

AGRICULTURE AND PUBLIC TRUST COMMITTEE

Council of the County of Maui

MINUTES

June 28, 2022

Online Only via BlueJeans

CONVENE: 1:31 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair
Councilmember Gabe Johnson, Vice-Chair
Councilmember Kelly Takaya King, Member
Councilmember Alice L. Lee, Member
Councilmember Michael J. Molina, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 3:56 p.m.)

NON-VOTING MEMBERS

Councilmember Yuki Lei K. Sugimura

STAFF:

Alison Stewart, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Richard Mitchell, Legislative Attorney
Maria Leon, Committee Secretary
Yvette Bouthillier, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk

Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci
Gina Young, Executive Assistant to Councilmember Shane M. Sinenci
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson
Axel Beers, Executive Assistant to Councilmember Kelly Takaya King
Ellen McKinley, Executive Assistant to Councilmember Kelly Takaya King
Sarah Freistat Pajimola, Executive Assistant to Councilmember Keani Rawlins-Fernandez
Davideane Kama-Sickels, Executive Assistant to Councilmember Tasha Kama
Evan Dust, Executive Assistant to Councilmember Tasha Kama
Kainoa Kaumeheiwa-Rego, Executive Assistant to Councilmember Keani Rawlins-Fernandez

Zhantell Lindo, Council Aide, Moloka`i Council Office
Denise Fernandez, Council Aide, Lāna`i Council Office
Mavis Oliveira, Council Aide, East Maui Council Office
Christian Balagso, Council Aide, West Maui District Office
Daniel Kanahele, Council Aide, South Maui District Office
Anabelle Hernandez, Council Aide, Makawao-Ha'ikū-Pā'ia District Office

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ADMIN.: Richelle Thomson, First Deputy Corporation Counsel, Department of the Corporation Counsel (APT-1(9), -47))
 Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel (APT-1(9), -47))
 Christie Trenholme, Deputy Corporation Counsel, Department of the Corporation Counsel (APT-1(9), -47))
 Keola Whittaker, Deputy Corporation Counsel, Department of the Corporation Counsel (APT-1(9), -47))
 Samual Marvel, Deputy Director, Department of Parks and Recreation (APT-47)

OTHERS: Fawn Helekahi-Burns (APT-1(9), -47))
 Christopher Delaunay, Lobbyist, Pacific Resource Partnership (APT-1(9))
 Shay Chan Hodges (APT-1(9))
 Faith Chase (APT-1(9), -47)
 Nāpua Hū‘eu, (APT-1(9))
 Toni Eaton, (APT-1(9))
 Lucienne de Naie (APT-1(9))
 Dick Mayer (APT-1(9))

Resources

 Shay Chan Hodges (Item APT-1(9))
 Lucienne de Naie (Item APT-1(9))
 Jonathan Likeke Scheuer, Water Policy Consultant, Department of Hawaiian Home Lands (Item APT-1(9))

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

CHAIR SINENCI: . . .*(gavel)*. . . Aloha ‘auinalā and yu orait kākou. Welcome to the Agriculture and Public Trust Committee meeting of Tuesday, June 28th, 2022. Members, it is 1:31 p.m. I’m Shane Sinenci, your Committee Chair. Members, in accordance with Sunshine Law, if you’re not in the Council Chamber, please identify by name who, if anyone, is present with you. Today we have--welcome back--our Committee Vice-Chair, Member Gabe Johnson. Yu orait?

VICE-CHAIR JOHNSON: I’m fine, and you? Yu orait to all of you, Committee, Staff, Members. Good to be back, looking for an exciting meeting. I am alone in my workspace in Lāna‘i, and there are no testifiers at the Lāna‘i District Office.

CHAIR SINENCI: Mahalo, Committee Vice-Chair Johnson. Next...oh, we just received word that Councilmember King will be joining us shortly. She’s got some connectivity issues at the moment. Next, we have Council Chair Alice Lee, aloha and yu orait?

COUNCILMEMBER LEE: Aloha, Mr. Chair. Yes, I’m all right and hope you...you and everybody else is all right. Now, I’m here in my office in the building, and by myself. Looking forward to your meeting. Thank you.

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CHAIR SINENCI: Mahalo, Chair Lee. I do see Member King just popped on. Aloha, and yu orait?

COUNCILMEMBER KING: Aloha, Chair. Can you see me?

CHAIR SINENCI: We cannot at the moment.

COUNCILMEMBER KING: I...my camera's on, and I don't see myself, but I'm here, and I can see all of you, so I hope you're all right. Anyway, I...I received word from the South Maui District Office there are no testifiers there. I'm in the Chambers, it looks like that Member Sugimura and Member Molina have deserted me, so I'm all by myself. No, but the Staff is here, and they're all right as well. . . .*(laughing)*. . .

CHAIR SINENCI: Okay. Mahalo, Member King. Next, we have Councilmember Mike Molina. Aloha and yu orait?

COUNCILMEMBER MOLINA: Mr. Chair, and yu orait, and glad to hear everybody's all right. I'm transmitting now from my home here under the virtual bridge in Makawao, and in the other room is my wife. And I believe there's no testifiers at the Pā'ia District Office. Thank you, Chair.

CHAIR SINENCI: Mahalo. Next, we have Councilmember Tamara Paltin. Aloha, and yu orait?

COUNCILMEMBER PALTIN: Yu orait, aloha 'auinalā kākou. Broadcasting live and direct from Hilo. The sun did come out eventually. And with me, I have my parents, eating lunch, Mildred and Samuel Paltin, and there is no testifiers at the District Office. Thank you.

CHAIR SINENCI: Mahalo for joining us from Hilo, and aloha to the Paltins as well. Next, we have Council Vice-Chair, Ms. Rawlins-Fernandez. 'Auinalā, and yu orait?

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha 'auinalā, Chair, mai Moloka'i Nui a Hina. I'm at the Moloka'i District Office, alone on my side of the office, and we have our Community Outreach Specialist Zhantell Lindo, and my Legislative Analyst Mahina Poepoe on the other side of the office.

CHAIR SINENCI: Aloha, Mahina. I...I thought I did see Councilmember Sugimura, but first, we have Non-Voting Committee Members in Presiding Officer Pro Tem Tasha Kama, and Councilmember Yuki Lei Sugimura, they're always welcome to join us. For the record, I am here with my District Staff Dawn Lono, Iwalani Medeiros, and Gina Young. From the Administration today, we have Deputy Corporation Counsel Christie Trenholme, aloha.

