to authorize the Department of Corporation Counsel to settle, settle this claim in the amount of \$12,420.84.

Your Committee voted 9-0 to recommend adoption of the resolution. I ask for the Members full support. Thank you.

CHAIR LEE: Any more discussion? All those in favor of the motion, say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-148.

COMMITTEE REPORT

NO. 20-125 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. That Resolution 20-149, entitled "AUTHORIZING THE PROPOSED MAUI AGFEST & 4-H LIVESTOCK FAIR LICENSE AGREEMENT, IN ACCORDANCE WITH SECTION 13.04A.100, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 19-197, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Member Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Chair.

I MOVE THAT COMMITTEE REPORT NO. 20-125 AND ITS
RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Mr. Hokama, seconded by Ms. Sugimura, that Committee Report 20-125 be approved.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Yes, Chair. Thank you very much. Quickly Members, we have reviewed this multiple times under the Committee regarding the Maui Ag Fest and 4-H Livestock Fair proposal. Your Committee is recommending that we approve a agreement for a period from 2021-2025 to authorize the use of more than five consecutive days at our Maui Memorial Complex.

I would further note that the Committee did request and was confirmed by the Department there are no conflicted schedule with any other activities for the period that is under consideration by this Council.

And finally, Chair, your Committee did discuss and agree upon the importance of increasing food security and continuing to help the development of the agricultural sector. Thank you.

CHAIR LEE: Thank you, Mr. Hokama.

Any further discussion? If not, all those in favor of the motion, please say "aye", raise your hand.

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

NOES: NONE.

CHAIR LEE: Everybody says "aye", so nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-149.

COMMITTEE REPORT
NO. 20-126 - WATER, INFRASTRUCTURE, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Bill 101 (2020), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 20-458, from the Director of Water Supply, be FILED.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-126.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Ms. Sugimura, seconded by Ms. Rawlins-Fernandez, to adopt the, to approve the recommendations in Committee Report 20-126.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Water, Infrastructure, and Transportation Committee met on September 21, 2020 to discuss a proposed bill to authorize the

Mayor to enter into an ongoing joint funding agreement for water resources investigations and continue the cooperative water-resource monitoring program during the period August 1, 2020 *[sic]* to September 30, 2021.

The cooperative water-resource monitoring program collects data needed to evaluate the status and trends of surface-water, groundwater resources in Maui County. The County's cost for this program will be \$86,356, which is included in the Fiscal Year 2021 Budget. The U.S. Geographical, Geological Survey's cost will be \$34,059.

The vote was 8-0 to recommend passage of the bill on first reading. I respectfully ask for the Members continued support.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair for the record, that is BILL 101 (2020).

COMMITTEE REPORT

NO. 20-127 - WATER, INFRASTRUCTURE, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Bill 102 (2020), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY, HAWAII COUNTY DEPARTMENT OF WATER SUPPLY, AND KAUAI COUNTY DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (HAWAII WATER AGENCY RESPONSE NETWORK (HIWARN) INTRASTATE PROGRAM FOR MUTUAL

AID ASSISTANCE)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 19-423, from the Deputy Director of Water Supply, be FILED.

CHAIR LEE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-127.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Moved by Ms. Sugimura, seconded by Mr. Hokama, to approve Committee Report 20-127.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The Water, Infrastructure, Transportation Committee met on February 24, 2020, August 10, 2020, and September 21, 2020 to discuss a proposed bill to authorize the Mayor to enter into an intergovernmental agreement that will allow the Department of Water Supply to participate with other water agencies in the State to provide mutual support during an emergency.

The Department of Water Supply explained the Hawaii Water Agency Response Network ("HIWARN") is a program that allows a public water agency anywhere in the State to request assistance from other counties' water agencies in an emergency. The support could include personnel, equipment, or supplies.

And the cost incurred to provide emergency assistance, assistance would be reimbursed by the requesting agency.

Your Committee amended the proposed bill by adding a condition that in order, order for the County of Maui, as a member of HIWARN to request assistance of any other Hawaii water utility member, the Council must first approve the request for assistance by resolution.

Your Committee voted 5-4 to recommend passage of the revised proposed bill on first reading. I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Any other discussion, questions? If not, all those in favor of the motion to approve Committee Report 20-127, say "aye" and raise your hand, please.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk. Oh, the ever-popular Committee Report 20-128.

DEPUTY COUNTY CLERK: Chair, for the record, that was bill, BILL 102 (2020).

COMMITTEE REPORT
NO. 20-128 - WATER, INFRASTRUCTURE, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Bill _____ (2020), entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-162, from the Director of Water Supply, be FILED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-128.

CHAIR LEE: Second?

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Mr. Hokama, to approve Committee Report 20-128.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I want to first thank you, Chair, for scheduling the public hearing, which was asked for by the community; so, that was done simultaneously this morning. Thank you all those that came to testify.

The Water, Infrastructure Committee met on August 19, 2019, September 30, 2019; and your Water, Infrastructure, and Transportation Committee met on January 22, May 18, June 1, June 15, July 13, and August 4 to discuss a proposed bill to adopt an update to the Water, County Water Use and Development Plan in accordance with the County Water Code and State Water Code.

The Department of Water Supply began updating the Plan in 2016. The Plan was submitted to the Board of Water Supply in 2018 and the Council the following year. If adopted by Council, the Plan will, will be submitted to the State Commission on Water Resource Management for review and approval.

On September 6, 2019, the Council adopted Resolution 19-153 to extend this deadline. That was done by then the, the Chair of this Committee, which was Ms. Lee, to approve the proposed update by ordinance to December 31, 2020.

The Maui island has not had an approved Water Use and Development Plan in 30 years. All four counties' Water Use and Development Plans were approved by CWRM to comprise the State Water Plan in 1990. The Council enacted Ordinance 3804 (2010), updating the Water Use and Development Plan for part of Maui, but the update was not approved by CWRM. The Lanai Water Use and Development Plan was updated by Ordinance 3885 (2011) and approved by CWRM on August 15, 2012. After the Maui Island Use and Development Plan is completed, the County will propose *[sic]* with the Molokai Water Use and Development Plan. So, Molokai is next.

The Department provided your Committee with a detailed review of the proposed Plan. The Department also informed your Committee that they ensured the Plan was consistent with the Maui Island Plan and community plans. The Department said the Water Use and Development Plan is a guide for future use and management of water resources.

The Water Use Development Plan identifies water source strategies to keep plan growth, as defined by water use plans balancing many conflicting interests and needs.

Three, community concerns and proposed solutions were heard and integrated to the Plan. To, to date there have been over, there have been meetings and presentations with opportunities for public input as Department of Water Supply, public meetings, stakeholder meetings, and workshops, board, CWRM, and Council Committee board and public, I'm sorry, board public hearings.

Recommended strategies were summarized in a matrix of each chapter when scoping out and refining these strategies over the 20-year planning period that were, that will be additional opportunities for Committee participation.

The Department also clarified, for your Committee, that this Plan is not exclusive to County resources or only to the Department of Water Supply. The Plan applies to all water systems and users, public and private, and includes potable and non-potable water. For each aquifer section area, the Department provided information relating to key issues, water resources, projected growth, demand, and strategies.

Your Committee also discussed the importance of considering the impact of climate change on the island when projecting Water Use and Development for an extended period.

The Department emphasized that there are not currently projecting a resource shortage, but that community outreach indicated a desire to use alternative resources where available and emphasized conservation and the use of alternative water sources as a means to keep demand under control.

Your Committee also discussed the impact of feral animals, invasive species, and the importance of watershed partners.

The Department provided information on the public outreach process that was conducted, which included hearing testimony and meeting with the water experts for each of the 14 moku to hear their concerns.

Due to concerns that the data was, was dated, which were expressed by testifiers and Members by your Committee, the Department agreed to provide an addendum addressing some of the issues.

This addendum included information on contested cases; integrating designated surface water management area water use permits; interim instream flow standards and appurtenant rights; interim instream flow standard assessment and decisions; adopted revisions to aquifer sustainable yields; and published agricultural plans and irrigation projections for Mahi Pono LLC.

Your Committee recognized the data related to the Plan may continue to change, but concluded the strategies presented by the Department are a good basis for the next 15 years.

Your Committee voted 9-0 to recommend passage of the revised proposed bill on first reading. I respectfully ask for the Members support for my motion.

I'd like to thank Eva Blumenstein for all her hard work that she's done, and Mr. Pearson, to put this Water Use Development Plan together, and also for including the addendum, which all of you heard also in the Committee meeting. And the addendum actually came from testimony that we heard throughout the plan of, I don't know if the word is concerned, but items that the, that the community thought should be included but were not. So, that's where the addendum was created, which we took amendments on our last meeting. And that is the entire Water Use Development Plan with addendum that I'm asking for your support today. Thank you. Thank you very much.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. You know, I first of all want to thank Committee Chair Sugimura for trying to shepherd this Plan through, and as well as the efforts of Ms. Blumenstein from the Water Department.