MS. TRENHOLME: Aloha, Chair and Members.

CHAIR SINENCI: *(Audio interference)* us. From the Parks and Recreation Department, we have Deputy Director Samuel Marvel for *(audio interference)*. Staff that's joining us today on

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this meeting, is our Legislative Analyst Alison Stewart.

MS. STEWART: Aloha, Chair and Members.

CHAIR SINENCI: Aloha. As well as Committee Secretaries Maria Leon and Yvette Bouthillier. Aloha.

MS. BOUTHILLIER: Aloha and good afternoon, Committee Chair and Members.

CHAIR SINENCI: Also with us today, our Assistant Clerk Jean Pokipala. Aloha. As well as our Legislative Attorney, Mr. Remi Mitchell. Aloha and yu orait?

MR. MITCHELL: Aloha, Chair and Members.

CHAIR SINENCI: Okay. Members, today...we have two items on the agenda today, APT-1(9), The Countywide Water Authority. We also have an update, APT-47, the Old Hāna School Improvements. Oh, I do see Member Sugimura. Aloha and yu orait. Okay, so let's begin with public testimony. Testifiers wanting to provide video or audio testimony should have joined the online meeting via the BlueJeans link or phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via the eComment link at mauicounty.us/agendas. Oral testimony is limited to three items per...that's, excuse me, three minutes per item. If you're still testifying beyond that time, I'll kindly ask you to complete your testimony. When testifying, please state your name, and if you're testifying on behalf of any organization, or if you're a paid lobbyist. Please also indicate the agenda item or items that you are wishing to testify on. If you're logged on into the meeting, Staff has already added your name to the testifiers list, so you may indicate in the chat that...if you do not wish to testify. However, chat should not be for discussions or additional comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you're done testifying, or if you do not wish to testify, please disconnect BlueJeans and continue viewing the meeting on Akakū Channel 53, on Facebook Live, or mauicounty.us/agendas. You may be disconnected after oral testimony. Thank you all for your cooperation. Staff, will you please call the first testifier? Ms. Stewart, will you be calling the testifier log? I don't see it in the chat (*audio interference*).

MS. STEWART: Were you able to hear me?

CHAIR SINENCI: I wasn't.

MS. STEWART: Okay. The first testifier...can you hear me now?

CHAIR SINENCI: Yes, we can.

MS. STEWART: Okay. Yes, I believe the log is dropped in the chat. We can drop it again. And the first testifier on the list is logged in as Velma.

CHAIR SINENCI: Velma's indicated that she's not here to test...testify.

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MS. STEWART: Okay, the next person on the list is Fawn Helekahi-Burns.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR SINENCI: Aloha, Ms. Helekahi-Burns.

MS. HELEKAHI-BURNS: Aloha mai. Can you hear me all right? Aloha mai to the Councilmembers for the Maui County. My name is Fawn Sherie Helekahi-Burns. I am presently the site coordinator for UH Maui College, Hāna Ed Center. I am speaking on both behalf of the renovations of the Old Hāna School, and also on the Hawai'i...on the East Maui Advisory Committee. I will be starting, first of all, my testimony with the update of the renovations of the Hāna Community Center. The Hāna Community Center, right now, as you all know, has been the hub of many services that services our...our rural community out here in Hāna. And...and also, as you know, it has been closed for over a year now, with very few communications of when the next...or when the end of the assignment or the project will be. My biggest concern right now is, I do believe that on the Department of Parks and Rec's side, and also communicating with the different agencies that once had their establishments there at the Community Center has not been as...the communication hasn't been really, really clear, and the information hasn't really been clear. I just would like to urge our Councilmembers to...to be aware that we do want to see this project completed, and in the best time that we can, for there is many organizations that have to find temporary locations for the services elsewhere, where...where we are bounded by not only our own policies ourselves, but also by the policies of the temporary locations we are at, at this time. And what's becoming really a concern for me, is the...where I'm at right now is at the Hāna School. I was very fortunate to be able to get a room to continue the services for Maui College, and providing the opportunity for a higher education in our rural town. We also...Hāna School is also going through renovations themselves, so I have a temporary room now, which at any time, at any point, we would have to vacate or move, due to the renovations that they already have planned for this area. And it also prevents us from being able to have certain services, like Wi-Fi. And so the Maui College aren't able to put in something more permanent for this temporary time because of having to change locations within the school. And so that becomes really hard, being that we're in an...a rural area, and most students do seek the opportunity of Zooming from this location. So that's, I think, one of the biggest thing of having distance learning in...in rural areas, is the ability and the access to the Wi-Fi, so they can continue to not have any disruptions during the semesters and during their classes while they attend. So that's one of our biggest concerns. And also, you know, to be able to have...be on the same page with the Parks and Recs, of how they're moving along for every step, and being able to give us a nice, clear, concise timeline of the project. So we do ask that the Councilmembers just hopefully urge on the advocacy of these different services that are now moving onto two years by the ending of this year, to these different temporary areas. This is my second temporary location, as of our vacating of our last...vacating of the community center. So just to keep you updated on these services that we are still kind of continuing, and also to continue on, you know, as much to support our...our Hāna

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School in whatever projects that they have, so they can best be able to provide these temporary locations for these services that, at this time, utilize their facilities. So at this time, I do know that the public nurse has a room here, that UH...the UH Maui College Hāna Ed Center has a room here, and the Hāna Youth Center. So these are the different agencies who vacated the community center, and now reside on the facilities of the Hāna School. So being able to support them in any way with whatever projects and renovations that they're having at this time, will be really not only beneficial for the school and the students themselves, but also for the agencies and the organizations that utilize their facilities. Moving on to the East Maui --

CHAIR SINENCI: *(Audio interference)*

MS. HELEKAHI-BURNS: Yes?

CHAIR SINENCI: Ms. Burns, hold on. Let me see if there's any questions on the first item. Any...Members, any questions on the...excuse me, the second item, the Old Hāna School Renovations? We have a question from Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Helekahi-Burns. I just was wondering, before time when the pandemic started, they had that mobile hotspot van. And if that worked out, was it not something that could be made available to you folks if it was...if it worked?

MS. HELEKAHI-BURNS: I...you know, I believe they made it really available for the public in a public domain, and so I do believe that they had a lot of people watching Netflix on it. Because it was at Hāna Bay, was a perfect spot to watch Netflix and check your emails. Unfortunately, if you...if we really want to be able to use those services for, I'm not going to say more...more necessary service, necessary usage, we would have to definitely relocate that...that bus, so it could be used for specific reasons instead of just on Netflix. Our community-based setting, yeah, more based towards certain demographics of our population.

COUNCILMEMBER PALTIN: Maybe like password for the college students for scholastic purposes, or something like that.

MS. HELEKAHI-BURNS: That would be...that would be useful, but it's also, you know, as a student, as...as a student in a class, location does become very crucial at that time. So, you know, Hāna Bay is the action hub of Hāna, you know, that's where we want to cruise. We cruise Hāna Bay pounding sounds, and all of those kind of things you're going to have to deal with as a distraction. So if we were to put it, and place it in a different location that would be more conducive for a learning environment, I think will be a wonderful alternative to our Wi-Fi needs.

COUNCILMEMBER PALTIN: Got it. Thank you for the clarifications.

MS. HELEKAHI-BURNS: Mahalo.

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CHAIR SINENCI: Okay. Mahalo, Member Paltin. So then your second item?

MS. HELEKAHI-BURNS: So on behalf of the East Maui Advisory Council, that will...that we hope will be able to be formed, I...I'm...I am in support of being able to bring the water authority that's dealing with our Maui County back here to the Island of Maui, and...and especially to...due to the fact that we...our...our water on whatever island that we might reside on is one of our most precious resources. And...and being that Hāna and Hawai'i as a whole, the State as a whole, is becoming such a hotspot for development, we do want to bring it back home to those who are affected by the usage, or by the authority of where the water goes. So I...I would like to request our Councilmembers to be in favor of allowing our East Maui Water Authority Council to be developed, and find the great policies of the perfect people to be able to be placed on there, so we can better manage our number one most precious resource for the Island of Maui, and for really the best usage, and the best, let's see, utilization for the future...future generations that come. We are definitely becoming one of the most sought out . . . *(timer sounds)*. . . locations in all of the world, that we really should definitely bring that back to our...our community, so we can better serve the future of...of our Maui County. And with that bell, that's it.

CHAIR SINENCI: Mahalo, Ms. Helekahi-Burns.

MS. HELEKAHI-BURNS: Mahalo.

CHAIR SINENCI: Members, any questions for the testifier? Seeing none. Mahalo for joining us this afternoon.

MS. HELEKAHI-BURNS: Aloha.

CHAIR SINENCI: Aloha. Ms. Stewart, can you call the next testifier please?

MS. STEWART: Chair, the next testifier is Christopher Delaunay, to be followed by the caller logged in with the last four digits 9711.

CHAIR SINENCI: Mahalo, Mr. Delaunay.

MR. DELAUNAY: Aloha, Chair. Aloha, Vice-Chair and Members of the Committee. Chris Delaunay, with Pacific Resource Partnership, and I am a lobbyist for Pacific Resource Partnership. So we oppose a Countywide Water Authority because we believe that it conflicts with County Ordinance 5335, Maui Island Plan, and the water...the State Water Code, Chapter 174C, Hawai'i Revised Statutes. Under Section 174C-31 of the HRS, our State Water Code, it requires that the Hawai'i Water Plan consists of four parts. A part of the plan, subsection A-2 of the statute, requires water use and development plans for each County, which shall be prepared by each separate County and adopted by ordinance. It is my understanding that Maui County has satisfied this requirement by adopting...or enacting Ordinance 5335, or Bill 14 this year, which is Maui's update to the Maui Island Water Use and Development Plan. It is my understanding that the Maui Island Plan, Policy 6.3.1.B, pass...passed to ensure that

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the Water Use and Development Plan implements the Maui Island Plan, which I believe this Council did when they enacted Ordinance 5335. It is my understanding that Maui Island Water Use And Development Plan adopted by this Council specifically states, under Exhibit A of Ordinance 5335 on page 270, that a study should first be conducted to study water system ownership and management models, such as a water authority. So the Plan calls for a study of a water authority. The Plan does not say to establish a water authority, which is the intent of this proposed Charter amendment before us today. Furthermore, it is my understanding that Maui Island's Water Use And Development Plan update is currently before the State Commission on Water Resource Management for a public hearing, as required by Chapter 174C HRS. If the Council decides to adopt this proposed Charter amendment, I am deeply concerned that the Council is not following the Maui Island's Water Use And Development Plan enacted as Ordinance 5335 by not doing a study on a water authority. I am also concerned that the Council will violate the Maui Island Plan and State law, the Water Code. Therefore, a study should first be done before considering the creation of a water authority, especially since we don't know whether or not the Authority will create more layers of bureaucracy, since we don't know whether the County has the resources to implement such an authority, and we don't know exactly what this authority will do. So in conclusion, we respectfully request that you consider not approving . . .*(timer sounds)*. . . this proposed Charter amendment at this time. Thank you.

CHAIR SINENCI: Mahalo, Mr. Delaunay. We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Delaunay, for your testimony. I'm sorry, were...to clarify, were you a...a lawyer giving us legal advice, or were you...are you...are you a lawyer?

MR. DELAUNAY: Yeah, I'm a lawyer, but I'm not giving you legal advice. And as...I'm just highlighting some concerns that we have at PRP related to this proposed Charter amendment.

COUNCILMEMBER PALTIN: Okay.

MR. DELAUNAY: And should be seriously looked into.

COUNCILMEMBER PALTIN: And did you watch the previous Committee meetings, where we studied the Water Authority with the resources the Chair brought to the Committee?

MR. DELAUNAY: No, I didn't.

COUNCILMEMBER PALTIN: So then just to clarify, how are you saying we didn't study this?

MR. DELAUNAY: No, I...I just...I had looked into it, and I see contradiction . . .*(inaudible)*. . . --

COUNCILMEMBER PALTIN: But that wasn't my question. My question was that you said that a study must be done, and we studied it when the Chair brought the resources that he met at the WIR Conferences to explain to us. So, I mean, I don't know. You said that

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we didn't study it, and you weren't watching --

MR. DELAUNAY: Was it --

COUNCILMEMBER PALTIN: -- the meetings.

MR. DELAUNAY: -- was it a published study? Was...was it was it a published study?