It is a very complex document. But you know, water is not an exact science; data changes, flows and ebbs, and whatever you have. It's complex. The document itself is very technical and it's been acknowledged by a lot of folks, it's, it's a difficult document to read. You have to be a hydrologist or have some form of, maybe formal education. I, I personally would like to see, maybe a side version of it that's condensed that is easy to understand for the lay person.

But upon hearing in my district, I'll speak for my district. There's been a lot of concerns, some unanswered questions, and I think some legitimate ones. What happens if in this Plan the intent is to distribute water elsewhere out of this district and for what purposes? The use of water for farming, and what about for cultural, cultural purposes, you know, restoring streams, etc., what have you? And you know, when we had this, when we voted on this in Committee, I think it was a unanimous vote, these were some concerns that we really, well, I'll speak for myself, I never really took into consideration, so that, that's on me.

But upon hearing the concerns and as elected officials, sometimes we gotta step back and allow for the input of our citizens, because I don't know of anyone on this Council that's an expert in water and who, who would be impacted by this, you know, proposal if left as is. And I understand, it is a guideline. But sometimes you have to make guidelines really clear and as specific as possible, because down the road, people will

refer to this Water Use and Development Plan. And if some of these issues are left unanswered, then you could run into more problems, possibly more legal entanglements. And that's the last thing we need, is more court hearings, more taxpayer dollars spent.

So, my point being, I, I would like a consideration to move this back to Committee, send it back, rework it. And I know it's been 30 years, but sometimes you need a little bit more time. And you know, ironically, today we had the public hearing. And I want to thank Committee Chair Sugimura for calling for the public hearing, even though it wasn't in the evening, but at least it was still a public hearing. We heard the mana`o from a lot of people and it was an overwhelming majority of those who testified on this topic to send it back to Committee and, and rework it. There were a couple of people, I believe, that said yea it's fine as is, so, and so forth.

But for me, I don't, sometimes we need to take a little bit more time and put out a product that addresses as many of the concerns as possible.

SO, I PROPOSE A COUNTERMOTION, MADAM CHAIR, TO
REFER THIS MATTER BACK TO THE WATER,
INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE.

CHAIR LEE: Alright. I think it might be simpler if we just voted this one, on this, and then take care your motion after, okay?

COUNCILMEMBER MOLINA: Okay. Your call, Madam Chair.

CHAIR LEE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I was just going to ask you, Chair, if Mr. Pearson is available to the body for responding to any questions at this time regarding the Plan?

CHAIR LEE: Well, that, that could happen. But, Mr. Hokama, I get the sense that there isn't enough support to move this forward at this time. I sense that through, throughout all the testimony that we received in the public hearing. And I don't really believe, unless somebody else says so, that answering one or, you know, answering a few questions is going to really make a difference. Because I don't want to prolong this meeting for no, you know, for no reason.

COUNCILMEMBER HOKAMA: No, no, I hear you, Chair. I hear you, Chair, yea. For me was, the key was, how much outside of the County water system is there actually that we need to figure out what is the impacts on the withdrawals and what not? I'm sure CWRM knows where every single straw is in every single aquifer. And if not, then

somebody doing something illegally if they don't know. So, I would say that we should be able to get the, the data, who has permits and licenses to draw from the aquifer for either brackish or potable water, because that needs to be accounted for and reported back to CWRM.

And I, I, you know, as I'm trying to gage from the comments of those that testified from Mr. Molina's district, how much actually of non-County system water is being drawn? I mean, I had the same question. After hearing them, I'm concerned what they drawing out of the aquifer that we not registering through the meters. So, I'm more concerned about those that drawing and not registering, or declaring usage, and how, and, and I would also feel the same like them. If we drawing down too fast on the recharges, then I get one big issue too. But I don't think it's under the regulated guys. I'm, I'm more concerned about the non-permitted guys. Thank you, Chair.

CHAIR LEE: You know, you know, those are very good and legitimate questions. That would probably fit better in a Committee setting. We do receive, and I don't know if all the Members received those quarterly reports on water reports, you know, which, which covers private and public systems. But that's, but still it's, you know, from our, the very first testifier, Mr. Lowenthal, and on, on the way up, all the way up, that question became more and more, you know, significant. Because apparently there's a lot of people on private water systems.

And so, Mr. Hokama, I believe what, what you're asking and what many people on the Council seem to have lots of questions left; lots of questions. And that doesn't mean this can't pass out next time. But right now, I don't think there's the will to pass it, honestly.

COUNCILMEMBER HOKAMA: I appreciate your guidance, Chair. Thank you.

CHAIR LEE: Okay. Thank you for your understanding. I appreciate it.

Okay, let's take a vote on this. And then after this, we're going to vote on Mr. Molina's motion to recommit. Okay. So, the, the first motion is to, to pass this on first reading. Yea, everybody understand this motion? So, all those in favor of this motion to pass the Water Use and Development Plan on first reading, raise your hand and say "aye".

AYES: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay, there are two "ayes".

All those opposed, say "no".

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

CHAIR LEE: Okay, so seven "noes", two "ayes"; motion fails.

The next motion, by Mr. Molina, and we need a second, is to recommit this item.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, seconded by Ms. Rawlins-Fernandez. Moved by Mr. Molina, seconded by Ms. Rawlins-Fernandez, to recommit the item.

Mr. Molina, do you have anything to say?

COUNCILMEMBER MOLINA: No, I think I've said enough already. I'll yield the floor. Thank you.

CHAIR LEE: Alright. Ms. Rawlins-Fernandez, the seconder. Anything? You want to say anything?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sure, I, I think most of it has been said, so I, I won't, you know, beat a dead horse here. But I, I wanted to thank Ms. Blumenstein for all her hard work and thank all the Members for hearing the legitimate concerns of the community.

Whether they've been working on this for 20 years, or whether they just received notice of this and understood that something that they've always relied on, a water source, that they've always relied on could be impacted by County's efforts to create more County wells. So, the County impacting private sources of water, while that's private, it, it's, it would be the County that would be impacting them. And so, I think that is our kuleana to, to take this back to Committee to discuss.

Also, as members of our community have said, you know, the, the effort to increase agriculture, to increase kalo production, may not have been accurately reflected in the Water Use Development Plan. And I, I would really like to see that happen.

And then, just the, the last thing is that the community asked for a public hearing and I, I just, I, I thought it was unfortunate that we scheduled it at the same time as testimony, because that would kind of like, you know, make it unnecessary to have a public hearing where the community is asking for it. I think it would have been more

appropriate to have it after work, since it's something that was being requested by the community to make it at a time that would be better for, for all of them to be able to come. But I'm thankful for those that were able to, you know, take off from work or whatever it was to make the time to be here this morning at 9:00 to share their mana`o with us. Mahalo, Chair.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. If I, in the interest of the time, I won't reiterate everything that Ms. Rawlins-Fernandez said, but I totally agree with it. So, thank you for those words. I did want to make a motion to amend the motion on the floor, and if I get a second, I'll explain why.

BUT I WOULD LIKE TO AMEND THE MOTION TO REFER THE
ITEM BACK TO WIT AND EACP COMMITTEES.

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER KING: Thank you. Can I, can I go--

CHAIR LEE: Okay.

COUNCILMEMBER KING: Can I go ahead and explain myself?

CHAIR LEE: So, we, we, do we have a second? Mr. Sinenci, are you seconding the motion?

COUNCILMEMBER KING: I think, I think--

COUNCILMEMBER SINENCI: For discussion.

COUNCILMEMBER KING: --Council Vice-Chair Rawlins-Fernandez seconded it, for--

CHAIR LEE: Well, I, I saw his hand go up first.

COUNCILMEMBER KING: Okay. Whatever, but.

CHAIR LEE: Okay, so, but I wasn't sure if that was a question or seconding?

COUNCILMEMBER KING: Okay.

CHAIR LEE: Alright, Ms. Ms. King, on your motion.

COUNCILMEMBER KING: Okay. Thank you. I think there are a lot of issues. I mean, we heard 17 pages and 90 items. We heard a strong concern about Hawaiian rights, and that's in the EACP Committee. We also have the issue, there's a lot of this issues that are related to agriculture, and water for agriculture is in EACP Committee. So, my thought was if we had this referred jointly, that some of the issues could be taken up with the EACP Committee, some of them can be taken up with WIT. We can get through the issues faster than going in a lineal motion, which might take us into the following year.

And we might, by addressing them in two separate Committees, we might be able to get through the, the issues quicker and more concentrated, because I think there's a comfort level, as far as our Hawaiian community with the EAC Committee *[sic]* because that does, that's where the cultural preservation items reside. So, that's my, that was my thought if we, if we want to.

CHAIR LEE: As the seconder, do you have something to say, Mr. Sinenci?