COUNCILMEMBER PALTIN: I'm asking questions, you're not allowed to ask --

MR. DELAUNAY: Oh, I'm sorry, yeah. So I...I didn't see a meeting. I didn't see the meeting you're talking about.

COUNCILMEMBER PALTIN: Okay, so I'm just saying that I don't think you know what you're talking about, because we studied it when the Chair brought the resources to the Committee meetings, but you didn't watch it. So I...I don't know that you know what you're talking about. Thank you.

MR. DELAUNAY: Well, thank you for that. I appreciate it.

CHAIR SINENCI: Mahalo, Member Paltin. Next, we have a question from Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Delaunay, mahalo for your testimony as a lobbyist for the PRP. Okay, so my clarifying question on your testimony is, you cited the Maui Island Plan, and the Maui Island Water Use and Development Plan. So are you saying that those two plans are binding?

MR. DELAUNAY: Well, I...I not only cited that, I cited --

COUNCILMEMBER RAWLINS-FERNANDEZ: It...it's a yes or no.

MR. DELAUNAY: -- the Water Code. Am...am I saying the...the Maui Island Plan is binding, and the Water Plan --

UNIDENTIFIED SPEAKER: *(Audio interference)*

MR. DELAUNAY: -- adopted by Ordinance 5335? Yes, I would think so. It's the Ordinance that the Council adopted, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MR. DELAUNAY: Thanks.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. And yeah, Mr. Delaunay, I believe the

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Commission on Water Resource Management public hearing will be on September 21st, for your information. Then please, mahalo for staying on with us, but please stay on so that you can see some of the...we'll have a presentation addressing your (*audio interference*).

MR. DELAUNAY: Okay. Thank you.

CHAIR SINENCI: Ms. Stewart, can you call the next testifier?

MS. STEWART: Chair, the next testifier is the caller with the last four digits 9711, to be followed by Shay Chan Hodges.

CHAIR SINENCI: Aloha, 9711, are you there? You want to provide us testimony this afternoon? Okay, Ms. Stewart, we can come back to that phone number. Ms. Shay Chan Hodges --

MS. CHAN HODGES: Aloha. Aloha Chair, aloha Committee Members. My name is Shay Chan Hodges, and I would like to address the costs of a community water authority. First of all, every water system in this County is different. We have many systems owned by private entities, ranging from companies that have a long history here to foreign entities like Canadian Pension Fund, PSP, and the wealthy Singapore Malaysian family that owns three systems on Moloka'i. In terms of what the County pays for some of these...to some of these private owners, a popular argument in favor of Mahi Pono/PSP being allowed to continue to control Maui water has been the agreement with EMI to deliver Upcountry water for six cents per 1,000 gallon...gallons. That rate is cheap. The County pays Maui Land & Pine 29 cents, and Wailuku Water Company 50 cents per 1,000 gallons. But the EMI rate is likely to go up when Mahi Pono's lease rate goes up. But the real question is, what is the actual cost of delivering water for a particular system, and what are the potential sources of revenues to offset those costs? And in the case of water authorities throughout the County, just like with our Countywide municipal system, how can systems operate at a profit support those with a net deficit? Based on what some critics of an East Maui Community Water Authority have said, you would think that EMI is a system that loses money. It is not. That's why PSP wants it. Per Mahi Pono's 2021 EIS, EMI totally...EMI's total costs, including labor, fringe benefits, materials, professional services, taxes, maintenance, lease payments, and other expenses are projected to be 2.2 million per year. That's an expenditure of 30 cents per 1,000 gallons. Given that the County currently pays six cents, the water authority would need to make up 24 cents per 1,000 gallons for Upcountry's approximately six million gallons a day, or \$528,600 per year. EMI is currently allowed to deliver a total of 20 million gallons a day, far less than what Mahi Pono is asking for. If the water authority could only deliver that amount, it would have revenues from the remaining 14 million gallons per day to deliver for agriculture. Based on current non...the current nonpotable ag rate of \$1 per 1,000 gallons, gross revenues for that 14 million gallons a day would be \$5.1 million per year. So after covering a half a million in outstanding costs to deliver water Upcountry, and 1.54 million in expenses for the rest of the EMI system, the East Maui Authority would net just over 3 million per year. Of course, costs, revenues, and opportunities are very different for each system, and would need to be

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assessed separately, and in combination with other systems, as well as in the context of costs and benefits of investments to reduce leakage, storing grow water, renewable energy options, not to mention Federal and State funding of financing of repair and maintenance, and voluntary reductions of diversions. With the EMI system alone, not only can we potentially reduce ag rates, making sure local farmers don't pay a dollar per 1,000 gallons, while a foreign pension fund . . . *(timer sounds)*. . . spends 30 cents for the same water, we could also ensure that local farmers have access to the water they need, which, as we know, they do not have today. Mahalo.

CHAIR SINENCI: Mahalo, Ms. Chan Hodges. Members, we've asked Ms. Chan Hodges as a TIG author and the Board of Water Supply Chair...past Chair, to stay on as a resource. Are there any questions for her at this time? Thank you. Mahalo, Ms. Chan Hodges. Ms. Stewart, can you please call the next testifier?

MS. STEWART: Chair, the next testifier is Faith Chase, to be followed by Nāpua Hū'e'u.

CHAIR SINENCI: Aloha, Ms. Chase.

MS. CHASE: Aloha, Chair Sinenci. Aloha, Committee Members. I'd like to testify on both items. First of all, I'm glad that there's no legislative decision being made here because reading through this resolution, I see...I see several things that are important to be included here. But overall, just to lay the importance and the...the seriousness of creating this East Maui Authority, we...we...we've been fighting...we've been fighting for our water for a really long time. And when you create this East Maui Water Authority, what you're doing is you're taking under your wing the indigenous Hawaiian population and the marginalized farmers. And in doing so, you have support for funding for all...for the things that have...people have been concerned about in the Federal landscape. There's...there's racial equity grants, there's Bureau of Reclamation Region 8 Watershed management grants that are, you know, short term, long term, or in phases. There are tons of...we've actually only been under Region 8 Department of Interior Bureau of Reclamation for two years under Region 8, so it's an untapped resource. And I do sympathize for Eva and the...in the CWRM, because grant work is...is...is vigorous and feverish, and so...but just to know that, that any of those areas of concern to funding are going to be easier. Because in this authority, the way you've worded it and you've included the different...different sort of districts, that's your native population. And so therefore, you will be able to connect all those dots. With the...I think bridging with the Department of Ag is going to be really fluid. I...I...I do have some concern about the Charter amendment being together because I would hate to come this far, and then have that pushback that we're aware of, maybe not as...excuse me, as elementary as the lobbyist that testified here today, but once it gets onto the ballot, I...I fear that there would be some of that continued sort of pushback. So I would hate for East Maui Community Regional Board to be thrown under the bus because of that larger reach, but I do support it. I really like it. The...I do...where you say...where it's in the...mentions Department of Hawaiian Home Lands, I think it's very important to...also to include the Sovereign Council on Hawaiian Home Lands Association, because the SCHAA, S-C-H-A-A, is actually equal in authority as DHHL, but everybody is just kind of realizing that. So I would make that...that would be...that's one of the strongest edits