COUNCILMEMBER SINENCI: Okay, thank you, Chair. I appreciate the discussion today. And more so, all of the testifiers today. It's really, it gives me hope that our community is out there and wanting to, to help with this. My Committee would be open to it. And only to, like Member King said, to, to expedite the process.

I mean, I'm sure there is, Department of Water Supply had already a lot of updated charts that could quickly be put into the, the current report. But I, I also agree, yea, after today's testimony, there's a lot of cultural issues like the Aha Moku o Wailuku with Mr. Kaniloa, Kupa'akai with Ms. Ahia, and also the Department of Hawaiian Home Lands water demands as well. So, some of the cultural issues, I would, I mean gladly take and, and work closely with Member Sugimura as, as if she can work with some it and I can work with the others. Mahalo, Chair.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Mr. Sinenci. That sounds like a good plan, cause it's kind of a lot of information. I think one of my staff looked at it, and just the native Hawaiian, throughout the document, is mentioned almost 500 times. So, it's kind of, you know, flows through every single or many of the aquifers, as well as where it's, you know, concentrated. But I mean that's fine.

I, I knew that this was going to happen, right? I could tell by listening. I started saying that before all the testimonies by listening to the Haiku Community Association, the

discussion last night, cause that was one of their questions. And I heard some of you that were there, you know, your answers, as well as I listened a portion of the community meeting that Haiku had. They had a public hearing. I think it was September 24, a Thursday, September 24. So, heard some of that also. And they held a, an evening public hearing regarding this item. Mr. Molina was a speaker. And I left the meeting. I just want the Members to know once I saw that Shane Sinenci was there, and I just thought if I don't leave, we may run into some Sunshine problems, so I left. I didn't hear the entire meeting, the public, the entire public hearing.

But the community has spoken and I, I hear that. And I took notes as far as some of the things that were said. I wanted to stand by your vote of 9-0 when we, it was reported out of Committee. And listening to the discussion from the community today, I am open to taking this back to the Committee, looking at the issues that were brought up. And I will work with the Water Department, because they spent a lot of time on it. And look forward to possibly getting this document passed, so that Maui County can, or Maui island can have their Water Use Development Plan. So, thank you.

CHAIR LEE: Thank you. I think we're going to have to change the motion a little bit, because the first one was to recommit. But the, the actual motion to, is to do a dual referral, yea. Recommit means the whole thing goes back to the same WIT Committee.

So, yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. I, I, I mentioned that I wouldn't say anymore, but I went back on my word. But I just want to just give some acknowledgements. As Member Sugimura had mentioned, there was that prior public meeting the Haiku Community Association put on back in September in which many of the concerns you heard here today was mentioned. And I want to thank the Water Department, Mr. Pearson, and also Ms. Blumenstein for willingly coming out to listen to the community's concerns. So, I just want to add that to the conversation. So, and thank, especially Lucienne de Naie who did a lot of technical work, and also folks like Dick Mayer, and Mr. Rosenthal *[sic]*, Lowenthal, and everyone else for doing some analysis of the Water Use Development Plan, and Ms. Joycelyn Costa as well. Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. We, staff, we also wanted to verify just how this would work mechanically?

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: So--

CHAIR LEE: We're going to work this mechanically by dropping, reversing the first, rescinding the first motion. And then, then the actually motion is going to be to do a dual referral.

COUNCILMEMBER KING: So, Chair.

CHAIR LEE: Yea? Yes.

COUNCILMEMBER KING: So, I, I think there was a motion, then mine was an actual amendment to the motion. So, if we could amend it to say, dual referral, that would be the amendment that's being proposed.

CHAIR LEE: Well, I, I'm not sure if that makes sense, but anyway.

COUNCILMEMBER KING: Just wanted to

CHAIR LEE: We're just trying to work this out technically.

COUNCILMEMBER KING: But I mean, Member Molina--

CHAIR LEE: You can't recommit. You cannot recommit.

COUNCILMEMBER KING: No, I understand that.

CHAIR LEE: Cause the recommit goes only to WIT.

COUNCILMEMBER KING: No, I understand that. But I'm, I'm just saying that the main motion, the motion to recommit was made by Member Molina, and then my amendment was to do a dual, instead do a dual referral to the two Committees; EACP and WIT.

CHAIR LEE: Yea. Okay, we just want to get the verbiage correct.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Because we all know where, what the end goal is. It's just a matter of getting it technically correct.

Yes, Mr. Clerk. You had something to say?

DEPUTY COUNTY CLERK: Chair, perhaps something the body could consider is, the committee report would, something needs to be done with it. It needs to be disposed

of in some way, whether that be recommitment or, or action, or filing, or whatever that may be. But if the intent is for more than one Committee to, to consider this item, perhaps the committee report could still be recommitted and then subject matter referral to the second Committee, the, you know, along with that. That could be something the body could consider. Thank you, Chair.

CHAIR LEE: Okay. And then that way, by the recommitting the committee report, yea, that subject goes back to WIT automatically. And at the same time, we now are adding the subject matter only to go to EACP, right?

COUNCILMEMBER KING: Well, Chair. Just, if I could?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I think we, we are referring it as well to the EACP Committee. I think we need to refer it with the, the first committee report as well, because there's a lot of that information that that came out of the first committee report that I think will be helpful going forward, if that's possible. I don't know, is that too confusing?

CHAIR LEE: Okay. So, Mr. Clerk, we're, we're not only talking about the subject matter now for EACP, we're talking about all the documentation; committee reports, all the back, the back work, goes to both Committees.

DEPUTY COUNTY CLERK: Chair, I think the primary concern the body may want to consider is just having the same bill being referred to two different Committees, which could be the result of that, and then each Committee doing sort of piecemeal work on each bill. How does that, you know, line up when it comes to Council? I'm not sure if that's something the body wants to consider doing or not, which is why the, perhaps maybe the subject matter along with, you know, documentation could be referred to EACP or something. But it's just understood that the bill still resides with the WIT Committee, maybe something like that. I would also defer to Council Services for further comment if they have anything to add.

CHAIR LEE: Okay. Yea, let's do this correctly. David, are you on the call?

SUPERVISING LEGISLATIVE ATTORNEY: Yes, thank you, Chair. And we appreciate the Deputy County Clerk's comments. Yea, it would be difficult for us conceptually if the exact same bill were pending in two different Committees. You know, we think legislation needs to follow essentially a linear path, so you can trace the legislative history.

So, one option again would be to have the bill reside in one of the Committees that's been referenced, and have the subject matter be, be referred to another Committee.

That Committee who has a subject matter perhaps could do deliberations within the Committee subject matter jurisdiction, make recommendations that could be provided to the other Committee that technically has possession of the bill.

There's a more elaborate options that the State Legislature uses sometimes. I could get into those if you'd like. It's typically not what we do, but there's joint referrals or consecutive referrals that, that the State's Legislative Committees sometimes use.

CHAIR LEE: But I'd hate to see consecutive referrals, because I don't think any of us are going to live that long; 30 years, another 30, I don't think so. Why don't we just go back to recommitting this item, the committee report, all the documentation to the WIT Committee, and that the subject matter is also referred to the EACP Committee. And then the two Chairs can work out how to divvy up, you know, the work.

COUNCILMEMBER SUGIMURA: Okay. Sounds good to me.

CHAIR LEE: Cause I'm sure that Ms. Sugimura would love to have your support with regard to the cultural aspect, as well as other aspects, yea? You can work it out.

COUNCILMEMBER KING: That, that, that works for me. However, however you want to word that motion.

CHAIR LEE: Okay. So, then we will vote on your amendment, which is to refer the subject matter to--

COUNCILMEMBER SUGIMURA: EACP.

CHAIR LEE: --EACP. And then, we will go back to the main motion, which is to recommit the item to WIT. Okay? Everybody got that? Anymore comments? Everybody ready to vote? All those in favor of the amendment for the subject matter to go to EACP, please raise your hand, say "aye".

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

CHAIR LEE: Any "noes"?

NOES: NONE.

CHAIR LEE: Motion carries unanimously.

Okay, now, the motion as amended. So, this matter will be recommitted to WIT. Any discussion? Any further discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Just for the record, I just wanted to mention that it was, it was stated, I stated it, I think other Members may have stated in Committee when we voted this through, that we still had some reservations. And we were, and we, and remember, Chair, we asked you not to schedule it in the Council meeting until it had been heard and we got a recommendation from the Board of Water Supply. So, I just wanted to say that I think, you know, for me, that was why I voted it out of Committee, because I expected to get something, some recommendation back from the Board of Water Supply before we got to the full Council meeting, which, you know, we actually got way more than that. We got a lot more input than Board of Water Supply.

So, I'm happy this is going back for, for corrections, and additions, and that we will be able to address the Hawaiian water rights along with some of the agriculture system, water system issues. So, and thank you to, to Councilmember Sinenci and Sugimura for agreeing to work together on this. I think we can get through it faster this way. Thank you.