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that stands out to me. I have a lot of different little sections that I would...can comment on, but I'm working on sending you a written...written testimony, and drop it into eComment. . . .*(timer sounds)*. . . I...the second item, of course, just a feel good...feel good story, that's my alma mater, that building. I went to nursery school, preschool, all the way up to sixth grade. I think sixth grade, our new school was built, and we got to move over. But that...that building deserves love, and I totally support the rehabilitate...the monies to...to restore the Old Hāna School building. And of course, you know I have a lot to say, if somebody wants to ask me any questions, I would appreciate it, but I will submit my written testimony. Thank you for your time.

CHAIR SINENCI: Mahalo, Ms. Chase. And just for clarification, the East Maui Community Water...Water Authority Board has been moved out of the GREAT Committee, and it will be on the July 1st Council meeting this Friday, and so today's discussion is just if we want to go ahead and include the larger Countywide version. We have a question for...from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I...I was wondering if you could clarify the...what...what you were saying that you wanted for SCHAA because I...I believe our Chair's amendment, that DHHL will nominate the representative of the Hawaiian Homes Commission, but you're saying in addition, or was it either/or? If you could clarify what you were saying on the SCHAA part?

MS. CHASE: I will. And actually, I guess this would be my advantage to...to share my preference. I don't think DHHL has done their job, and that was the...that was why the Sovereign Council on Hawaiian Home...Homestead Associations was created, to make up the difference for the lag...lagging of DHHL. So if not one of each, I would choose SCHAA over DHHL any day. I go to...I go to almost every single meeting. I'm really frustrated. Our watershed is in jeopardy right now, that an ROE got approved last...on the 21st for the Leeward Haleakalā without...without proper beneficiary reach. I'm scrambling this week. I'm...I'm...I'm...I'm sad. I'm mad. DHHL has, I mean, we all know how they've failed on their deliverables. So thank you for the question. But definitely at least fair-fair, even-steven, include SCHAA in that...in that ability to be nominated. Section 8-19 too. Yeah. Add language for consistency and clarity, and to specify that the representative of the Hawaiian Home Land...Homes Commission is to be nominated by the Department of Hawaiian Home Lands, somehow include the SCHAA. I'm sorry, I didn't have fair notice to get some representatives to come here today, but I think that they would agree.

COUNCILMEMBER PALTIN: Thank you. And...and just one further clarifying question. I kind of have a small idea of how DHHL is funded. I was wondering, did you know how the SCHAA is funded?

MS. CHASE: They're very savvy, they're amazing grant writers. I don't know the inception point of their seed money. I do know that they...they are ahead of the game. As DHHL, they have a Washington office, you know, so they are taking it serious. And there's over 44 Hawaiian homesteads under their purview. So when you look at it like that, you...you wonder, why did these homestead associations pivot, take a 180, and look for

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support from SCHAA? They've done amazing work. I wish I...I...if I can find a portfolio or a splatter board of the things they've accomplished in a short amount of time, I will definitely include that in my *(audio interference)*.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. Thank you, Ms. Chase, for your testimony this afternoon. Ms. Stewart?

MS. STEWART: Chair, the next testifier on the list is Nāpua Hū'eu, to be followed by the caller with the last three [sic] digits, 7337.

CHAIR SINENCI: Aloha, Ms. Hū'eu.

MS. HŪ'EU: Aloha. I appreciate the opportunity to testify. My name is Nāpua Hū'eu. I am the community coordinator for the Honomanū Lo'i Restoration Project. Honomanū is one of the lease areas of East Maui. I understand the gentleman from PRP's concerns about the potential breaking of laws or committing of violations, but I believe that the initial premise for establishing the East Maui Community Water Authority was to help the State of Hawai'i and County of Maui avoid breaking laws and committing violations. Because historically, they have been solely given data and information from Government and/or corporate sources, which did not include the community, who are the farmers enduring the effects of the rampant violations by corporates' diverting of water. I have concern about expanding the water authority from the initially proposed East Maui Community Water Authority to that of a Countywide water authority. I do not support what I see to be an expansion of the parameters for the water authority to grow from that of East Maui to that of being a Countywide authority. I believe the East Maui Community Water Authority was a means to have the voices and intelligence of the East Maui farming community brought to the table, who have been excluded from the conversation in past. I believe the individuals who supply the water should be afforded representation, but I am concerned that expanding the representation on water to be Countywide may be perceived as an overreach, and deter the potential for the East Maui Community Water Authority itself to make it on the ballot. Representation of the source of the water should be a priority to begin with. In a prior testimony on the subject of East Maui Community Water Authority, I noted that once the East Maui Community Water Authority proved its effectiveness, I suggested a Leeward Community Water Authority, only because Kahikinui is the primary source of water on the backside southern slope of Haleakalā, and I feel the farmers and homesteaders of that region deserve to have their perspective heard in a future potential Leeward Community Water Authority, should the concept of the East Maui version be successful. I would recommend we keep the concept of a water authority to East Maui before expanding it to be a Countywide concept, and just start with East Maui.

CHAIR SINENCI: Mahalo, Ms. Hū'eu. We have a question for you from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Hū'eu, for your testimony. Just clarifying if I understood correctly, what you're saying is with the East Maui Water

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Authority on the Charter, like how Chair Sinenci said, that it passed out of GREAT Committee and it's going to be heard, and that one is on its track. And then if it passes, see how it runs, and then maybe next election, put the framework for any region that wants to...to create their own water authority. Is...is that kind of what you were saying?