CHAIR LEE: Okay. Any more discussion?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to thank Eva Blumenstein. You know, when the petition came out, I reached out to her to answer some of the points on the petition. And, and she did work with me to, to craft a response. And I just, you know, I wanted to apologize to my Lahaina community with the, the first 1200 pages, and the addendum 1200 pages, I didn't do as deep a dive as I would've liked to in the, the time and daylight hours that I had. And that, you know, for sure on the Lahaina section of it, I'll be taking a deeper dive this time.

CHAIR LEE: Thank you. I don't know who dives more than you on this Council. I swear you do a lot of work. Your constituents are lucky.

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And really quickly, my hats off to Ms. Blumenstein for all of her hard work in this, you know. For some of the, the water practitioners, you know, this Water Use Development Plan is almost like the bible to them. So, if it were to compare to the bible, Eva would be Jesus. Thank you, Chair.

CHAIR LEE: Okay. Yea, I know I'm sure it's very disappointing for the Water Department at this point. But, you know, we do represent the community and the community is not satisfied at this point, so we just have to keep working at it until they are.

Any other comments? All those in favor of the motion as amended, say "aye".

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

CHAIR LEE: Any "noes"?

NOES: NONE.

CHAIR LEE: Motion carries unanimously. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 96 (2020)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE
DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII

CHAIR LEE: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Madam Chair, if there's no objection, can I ask the Clerk to call up Bill No. 99?

CHAIR LEE: Mr. Clerk, Bill 99.

ORDINANCE NO. _____
BILL NO. 99 (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.050, MAUI COUNTY
CODE, RELATING TO GREENPRINT

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILLS 96 AND 99 ON SECOND AND FINAL
READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Vice-Chair Rawlins-Fernandez, to move
Bills 96 and 99 on second and final reading.

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Bill 96 has to do with the
intergovernmental agreement with the State Attorney General regarding a grant of
funds for the STOP Violence Against Women Formula Grant.

And Bill 99 has to do with extending the Conservation Planning Committee's
Greenprint submission deadline to December 31, 2022. Thank you.

CHAIR LEE: Anymore discussion? If not, all those in favor of passing the two bills on second
and final reading, please say "aye", raise your hand.

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

CHAIR LEE: Okay. Anybody "no"?

NOES: NONE.

CHAIR LEE: Motion carries unanimously; 9-0.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 97 (2020)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY
CODE, RELATING TO PLANNING COMMISSION AND ADVISORY COMMITTEE
MEMBERSHIP REQUIREMENTS

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Mahalo, Chair.

I MOVE TO PASS BILL 97 (2020) ON SECOND AND FINAL
READING.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay. Moved by Member King, seconded by Member Rawlins-Fernandez, to
move Bill No. 97 on second and final reading.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Bill 97 will add a requirement that at least one
member of each planning commission, except the Lanai Planning Commission, and
any advisory committee have a background in conservation, natural resources, or
climate change.

Having an expert with a background in conservation, natural resources, or climate
change will benefit the planning commissioners and any advisory committee, planning
commissions and any advisory committee as they face increasingly difficult decisions
because of climate change, sea level rise, and other environmental challenges.

The bill will also help diversify membership on these bodies. I respect, and I also,
before I say my last line, I wanted to say I'm really happy that Member Rawlins-
Fernandez was the seconder, because she had, was a testifier on this bill when I

brought it up last term. And so, appreciate sticking with the mission here. I respectfully ask the Council's support for my, for my motion. Thank you.

CHAIR LEE: Any more comments?

Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Very quickly, Chair. I speak in support of the motion. I'd just like to thank the Committee Chair King and the Members of this Council for looking at this, specifically, as it regards to Lanai and our unique size of our community and the challenges we have to meet, meet all those unique requirements. So, I appreciate the Council's understanding of our situation and I appreciate their cooperation on this matter. Thank you.

CHAIR LEE: Thank you. Any more comments? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 98 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 98 ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass Bill 98 on second and final reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This amend, this recognizes the additional \$92,000 for the ADRC to be used for services and support to reduce the impact for social isolation on homebound program participants and their families. I respectfully ask for support of this motion on second and final reading. Mahalo, Chair.

CHAIR LEE: Okay. Anybody else? If not, all those in favor of the motion to pass Bill 98 on second and final reading, please raise your hand, say "aye".

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

NOES: NONE.

CHAIR LEE: I see nine "ayes" and zero "noes" therefore, the motion carries unanimously.

Mr. Clerk, are we at the end of our calendar?

DEPUTY COUNTY CLERK: Yes, Chair. There is no further business before the Council.

CHAIR LEE: Oh, I'm sure you're all disappointed. But, okay, it's been a, been a very productive day. Thank you everyone. Any last parting words anybody want to say?

COUNCILMEMBER KING: I just want to say I owe, I owe Member Hokama an apology, because he said that he thought it would be done by 3, and I said you're dreaming. Good predicting there.

CHAIR LEE: That's a good one. Very good.

COUNCILMEMBER PALTIN: Happy Friday.

CHAIR LEE: Be careful what you say. Somebody, somebody's going to raise their hand and say, say something--

COUNCILMEMBER KING: Well, I'm only, I'm only too happy to be wrong about that, so.

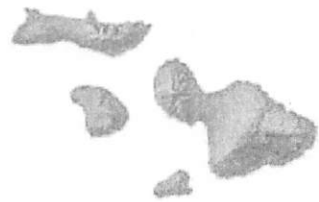
CHAIR LEE: Anything else? If not, everybody, please be safe. Take care. Have a wonderful weekend. This meeting is adjourned.

ADJOURNMENT

The regular meeting of October 9, 2020 was adjourned by the Chair at 2:55 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



BOARD OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauewater.org

October 2, 2020

RECEIVED
2020 OCT -2 PM 2:13
OFFICE OF THE
COUNTY CLERK

The Honorable Alice Lee
And Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

At our Board of Water Supply special meeting held on September 1, 2020, Eva Blumenstein, Department of Water Supply Planning Program Manager, presented the March 30, 2019 Water Use and Development Plan (WUDP) with amendments.

Please note that the Board of Water Supply did not ever approve the draft Water Use and Development Plan, but submitted comments and concerns on January 22, 2019 to the Department of Water Supply to be presented to the County Council.

At the September 1, 2020 special meeting, the Board received testimony from a number of concerned residents from the East Maui area. Those concerns are contained in the written public testimony attached and in oral testimony that can be viewed on:
<https://bluejeans.com/playback/s/cLBRTCWIWuGidllgO48y9F6xWAJJJgmDRrZTUNZvstKfpeMf8M4CgaCQM2yyBsCx>

We hope that these concerned residents will have an opportunity to participate in the process of the adoption of the plan, and we recommend further input from the community before final action is taken on the Water Use and Development Plan.

Sincerely,

Shay Chan Hodges
Chair, Maui County Board of Water Supply

"By Water All Things Find Life"

Chair Alice Lee
WUDP
Page 2

cc: Suzanne D. Case, Chairperson, Commission on Water Resource Management
M. Kaleo Manuel, Deputy Director, Commission on Water Resource Management
Lenore N. Ohye, Commission on Water Resource Management
Jeff Pearson, Director (w/o attachments)
Mimi Desjardins, Deputy Corporation Counsel (w/o attachments)

SCH:so

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
L.T. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

August 31, 2020

Shay Chan Hodges, Chair
Board of Water Supply, County of Maui

RE: Agenda items IV A - C

Dear Chair Chan Hodges and Board Members:

The Department of Hawaiian Home Lands (DHHL) offers the following three comments on the existing draft of the Water Use and Development Plan for your consideration.

- DHHL has continued to do community planning for its Maui parcels, particularly its lands at Pulehunui and Honokowai, since the publication of the March 2019 draft of the WUDP. We have engaged with members of the county, including DWS staff, on these matters. However, we believe the March 2019 draft and addendum may not accurately state the amounts and timing of our water demands for those two areas.
- DHHL appreciates that in a number of areas the draft WUDP indicates it will use an evaluation criteria examining if "MDWS prioritize[s] DHHL needs over lower priority needs" to determine if certain planning objectives regarding equity are met. We would share with you that it has been our recent experience in discussing planning and development in areas of concern to this plan such as Pulehunui, as well as in other areas where the Department of Water Supply has jurisdiction (Ualapu'e, Molokai) that this prioritization is not occurring.
- Due to the length and complexity of the current plan, DHHL would welcome additional outreach to its beneficiaries if other Board and Department determine that additional outreach should occur prior to Council adoption.

Mahalo for the opportunity to comment. Should you have any questions, please contact DHHL Andrew H. Choy, DHHL Acting Planning Program Manager at andrew.h.choy@hawaii.gov.

Sincerely,

William J. Aila Jr., Chairman
Hawaiian Homes Commission

- My brief testimony

From: "Dick Mayer" <dickmayer@earthlink.net>
To: "Shay Chan Hodges" <shay.chanhodges@gmail.com>, <sherilyn.otsubo@co.ma...>
Date: 8/31/2020 10:27 PM
Subject: My brief testimony

Here is my testimony for Sept 1.

=====

I have two items:

Is there anything in the state Water Commission requirements that would limit Maui County from preparing its own operational plan for the development of the Department of Water Supply's own system?

Please ask that question of your department director and the county attorney.

If there is no barrier to the department preparing its own operational plan And I do not think there is), please require that the Department of Water Supply prepare for the Board of Water Supply an actual 10-year operations plan with a list of priorities, a budget, and a chronological record of planned expenditures and changes in both the source and distribution systems.

Dick Mayer
808-283-4376

- Maui Island Water Use & Development Plan

From: J Kahala Chrupalyk <kahala.alohaaina@gmail.com>
To: <sherilyn.otsubo@co.maui.hi.us>, <Alice.Lee@mauicounty.us>, <Keani.Rawli...>
Date: 8/31/2020 11:20 PM
Subject: Maui Island Water Use & Development Plan

Please defer the upcoming Maui Island Water Use & Development Plan until you have properly reached out into the community, most especially of Ha'ikū, and have gathered the Voice of the People. This 1228 page outline has not been brought to residents' attention and we want to know who is representing our voices without ever having informed or asked us stakeholders and taxpaying voters - what we think. We do not give permission to representation in the County Council without having heard what is happening to our Public Trust and without having an opportunity to speak about it. Since this matter has cost trust issues, please have the Water Dept utilize a 3rd party agency to host the public forum that we are requesting. Mahalo for hearing the Voice of the People.



Thank you for chatting with me.

For more information on my campaign, please visit the links below:

[Website](#) ~ [Facebook](#) ~ [Twitter](#) ~ [Blog](#) ~ [Donate](#) ~ [Register to Vote](#)

- 9/1/2020 Board of Water Supply mtg

From: carol lee kamekona <hynmahi@yahoo.com>
To: <sherilyn.otsubo@co.maui.hi.us>
Date: 9/1/2020 2:47 AM
Subject: 9/1/2020 Board of Water Supply mtg

Good Morning Chair and members of the Maui Board of Water Supply.

I ask you to consider this:

In some of the charts of the WUDP, it states that water use for kalo growers will go up 20% by year 2035. These numbers are based on large Plantation style farms. How does this take into consideration the current situation we are in with the COVID19 pandemic? Many households have started to grow their own small gardens for sustainability. Even more will probably start growing their own food due to the anticipated rising costs of imports thanks to the 46% rate increase afforded Young Brothers. Where in the charts does it show this usage has been calculated in the 20% increase? Will that be enough for people to grow their own food to feed their families? For basic survival? COVID has shown Maui needs to diversify.

Also with the affordable housing plan the Mayor wants to build, where is the anticipated usage for those units? Or for any other upcoming housing projects.

Last month in the contested case with the Grand Wailea Resort, it was discovered that the County is ok with them using up to 17,000 gallons a day for each of the 37 acres they have. Basic math tells you that's 629,000 gallons of water a day for ONE HOTEL! Do they really need that much water?

Could the water plan include some type of standard for water usage for resorts? Perhaps like what Honolulu has: 4,000 gallons per acre per day? That would be 148,000 gallons a day for Grand Wailea's 37 acres. A savings of 481,000 gallons of fresh water a day. That savings could go towards the Mayor's affordable housing project. At 600 gallons per day per unit, what does that equate to? 800 new homes? WOW! And at no extra cost to the County.

I believe No vote should be taken on the Maui WUDP until the Paia-Haiku community has a chance to hear about the large production wells planned for Haiku and share their mana'o at an online "kūkākūkā". We need to be smart in our decisions now, as it will affect the long range growth of Maui. A growth we have the opportunity to steer toward.

Mahalo!
Carol Lee Kamekona

- (20) Year Water Plan Testimony

From: Francine Aarona <mopsaarona@gmail.com>
To: "sherilyn.otsubo@co.maui.hi.us" <sherilyn.otsubo@co.maui.hi.us>
Date: 9/1/2020 7:13 AM
Subject: (20) Year Water Plan Testimony

Aloha Members of the Board of Water Supply,

My name is Francine Aarona also known as Aunt Mopsy/Protect Pā'ia. Mahalo for your dedication to serve as members of this board. I belong to the reorganization of Hui Mālama Pā'ia previously called the Pā'ia Town Association.

I have been involved with community issues for many years for Pā'ia but have never heard of the (20) year Water Plan for Maui. In speaking to some of the residence the knowledge of this plan is currently being shared by word of mouth and hopefully will be sharing their Mana'o with you today.

We have a Community Plan for Pā'ia/Ha'iku that talks about the ground water being used for the people of our district before being sent to anywhere else. We as a community are just hearing about (10) wells or more planned for Ha'iku but the water is for South Maui. How is this so, when we have people waiting for water in Ha'iku and Makawao. Our community of fishermen and gatherers know of cold water that flows down to the Ha'iku shore. That's where they find the limu and the fish. Has anyone made an effort to speak to those members of the community. The issue of wells may change the flow of the water. Only our Kūpuna would be able to share those stories with you.

I ask that this board recommend to the County Council, to listen to the Pā'ia/Ha'iku community and to allow them to give their mana'o and ask questions regarding this (20) year Plan. Because of the pandemic, the challenge for an online discussion is challenging. The community needs to have an opportunity to send in written testimonies as well.

Do not use this pandemic as a way to slide this vote through without any Mana'o from the Community. If this is a plan for all of us, the people of Pā'ia/Ha'iku needs to be a part of this conversation before final decisions are made.

Mahalo for listening,
Aunt Mopsy/Protect Pā'ia

October 9, 2020

Maui County Council

Aloha Members of the County Council:

My name is Shay Chan Hodges and I am testifying as an individual on 20-128.

Thank you for allowing me to provide information about the Board of Water Supply's involvement in the Water Use and Development Plan. Because I have served on the BWS for over four years, I am one of the few members who was part of the entire WUDP process.

So I will be providing some basic chronological information—but as an individual, not a representative of the Board.

From June 27, 2017 to May 17, 2018 – approximately a one year period – board members heard numerous presentations from Dept of Water Supply's Eva Blumenstein on the draft WUDP. Of our current Board of Water supply members, only three were members for most of the presentations.

Once the draft WUDP was complete, the Board of Water Supply had 180 days to review the plan and make recommendations, and further we were required to solicit public input. We were initially told that the presentations at our regularly scheduled meetings were sufficient since they were agendaized and the public could attend and testify at those meetings. However, in September of 2018, we were told that we needed to hold meetings in the community. Because of notice requirements, those meetings did not take place until early December. We went out to Hana, Lahaina, Kihei, Pukalani, and Wailuku.

This meant that the board ultimately had two meetings before the Deadline at which to review and discuss public comments and make recommendations. Most members had attended all of the meetings and taken copious notes; and we had a spirited discussion in December 2019 – and then worked over Christmas.

In January, we developed our recommendations and approved a letter to Director Pearson, asking him to pass along 17 pages of recommendations and comments to the County Council.

We did NOT approve the Draft WUDP. Instead, we stated that:

By submission of this letter and attached table the Board now conveys its feedback and advice on the Maui Island draft WUDP.

Although I know this letter was passed along to the County Council, the Board was never informed by the Department or the Council of any actions that happened subsequent to the January 22, 2019 letter. We were not advised about the Council Committee meetings; nor provided with the March 2019 final draft, nor advised of, nor given the opportunity to review the July 13, 2020 addendum before it was presented to the WIT Committee.

At a Special Meeting on September 1, 2020, we asked Eva to describe the progress of the WUDP over the last 20 months and to summarize the July addendum. The Board unanimously approved the letter

that was submitted to the County Council, recommending further input from the community before final action is taken.

I would like to add that as an individual, I strongly support amendments requiring updated and accurate data in the WUDP, as well as inclusion of the current status and discussions of the Wailuku Water Purchase and the Board of Water Supply's TIG Report analyzing a potential purchase of the East Maui Water System that was unanimously approved by the Board on December 19, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Chan' with a stylized flourish at the end.

Shay Chan Hodges
Haiku, Maui, HI 96708



SIERRA
CLUB
FOUNDED 1892

Testimony from Sierra Club Maui
PO Box 791180
Paia, HI 96708

to Maui County Council

October 9, 2020 meeting . Agenda Item CR-20-128

Sierra Club Maui appreciates the tremendous amount of work that has gone into the Maui WUDP. We respectfully ask that the Council makes sure that some very important information that is needed in the Plan gets included. To facilitate this happening, the WUDP should be sent back to committee and have several needed amendments made.

AMENDMENT AREA: WUDP needs to have more details about private water agreements the County Water Department has with A&B and others and how they affect who gets what water

DWS has source credit agreements with RCFC Kehalani LLC, Wailea Resort, and possibly others. DWS has a 2000 25 year Water MOU with A&B and 2018 Water MOU update with A&B and is discussing a water agreement with Waikapu Town.