MS. HŪ'EU: Correct. I think that it's pivotal that the regions that are the sources of the water for the island be sort of priority as far as forming these community water authorities. So East Maui, Kahikinui, you know, Nā Wai 'Ehā area, I think that they deserve to sort of have the concept proven first.

COUNCILMEMBER PALTIN: And...and to clarify, you...at this time, you don't want to set up the framework through a Charter amendment for any region in Maui County to set up their own water authority?

MS. HŪ'EU: I'd be supportive of any region that wants to go forward with it, but I just think that starting with East Maui, and seeing it through to be a success, would be cautionary and would be a responsible move by the County, before just sort of setting them up all over and...and not having proven the concept successfully with one region first.

COUNCILMEMBER PALTIN: Okay. I...I'm pretty sure I understand what you said. Thank you.

MS. HŪ'EU: Mahalo.

CHAIR SINENCI: Mahalo, Member Paltin. We have one more question from Member King. Oh, you're muted, Member King. Staff? Are you able to unmute Member King?

MS. STEWART: She's unmuted on...we...she's unmuted on our end. It looks like she's muted...it shows muted on her end.

CHAIR SINENCI: We still can't hear you, Member King.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER PALTIN: She's in the Chamber. You got to unmute the Council one.

COUNCILMEMBER RAWLINS-FERNANDEZ: Her...her mic is lit green, so that means her mic should work, so you have to unmute the Chamber, not...not her video.

CHAIR SINENCI: Staff, could we unmute the Chamber mic?

COUNCILMEMBER RAWLINS-FERNANDEZ: The Chamber is unmuted. Well, the screen is, anyway. I don't know about the other one. Is Council Chamber testimony...testifier?

CHAIR SINENCI: Still can't hear you, Member King.

COUNCILMEMBER KING: This is...okay. *(Audio interference)* So this is what happened --

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CHAIR SINENCI: Oops, we lost you again. We heard you for a second, and then we lost you.

COUNCILMEMBER PALTIN: What if they try unmute the other Council Chambers? There's two right above each other, and one is unmuted, and one is not unmuted.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, would you like to take a quick recess while we figure out how to get the Chamber --

CHAIR SINENCI: Yeah, sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- mics working?

CHAIR SINENCI: Thank you. We'll take a two-minute recess. Ms. Hū'eu, can you stay on for...for two minutes?

MS. HŪ'EU: No problem.

CHAIR SINENCI: Okay. The APT Committee of Tuesday, June 28 is in recess until 2:18.
...*(gavel)*...

RECESS: 2:16 p.m.

RECONVENE: 2:30 p.m.

CHAIR SINENCI: ...*(gavel)*... Aloha kākou, and welcome back to the APT Committee of Tuesday, June 28th. It is now 2:30, and mahalo, everybody, for that short break as we deal with some technological issues. I'm not sure if Ms. Hū'eu is still online; however, she did share her e-mail, should we have any further questions. Ms. Hū'eu, are you still online?

MS. HŪ'EU: I am still here.

CHAIR SINENCI: Oh, okay. Go ahead, Member King.

COUNCILMEMBER KING: Okay, thank you. Thank you for your patience, Nāpua. Can you hear me now?

MS. HŪ'EU: We can, yes.

COUNCILMEMBER KING: Okay, great. What I wanted to ask you, was you...do you agree that water is a public trust to all the people on Maui?

MS. HŪ'EU: Definitely.

COUNCILMEMBER KING: Okay. And then so if we make this water authority, and it's...it's just for one section, do you believe that that should be paid for just by the folks of East

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Maui, or...or the entire island, the entire County?

MS. HŪ'EU: Well, I just feel that East Maui supplies a large portion of Maui with water, and so I would consider it to be something that all the taxpayers fund.

COUNCILMEMBER KING: Okay, but they wouldn't have a say in it, it would be a limited say. So you know, I just wanted to...to get clarity on that. Because my fear is that it might go on the ballot, but it might not pass if we don't...if we make it too limited. You know, folks might feel like it's...it's excluding them, and not vote for...we still...we want to get on the ballot, but we also want it to pass on the ballot.

MS. HŪ'EU: Right. And my concern was kind of like, I don't know if the gentleman from PRP was...if they had reservations about the East Maui Community Water Authority, or whether their reservations just recently arise because of the expansion of it being a Countywide water authority.

COUNCILMEMBER KING: Oh, I see. Okay, so --

MS. HŪ'EU: *(Audio interference)*

COUNCILMEMBER KING: -- my...yeah, my --

MS. HŪ'EU: Opposite.

COUNCILMEMBER KING: Yeah, my concern that doesn't have anything to do with theirs. I think their concern is that any kind of water authority we create, they want to...wanted us to have a study first.

MS. HŪ'EU: Uh-huh.

COUNCILMEMBER KING: *(Audio interference)* so my...I wasn't addressing what they were concerned about. I just want...I want it to be something that's seen as beneficial to the entire County, so that it will...you know, people will vote for it on the ballot.

MS. HŪ'EU: Got it. I will definitely leave that up to you guys as far as considerations. I was just bringing it up that I thought maybe some individuals would think it's, you know, sort of the opposite, where it would be like an overreach and have too much sort of input. But I'll let you guys delegate on that.

COUNCILMEMBER KING: Oh, okay. Okay. Yeah, I...I didn't realize you were addressing that concern, but thank you so much for your input.

MS. HŪ'EU: You're welcome. Mahalo.

COUNCILMEMBER KING: Mahalo.

CHAIR SINENCI: Mahalo, Member King.

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COUNCILMEMBER KING: Thank you, Chair.

CHAIR SINENCI: Yep. And mahalo, Ms. Hū'e'u. Ms. Stewart, can you call the next testifier, please?

MS. STEWART: Chair, the next testifier is Toni Eaton, to be followed by Lucienne de Naie.

CHAIR SINENCI: Aloha, Ms. Eaton.

MS. EATON: Aloha...aloha, Chair and aloha, Councilmembers. My name is Toni Eaton. I am on the Board Of Water Supply, but I am here today testifying on my own behalf. I support the APT-1(9), the Countywide Water Authority. I believe that a public entity will be better stewards of our water resources. The County will...could...the Water Authority could efficiently manage the water system and provide long-term planning and watershed management. Also, the Water Authority will...will be responsible for prioritizing, analyzing, and developing a master plan, where there hasn't been one for over 144 years. This will ensure that our public trust resource will be available for our future needs. Now, a private foreign corporation, they're more concerned about the bottom line. They have a fiduciary duty to their stakeholders, and nothing whatsoever for the citizens of Maui. They have proven their intentions by taking all the water with no regard for the repercussions. For far too long, we've had no water in our streams, and that's not stewardship. They have not come up with any plans, other than donating a few thousand dollars to the Haleakalā watershed management people. So, you know, they...the first (*audio interference*) A&B, then HC&S, and now Mahi Pono, they're more...more worried about them getting the water that they need at this point, than our streams, our people or (*audio interference*) this whole thing, and --

CHAIR SINENCI: Member...Ms. --

MS. EATON: (*Audio interference*)

CHAIR SINENCI: We...you're coming in garbled. Go ahead.

MS. EATON: How's this? Is this better?

CHAIR SINENCI: Yeah, much better. We kind of missed the last couple of sentences, though.

MS. EATON: Oh, okay. Well, you know, getting back to Nāpua's, you know, concern about us, you know, I mean, doing the Countywide as opposed to just starting small. But I say if we're going to do it, we might as well do it all one time. There's no...no way that we are able to fail on this. This...this project, this...this proposal is too important for the future of Maui, for the future of our kids, and for the future of agriculture, especially taro farmers on the...the East Side of Maui. That's it.

CHAIR SINENCI: Mahalo, Ms. Eaton. Members, any questions for Ms. Eaton at this time? We have a question for you from Member Paltin.

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COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Eaton. I just was clarifying, us pass...you're aware that us passing this just puts it on the ballot, and then the voters are ultimately the one to pass the idea or not. Just...just clarifying that you're aware of that.

MS. EATON: I am aware of that. So I don't...I don't understand why so many...well, not so many, but a few Councilmembers have a problem with putting it on the ballot. It's not up to the Councilmembers to decide about the Water Authority, it's about the people of Maui.

COUNCILMEMBER PALTIN: And...and I guess...I mean, in the past, when we had some controversial Charter amendments, the...the County tries to put out information, just basic information, but that doesn't prevent others from putting out misinformation. And I just was wondering, are you prepared to help educate your contacts and whatnot?

MS. EATON: Of course. If you watch our Board Of Water Supply meetings, you will see that I'm a...I'm a big advocate for the County Council taking over the...the water systems. And, you know, this is the Council that...that is able to do it. There's no other Council before. Hopefully, you know, maybe later on, you know, we'll still have this...this mindset, but you guys are the ones that are able to put it on the ballot and let the people decide. You guys are strong enough to do that.

COUNCILMEMBER PALTIN: Okay. Thank you for your clarification.

CHAIR SINENCI: Mahalo, Member Paltin. No other questions? Mahalo, Ms. Eaton, for your testimony this afternoon. Aloha.

MS. EATON: Mahalo. Aloha.

CHAIR SINENCI: Next we have Ms. de Naie. Aloha, Ms. de Naie.

MS. DE NAIE: Aloha, can you guys hear me okay?

CHAIR SINENCI: Yes, we can hear and see you.

MS. DE NAIE: All right. Well, fingers crossed that my internet keeps working. First of all, I just want to mahalo every single Member of the Council, and certainly the members of this Committee for giving so much consideration to something that...that's a big sea change. However, you know, there are so many wordings in our Community Plans, in our Water Use and Development Plan, in our Water Resources Protection Plan, in our Agricultural Water Use and Development Plan, that are giving us kind of guidance in this direction. Like, for instance, the water use...the Ag Water Use and Development Plan, which was released a couple of years ago, 2019, one of its chief points was, you know, we've really got to do some analysis of these old plantation systems to figure out, you know, what is needed to repair them. They're really valuable. We...we need to make sure that they work for the needs of...of farmers and...and municipal needs in...in our

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current time, you know, frame. And so those are lofty words, but you guys are putting the pedal to the metal and saying, okay, we're coming up a way...with a way. We have two or three of these legacy systems right here in our County. We have one in Moloka'i, we have one over in West Maui, we have Nā Wai 'Ehā, we have Maui Hikina, East Maui. So we really do need some sort of a structure, and a Water Authority is not something that is going to spring full blown and all of a sudden take care of all kinds of water things. The Water Authority is a structure that could then do the studies, hire qualified personnel, create master plans, and start managing the East Maui system. And in my opinion, we should create a Water Authority that is able to expand and have boards that advise it in other parts of Maui, where we have these same old plantation systems that are a really valuable public resource. And these old plantations, unless they get in some foreign investor from someplace, they're not going to have the money to take care and upgrade these systems. So we need a mechanism. Is it all going to happen overnight? No, it is not. Is it going to need a lot more study and thought? Yes, it is. Is passing a Water Authority mean that all that has to be done first? No. You could pass a Water Authority, do the studies and find that the scope needs to be very limited at first. There's no commitment that the Water Authority has to take on huge amount of responsibilities. But without an entity that's not the Department of Water Supply--because that's not their kuleana, shouldn't force that to be their kuleana--without this entity, we kind of can't even take the first step. We can't comply with our . . . *(timer sounds)* . . . Community Plans and our Maui Island Plan that asks us to follow a more ahupua'a-based model of management, which Regional Advisory Committees would...would be a first step in, a regional planning process for the watersheds, where it's planned by the people in the region would be a first step in. So thank you for your consideration, and this is a very, very important first step.

CHAIR SINENCI: Mahalo, Ms. de Naie. And Members, we've asked Ms. de Naie as the historian on Maui water issues to...to hang on when the item does come up, if you have any questions specific to her. Do you have any questions for her now? Okay, we can wait until later.

MS. DE NAIE: Mahalo.

CHAIR SINENCI: Mahalo, Ms. de Naie. Ms. Stewart?

MS. STEWART: Chair, the next testifier is Dick Mayer, to be followed by Melissa Namau'u.

MR. MAYER: Good afternoon, can you hear me? Good. I looked at this bill, and read it two or three times, and I'm very pleased, the changes that have been made. I think what this does, it sets Maui County up to be able to set up Water Authorities for each of our different watersheds. First one, setting up in East Maui, will give us some practical experience. It will tell us some of the things we should do, and when the time comes to look at Nā Wai 'Ehā water, West Maui water, Moloka'i water systems, we will have some experience that will be able to be very valuable. In looking at each of these systems, you may decide not to do those. This does not force anything. One of the items in this ordinance at...in the beginning, is a section where it says that the County can set up other boards down the road to be part of this Water Authority. It does not set up anyone.