Other private agreements with DWS are detailed in various WUDP Sections: Section 15.6.4 discusses Kula 1800 agreement; and section 9 (Future Water Needs) discusses County DHHL agreements in Table 9-11. These other agreements should be included, and the details discussed, in appropriate sections. Many would have bearing on future water planning decisions.

AMENDMENT AREA: Accurate up to date data on Mahi Pono farm plan and Central Maui ag irrigation water use.

The use of East Maui stream water for Central Maui agriculture is one of the major topics the WUDP needs to adequately address.

Alternative scenarios included in the WUDP need to be based not just on number of acres, but on water use per acre. This information is available.

Current WUDP water use projections of Mahi Pono ag operations using nearly 4,000 gal per acre/day and accepting that 22% of water delivered will be lost as "wasted water" is not a 20 year sustainable view. The WUDP should include a table showing what specific testing can be done to determine actual water losses in the EMI system and recommend a timetable for getting

the information and forming a mitigation plan and mitigation goals. The table should also show the effects of reducing the presumed 22% waste to 0% and 5%.

Mahi Pono/EMI is required by June 2018 CWRM decision to regularly report both East Maui water withdrawals and amount of land cultivated and irrigated. This information should be obtained by MDWS and included in the WUDP.

Currently, the WUDP has a confusing and inconsistent array of information regarding the A&B diversified farm plan, spread across the Executive Summary and Sections 8, 9,

AMENDMENT AREA: WUDP should recommend Maui County amends its "water standard" for resorts (currently allowing a whopping 17,000 per acre/day) to a more reasonable standard, as part of overall water efficiency and conservation measures to help conserve the aquifer.

Maui County water standards currently allow resort properties to use up to 17,000 gallons per day per acre of potable water. O'ahu standard is 4,000 gpd/acre. The WUDP should include this specific suggestion in WUDP Section 12, which discusses demand side conservation strategies. Section 12 text and Table 12-4 should be amended to include a specific recommendation that water use standards for resorts are amended to more reasonable levels found on O'ahu. Enforcement of water standards is also important.

50% of the water used for south Maui MDWS customers is used for irrigation. Reducing the water demand through statute and incentives could free up 1 million gpd or more of Wailuku sector groundwater for new homes.

AMENDMENT AREA: Include all the updated information tables from the 2019 State Water Resources Protection Plan (WRPP) in the Maui WUDP.

Stream information has changed since 2008, as have safe withdrawal limits ("Sustainable Yield") for all of East Maui aquifers.

The Ko'olau and Hāna Aquifer sectors sustainable yield figures have decreased by a total of 66 million gal a day between the 2008 and 2019 State WRPP.

Even though the Water Department has told the Council, that those large changes don't have any effect on the Department's planned water sources, Ko'olau and Hana residents want to have the correct figures included in the WUDP, since it is widely referred to.

Currently there is one 2019 WRPP map in the addendum, but every table in the WUDP has the old 2008 data. This is what will be quoted in environmental documents.

Mahalo for this chance to share our mana'o

Lucienne de Naie
Conservation Chair, Sierra Club Maui

From: Tamara A. Paltin
Sent: Friday, October 2, 2020 11:22 AM
To: County Clerk; WIT.Committee
Subject: Fwd: The Aha Moku 'O Wailuku (AMOW) responds to the County's Water Development Plan (CWDP) by way of this letter. It is the consensus of AMOW to oppose the CWDP for the following reasons.

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2020 OCT -2 AM 11: 26
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From: Kaniloa Kamaunu <bkofmor@gmail.com>
Sent: Friday, October 2, 2020 4:01:56 AM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: The Aha Moku 'O Wailuku (AMOW) responds to the County's Water Development Plan (CWDP) by way of this letter. It is the consensus of AMOW to oppose the CWDP for the following reasons.

The Aha Moku 'O Wailuku (AMOW) responds to the County's Water Development Plan (CWDP) by way of this letter. It is the consensus of AMOW to oppose the CWDP for the following reasons.

1. The Aha Moku Island Council did offer no support of the proposed CWDP at the only gathering of the council with individuals of the Department of Water.
2. The individual Aha Moku Councils offered no support of the CWDP.
3. Therefore, due to item 1 and 2, the claim that all Hawaiians were in support of the CWDP is not supported.
4. To the spirit and intent of consultation, the Pa'akai consultative process did not take place.
5. To the spirit and intent of consultation, there was no consultation with the Kuleana Ohana.
6. The AMOW finds that Kaniloa Kamaunu, who Chair's the Water Committee of AMOW gave testimony objecting to the CWDP during the public meetings.
7. The AMOW finds the County's claim to water rights are those imposed by the state of Hawaii in the form of a public trust.
8. The AMOW finds that the Public Trust claimed by the state of Hawaii does not subject authority over the kuleana, land commission award of the kanaka. HRS 174c.101
9. The AMOW finds that the kuleana, land commission award of the kanaka claim can neither be diminished nor extinguished for failing to apply for a (water use) permit. HRS 174c.101(d) Therefore, no authority is recognized to change that.
10. The AMOW finds no compensation has been made to kuleana/land commission award claims for its water accessibility and use. There is no current or future plan to compensate Kanaka Maoli for the use of their water claims neither has one been requested by this explanation. Because the Aha Moku System is to preserve, protect, and perpetuate sustainability of the aina and its systems holistically compensation supports not sustainability or subsistence

objectives.

In conclusion, the CWDP fails to address matters relevant to kuleana/land commission award claims on water, fails any worthy consultation process to address the standing of kuleana, land commission award claims in foundation of the CWDP.

Therefore, the Aha Moku o Wailuku opposes the CWDP and request this matter be rejected for lack of due diligence.

Mahalo,

Clyde Kahalehau
Po'o Aha Moku'O Wailuku

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OFFICE OF THE
COUNTY CLERK

October 9, 2020

To: Maui County Council

From: Joyclynn Costa Aha Moku o Hamakualoa

Testimony in opposition to WUDP proposal, more particular wells in Hamakualoa Moku o Pauwela.

My name is Joyclynn Costa the Aha Moku Representative of Hamakualoa. My position was created through Act 212 and signed into law by Linda Lingle in the House and Senate. I have also served in Kalanikahua Hou Church one of the oldest Hawaiian church in Pauwela. As Aha Moku we are tasked to be an advisory to BLNR/DLNR for what you call, resources. We however, as Native Hawaiian tenants known to Aha Moku as *hoa`aina*, *makaainana* and *kuleana ka wai ola* is our source of life. We have never been consulted in the capacity to be made a part of, and craft this plan. Acting upon and implementing any part of this plan will be considered premature and, if followed through, injurious by the act of abridging and denying our rights as stated in Chapter 174C-101 of the State Water Code. Responding to the Council as if there appears to be a meeting of the minds that developed from consulting with Aha Moku o Maui and Aha Moku Hanakualoa is not true.

I ka wa ma mua i ka wa ma hope, to look to the future we must first visit our past. In the stewardship of water pertaining to the Moku o Wailuku the County Water Supply and Commission has not proven favorable to the care for our water. I would consider this like a bank account, which is what most of you understand if all you do is withdrawal, no matter if you have a lot in the account, eventually without a deposit you will surely run out. I can not allow that to happen with our water.

I am Joyclynn Costa Aha Moku Representative for Hamakualoa a descendant, *kuleana*, deacon, consultant, Trustee for HCUCC and was born and raised in Haiku 60 plus years. Both my father and brother fish the coast and family and friends care for *haloa*. The reefs depends on perennial use to sustain the thriving life it produces for our subsistence survival. Therefore I demand the plan (WUDP) be set aside for further study. We request an in depth study be done on the *mea* there that we the native Hawaiian tenants depend on for health and subsistence. Only then will we know the true impact of the taking of water to this land and coast. Without this study in partnership with the native tenants and Aha Moku Representatives it could cause irreparable harm, fatal impact.

STATE WATER CODE

[§174C-84] Permits for well construction and pump installation.

(g) The commission may suspend or revoke a permit, after notice and hearing, on any of the following grounds

(1) Material misstatement or misrepresentation in the application for a permit;

PART IX. NATIVE HAWAIIAN WATER RIGHTSPART IX. NATIVE HAWAIIAN WATER RIGHTS

[§174C-101] Native Hawaiian water rights. (a) Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

(b) No provision of this chapter shall diminish or extinguish trust revenues derived from existing water licenses unless compensation is made.

(c) Traditional and customary rights of ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 shall not be abridged or denied by this chapter. Such traditional and customary rights shall include, but not be limited to, the cultivation or propagation of taro on one's own kuleana and the gathering of hihiwai, opae, o'opu, limu, thatch, ti leaf, aho cord, and medicinal plants for subsistence, cultural, and religious purposes.

(d) The appurtenant water rights of kuleana and taro lands, along with those traditional and customary rights assured in this section, shall not be diminished or extinguished by a failure to apply for or to receive a permit under this chapter. [L 1987, c 45, pt of §2; am L 1991, c 325, §8]

County Clerk

From: Amy Fonarow <afonarow@yahoo.com>
Sent: Friday, October 09, 2020 9:16 AM
To: County Clerk
Subject: CR 20-128: Requesting Amendments to the WUDP Before Adoption

Aloha Councilmembers,

My name is Amy Fonarow. I'm a science writer and an advocate for Maui's waters.

As fresh water is a limited resource, I respectfully request that you spend more time reviewing the gallons per acre needed for resorts on Maui at this time. Oahu's standard for resorts is currently 4000 gallons per acre per day, while Maui County's current standard for resorts is 17,000 gallons per acre per day.

We don't want to waste I'ao's precious water. If it can be done with a mindset toward conservation, let's do that, please.

Mahalo nui
Amy

~~~~~

Amy Fonarow  
Writing • Editing • Video Production  
[afonarow.wixsite.com/settingthingswrite](http://afonarow.wixsite.com/settingthingswrite)  
808.838.9527

## County Clerk

---

**From:** Kecia Joy <keciamau@gmail.com>  
**Sent:** Friday, October 09, 2020 8:22 AM  
**To:** County Clerk  
**Subject:** Please place the water plan back into committee

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2020 OCT -9 AM 8:31

OFFICE OF THE  
COUNTY CLERK

Aloha Council Members,

The water and a good plan for this precious resource with which none of us can live without, needs to be carefully thought out with major input from the island community I.

I am requesting that this plan not be voted on yet and be placed back into committee so that many important factors can be discussed.

Mahalo for all that you do!

With much Aloha,  
Kecia Joy  
Kihei Resident  
Marine Biologist  
Water protector  
--

Sent with Much Aloha!

RECEIVED

October 7, 2020

2020 OCT -8 AM 7: 52

Aloha Maui County Council Members

OFFICE OF THE  
COUNTY CLERK

My name is Shelley S. Maddigan and I live on Crater road in the Haleakala Acres subdivision. I have been a resident on Crater Road for 19 years.

For many, many years, Haleakala Acres subdivision has been trying to get minimum fire protection for our homes and properties. In 2018 Yuki Lei was instrumental in getting \$860k appropriated into the budget to get that basic need at least started for us. We have come to understand The Department of Water Resources was for some reason, resistant to allow us these improvements and decided to sit on the funds until they lapsed and could move the funding somewhere else.

Many solutions have been offered to fix this situation. The Haleakala Ranch has been ready to cooperate and the Department of Water Resources has continued to ignore and sabotage all efforts.

Maui's own Fire department has said if there were reservoirs built to store water somewhere in this area it would help greatly in fighting forest fires not to mention house fires.

Why has the Department of Water Resources fought so hard to prevent these basic and necessary improvements to move forward? If the county truly feels we are not entitled to fire protection how did the subdivision get approved to begin with? Our neighborhood deserves fire protection.

I have been on the water meter list since it was conceived. Last year, I received a letter that I was eligible for a larger meter ONLY if I agreed to pay for All improvements. 700' of 8" water line as well as design costs. Along with these costs a non-refundable deposit was required of approx. \$8000. This deposit was based on the county performing within 5 years. If the water department did not perform within the 5-year period the funds just went into the general fund for the Department of Water Resources to do whatever it pleased To repeat, an \$8,000 payment to the County of Maui, (a so called deposit) was non-refundable to me, based on the county performing; something that is CLEARLY not in my control nor in the control of other residents of the Haleakala Acres Subdivision.

This action is clearly extortion, and in my opinion, an obvious effort to get rid of the water meter list.

I'm asking that this funding of \$860k be restored to our project and sensible action be taken for fire protection for residence of Haleakala Acres.

Malama Pono,

Shelley S. Maddigan  
Address

RECEIVED

2020 OCT -8 AM 7: 52

**From:** Matt McDonald <mattmcdon@gmail.com>  
**Sent:** Thursday, October 8, 2020 7:16 AM  
**To:** County Clerk  
**Subject:** Testimony for WUDP - Agenda item CR 20-128 (9.9.20)

OFFICE OF THE  
COUNTY CLERK

Dear Council Members,

I urge you in the upcoming meeting to send the WUDP back to the committee, so that some very needed amendments can be added before it is adopted. These amendments include:

1) Have WUDP include more accurate, updated and realistic data about ag water demand for the former HC&S Plantation lands. Alternative scenarios included in the WUDP need to be based not just on the number of acres, but on water use per acre. This information is available. The current WUDP water use projections of Mahi Pono ag operations using 4,000 gal per acre/day and accepting that 22% of water delivered will be lost as "wasted water." This is not a 20 year sustainable view.

2) WUDP should recommend Maui County amends its "water standard" for resorts (currently allowing a whopping 17,000 per acre/day) to a more reasonable standard of 4,000 gpd/acre as part of overall water efficiency and conservation measures to help conserve lao aquifer.

Let's bring our island in line with the O'ahu standard – 4,000 gpd/acre.

3) Include all the updated information tables from the 2019 State Water Resources Protection Plan (WRPP) in the Maui WUDP. Stream information has changed since 2008, as have safe withdrawal limits ("Sustainable Yield") for all of East Maui aquifers. The Ko'olau and Hāna Aquifer sectors sustainable yield figures have decreased by a total of 66 million gal a day between the 2008 and 2019 WRPP. Currently there is one 2019 WRPP map in an addendum, but every table in the WUDP has the old 2008 data. This is what will be quoted in environmental documents, which is grossly inaccurate.

4) Updated data and a clearer solution to the Upcountry water meter list.

5) A path forward to public management of the East Maui ditch system; as water is a public trust in Hawaii, we should be moving towards public management of our more important resource.

6) More details about private water agreements the County Water Department has with A&B and others, and how they affect who gets what water.

Thank you for your time and transparency. I do hope you take these very important decisions about water as seriously as your constituency. Decisions about what to do with our water for the next 20 years need to be made deliberately, with accurate information, and with all the necessary stakeholders involved.

With Aloha,  
Matt

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<https://63mph.com> | [@63mph](https://twitter.com/63mph) | 808.500.8054



10.8.20

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2020 OCT -9 AM 7: 53

Maui County Council

OFFICE OF THE  
COUNTY CLERK

RE: Maui Island Water Use and Development Plan – Public Hearing Comments

We are the owners of the last house on Crater Road (18505 Haleakala Hwy – TMK (2) 2-3-13-45) and would like to request the return of roughly \$860,000 in budgeted funding previously removed from our area in Upper Kula area. These funds are critical for long-overdue service upgrades.

Our property is zoned Rural 0.5 and the lot is over one acre. We have the legal right by zoning to subdivide the property. We have one 5/8-inch meter and are on the wait list for upgraded service.

With the encouragement of our civil engineer, we contacted the County engineering staff to inquire about a public/private subdivision and were told that it was not possible due to the inadequate county facilities and service. We were informed by the Water Department that our area has relatively poor water pressure and no immediate fire hydrant service. The infrastructure is substandard and in need of upgrade for both public safety and future expansion potential.

Without additional upgrades to the water infrastructure by the county, our wait-list position and zoning allowing for subdivision are meaningless, and we will be unable to build our dream of a family compound. Our long-term goal of providing a family compound has become all the more important and urgent due to the pandemic. The extended family is all compromised by underlying conditions and we want to use our property to provide a safe and fulfilling environment for the extended family.

Please consider re-establishing the water development plan budget for upper Kula.

Regards,  
Robert Spangler and Cathleen Toda

RECEIVED

**From:** Laura and Tracy Stice <malikotillc@gmail.com>  
**Sent:** Wednesday, October 7, 2020 3:26 PM  
**To:** County Clerk  
**Cc:** Laura Stice  
**Subject:** Water use development plan CR 20-128

2020 OCT -7 PM 3:41

OFFICE OF THE  
COUNTY CLERK

Dear Council members,

We are Tracy and Laura Stice,

We ask you to hold this bill and send it back to committee for further review.

We are owners of Maliko Ti, LLC located at 1995 Hana Hwy in Haiku at the bottom of Maliko Gulch near the old Hana Hwy bridge. We have farmed 1.5 acres of ti leaves at this location for the past 10 years, slowly increasing our production each year. Now we have 15,000 plants, but unfortunately, they are all dying from lack of water. We are cutting back the entire field starting Oct. 14 to put the plants into a dormant state, pending our well application with the state.

Maliko Stream is dry. The spring that feeds our farm is dry as there is no longer any irrigation above on the old cane fields to support a spring that has been running for over 100 years. With the plantation gone, EMI in a holding pattern until a negotiated water settlement is reached, and the Haiku and Lowrie ditches are dry most of the time, we are truly struggling.

We do intend to drill a well for our farm as we really have no other choice at a cost of over \$50,000. There is no county water anywhere nearby.

We know we risk getting non-potable water full of DCBP, but at least our farm can drink DCBP water.

Hopefully, our well does not impact our neighbors well, or the huge wells a mile upstream owned by Mahi Pono or A&B that were built 100 years ago as backup for the plantation.

Please give this bill some more study and please include Haiku first as a user. Our community needs more water for domestic and farm use.

As a farmer, please look at the long term plan for Maui. To be sustainable, our farmers need water first, not new hotels and luxury homes on the dry side of the island.



**Maliko Ti LLC**

Laura and Tracy Stice - Owners

Wholesale Green Ti Leaves

470 Ulumalu Rd.

Haiku, HI 96708

808-281-5411 Tracy

808-281-7730 Laura

MalikoTiLLC@gmail.com

<https://www.malikotillc.com/home/>



## Ha'ikū Community Association

RECEIVED

2020 OCT -8 AM 7: 52

OFFICE OF THE  
COUNTY CLERK

Haiku Community Association  
PO Box 1036  
Haiku, HI 96708

To: Maui County Council  
re: CR-20-128 Maui Water Use and Development Plan

Ha'ikū Community Association (HCA ) recently held a virtual Town Hall (September 24, 2020) with the DWS staff answering community questions. Over 1000 people viewed the meeting. It is apparent that our community has concerns that are not well addressed in the current draft of the WUDP.

HCA respectfully requests the County Council to send the Draft Water Use and Development Plan back to the appropriate committee to amend the Plan and bring more clarity to these four areas:

### **1) Proposed Haiku Wells.**

WUDP refers to this as "Ko'olau/Ha'ikū Aquifer basal well plan option for Maui DWS central Maui system future water source."

**Community Concerns:** Important background requirements for any future Ha'ikū well project and their potential costs are missing in the WUDP and assumptions are being made in WUDP charts on future water sources, without full data.

### **What needs to be added:**

- The Ko'olau/Ha'ikū well strategy is mentioned at least 17 times, spread over 5 sections of the Maui WUDP. **These references need to have qualifying information about the project requirements.**
- At least 3 different places the WUDP plan states that the Ha'ikū aquifer has a large amount of available water that is not used or needed by local residents, and can be transported elsewhere, but there is no firm PROOF of this high yield, and no discussion how much of the aquifer capacity would be needed to serve the Haiku 400 applicants waiting on the Upcountry meter list, as well as additional needs of Haiku residents.

**Acknowledgement is needed that only limited Ha'ikū aquifer testing has been done, and that the expected water needs of Ha'ikū priority-listed applicants for water meters should be included in the discussions, to comply with the Pa'ia-Ha'ikū Community Plan.**

- Haiku wells are described in several places as the “lowest cost” new water source for Central & South Maui, based on a 2013 DWS study that is not publicly posted for review. The full costs of the project are not referred to in the WUDP, only the costs of land, construction and operations.

- Those unexamined costs include:

- ~ additional well or wells to provide enough water supply to Haiku homes and farms for the next 20 years, to comply with Pa’ia-Ha’iku Community Plan
- ~ studies of Ha’iku aquifer contamination by agricultural chemicals and long term treatment costs.
- ~ studies of Ha’iku aquifer potential contamination by cesspools and livestock waste
- ~ Studies of existing Ha’iku wells and springs that are the only water source of local residents and their locations in relationship to county wells
- ~ Studies of fisheries and gathering areas off the coast of Ha’iku that are dependent on groundwater flows and the gathering practices and traditional use
- ~ Studies of Ha’iku streams and cost of petitioning State Water Commission to set stream flow standards for all Ha’iku streams, as required by the East Maui Consent decree
- ~ Creating a bonding mechanism to reimburse residents whose wells or springs are affected by the large capacity County wells if they are built.

- A table reflecting more realistic language about the unproven capacity of Ha’iku aquifer, and the much wider range of costs and requirements associated with the Ha’iku well plan should be included in the WUDP to be transparent. Currently the WUDP only states that “comprehensive hydrological studies” are needed. The complete range of information needed and approximate costs should be included.

## 2) Upcountry Priority Meter List.

**Community Concerns:** WUDP needs more updated and specific information and specific solutions about Upcountry priority list. WUDP states : **“Identifying and allocating water resources to satisfy the Upcountry Meter Priority List and agricultural needs in the region are possibly the greatest challenges of this WUDP Update.”**

**Current WUDP language and data does not address this challenge.**

### **What needs to be added:**

- WUDP’s Upcountry meter priority list is based upon data from June 2014 and appears to assume that the number of meters requested, and the water demand they create, is unchanged after 6 years of giving out meters. **Latest 2020 data on number still on the Upcountry list , and projected demand based on that figure, should be added to this WUDP.**
- The WUDP assumes that by 2030 more will be known about how many meter reservations will never be used and how many need to be provided for. It also assumes that larger projects on the meter list, like Hali’imaile developments will develop their own water sources, but all the tables appear to include demand from all 1,822 meter requests (2014 number) falling on the public system.
- **WUDP needs to make it clear if the County system is still assuming it needs to provide a “back up” plan and find additional water to serve these larger projects, or if they are excluded from the MDWS system demands and included under future demands of private water systems.**



To clarify needs and solutions for the Upcountry list , updated data should be added to the WUDP on:

- ~ number of applicants still on the list as of June 2020
- ~ estimated updated meter list water demand by area: Kula; Makawao, Ha'ilimaile, Pukalani and Ha'iku
- ~ Breakdown of how many meter list reservations were for single homes/ small subdivisions and large subdivisions, and estimated water demand for each
- ~ Proposed water source and cost to implement the water source, for each region to meet water meter list demands, and how much additional water would be available for additional Upcountry water requests. (properties not on the "list")
- ~ Number of applicants where hook up changes are impractical to afford, and DWS strategies to provide water to these families

### **3) County's Future Role in Leasing/Managing Water from East Maui System**

**Community Concerns:** The East Maui ditch system is transporting water from public lands, yet it is "controlled" by a private company. East Maui stream diversions are an important source of water for Upcountry homes and farms and the WUDP describes a number of longterm DWS goals as depending upon agreements with A&B. The WUDP gives no clear vision about Maui County or other partners playing a more proactive roles in managing and allocating the water from public lands, leaving the County entirely dependent on EMI/A&B decisions.

**WUDP should include information from the 2019 Board of Water Supply study ("TIG Report") on East Maui water system options. WUDP should directly discuss costs and benefits of alternative lease holders/ management for EMI water system on state land to give MDWS security for its long-range water planning and a more self-sufficient approach to management of publicly owned East Maui surface waters.**

#### **What needs to be added:**

- The WUDP refers to studies of the EMI system that should be funded by the Maui DWS and maintenance investments, but puts forward no long-term vision leading to reliable access to sufficient waters from the system.
- the WUDP does not mention that a Temporary Investigative Group ("TIG") was set up by the volunteer Board of Water Supply in 2019 to review options for public ownership and management of the EMI system, and a TIG report was released in October 2019.

**A table, based upon the TIG report, should be created and amended to the WUDP, to offer analyses of county's options to have more say in the East Maui ditch system, and next steps recommended over the 20-year WUDP span.**

### **4) Private Water Agreements between MDWS and others**

**Community Concerns:** WUDP should include a clear and complete listing of what's included in the water agreements DWS has with other parties and what water policies /strategies they would influence over the next 20 years. Other private agreements with DWS are detailed in various WUDP Sections, but many major agreements are not mentioned or only portions of them are discussed. The Plan should be consistent and transparent.

#### **What needs to be added:**

- DWS has source credit agreements with RCFC Kehalani LLC, Wailea Resort, and possibly others that guarantee certain amounts of water for various projects. This is not made clear in the WUDP. The public is left to assume that water meters are simply assigned to those who request, rather than the reality that certain landowners have “reservations” of County water they can direct. **The WUDP should discuss what these agreements say, and how they affect the future of available water meters for the Central Maui Water System that serves Wailuku, Kahului, Pa’ia and south Maui.**

- Maui water department (DWS) has a 25-year Water Memorandum of Understanding (“MOU”) with A&B that was signed in 2000, and 2018 Water MOU update with A&B. These agreements allow a variety of water partnerships on projects in Ha’iku area, including the Ha’iku well plan, that would award A&B “allocations” of water developed. **The WUDP should discuss what these agreements say, and how they affect the future of available water meters for the DWS Upcountry system and the Central Maui Water System that serves Wailuku, Kahului, Pa’ia and south Maui.**

- **Any other agreements anticipated or in effect, such as the “Dowling well” agreement, or the anticipated Waikapu Town well agreement, should be included in the WUDP, and the details discussed, in appropriate sections. Many would have bearing on future water planning decisions.**

Mahalo nui for your consideration of these important topics missing from the Draft WUDP. Our community does not want to wait another 5, 10 or 20 years to see this information included in the Maui Water Plan.

Scott Werden, Secretary  
Ha’iku Community Association