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It also says that an East Maui board can be set up. But that does not mean, based on what the PSP [sic] person was saying, that an analysis needs to be done first. An analysis does not need to be done before this ordinance gets passed, but as we begin developing the board, and giving it its authority, and hiring the administrator, the County should, and I think it would be very wise, to set up an analysis or a business plan of what this Water Authority might need, let's say, for the East Maui area. For example, how much would they have to pay the State, if anything? How much would they be able to sell the water to Mahi Pono, to the County Water Department, et cetera? That plan...and that does not have to wait until the election. In fact, it's something that probably should be undertaken soon, rather than later, so we can get this thing going, and the County then will be in a better position to understand, if it were to negotiate with the State DLNR, what are the conditions it would want in the arrangement that would be set up between the County of Maui and Department of Land and Natural Resources in these four lease areas. Overall, I've looked through the ordinance, I think you can always tweak a word here or there, but I think it's written well. At present, it's clear. It gives the authority to establish the things, the process, and I think it's also document for the future by giving the County the ability to set up future water...community water boards to manage the watersheds in the future. So I urge you to pass this on, and hopefully on Friday you'll have this at the...at the full Council for first reading so that we can get it onto the ballot this year. If there are any questions, I'd be delighted to try to answer them, because I have gone over this thing backwards and forwards.

CHAIR SINENCI: Mahalo, Mr. Mayer. Members, any questions for Mr. Mayer? Seeing none. Again, mahalo for joining us this afternoon.

MR. MAYER: I didn't think I was that clear, but okay, good.

CHAIR SINENCI: Good sign. Okay, Ms. Stewart, is there any more testifiers?

MS. STEWART: Chair, there was no response from the caller with the last digits 9711. But that was the only testifier name on the list at this time.

CHAIR SINENCI: Is there anyone else wishing to testify? Please go ahead and unmute yourself and identify yourself. Okay. All right, Members, seeing there are no more individuals wishing to testify, without objections, I'll close oral testimony and accept written testimony into the record.

COUNCILMEMBERS: No objections.

. . . END PUBLIC TESTIMONY . . .

ITEM 1(9): COUNTYWIDE WATER AUTHORITY

CHAIR SINENCI: Okay, thank you, Members. Okay, moving right along, Members, our first item, Countywide Water Authority, APT-1(9), in accordance with Rule 7(B) of the Rules

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of the Council, the Committee intends to present and discuss matters relating to a Countywide Water Authority version. Members, we've had several meetings on the Water Authority, many extended discussions, including Water Authority establishment, its financing, as well its...as its management. Our focus today, however, is on a Countywide Water Authority version that would allow for other district regional community boards besides just the East Maui Community Board. Proposal is a FD1 version of Resolution 22-119, CD1. For reference, it is on Granicus under APT-1(9) as the first and only item listed. It is the same FD1 version that is posted for this Friday's Council meeting agenda. This version has been a natural progression, growing out of previous discussions in both the APT and the GREAT Committees, and it reflects feedback from the larger community, from Councilmembers, from the Managing Director. At its June 15th recessed meeting, the GREAT Committee voted to recommend the proposed Charter amendment for an East Maui Water Authority Regional Community Board. It was noted that there are other water systems controlled by private water resources beyond East Maui that should also be considered. The FD1 version proposes to give other regions this option for their own communities, should the County purchase or lease water systems within their district areas. Countywide Water Authority would provide greater flexibility to the Council and to the County for self-determination over water resource management to our local communities. So, Members, my goal today is just to provide additional opportunities for discussion on this Countywide Water Authority version, so that Councilmembers, the Administration, and members of the public can share their ideas, questions, and concerns. I do appreciate the Members' recommendations to supplement the GREAT Committee meetings, given the time constraints for all of the Charter amendment proposals. So with that, Members, I'd like to start our discussion with a PowerPoint to kind of explain this Countywide concept, and then have specific comments and questions on the FD1 version of Resolution 22-119, CDI. Okay, Ms. Stewart. Next slide, please. Again, today Members, is just for the...the Countywide version for discussion. There will be no decisions being made at today's meeting, no legislative action taken. Again, listening to our colleagues and our larger communities, including yourselves, including the Managing Director that was asking for a broader version of the Water Authority Bill. The Countywide Water Authority benefits everyone, including our residents, farmers and ranchers, taro farmers and kuleana water users, our Hawaiian Home Lands beneficiaries, as well as our visitors. Members, it gives us another tool, one that we've never had before, in managing our water resources. Slide, please. There has been many past discussions and events prior to us reaching this point today, including, most recently, the East Maui resolution being referred out of the GREAT Committee, a recent Board of Water Supply support of this resolution on June 23rd. Slide, please. One of those previous actions was our January 7th vote in support of Resolution 22-4, urging the Mayor to enter into an intergovernmental agreement with the State. Next slide, please. Also of note was Chair Lee's correspondence to the Board of Land and Natural Resource Chair, Suzanne Case, which we state that the...the County's interest in becoming a leasee of the water leases on January 21st. Slide, please. Stated in the General Plan and supported by CPACs, community planning commissions, and past County Councils as the most isolated archipelago on Earth, the provision of clean and reliable sources of fresh water, vital for survival, must come from our own endeavors. Natural reservoirs of water are...are available to meet future demand if we, as a

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community, are willing to invest in the stewardship and storage of this critical resource. Balanced stewardship, respectful of the varied needs of the land, people, and future, will require much in terms of capital and human resources. To meet our water needs, we will need to be creative, adapt to changing situations, develop innovative solutions to conflicting needs, and commit to our island society as a whole. That was supported by past Maui County Councils, as well as Planning (*audio interference*). Next slide, please. In recent local news, the State is recognizing the need to acquire these old water systems, bolster food security efforts on the islands, including other communities like Coachella, California. This is a recent *Civil Beat* article about Hawai'i's crumbling water system will finally be getting some badly needed repair, and of the State buying the Wahiawa Dam and irrigation system for its agriculture needs. Next slide, please. So Members, after considering a Countywide option, not very many changes were required, but we did want to share with you today some of those changes. One Water Authority agency would be able to manage multiple systems, one Water Authority agency managing water collection and delivery systems newly acquired or leased by the County, community regional boards would be established for each watershed area when a new system is acquired or leased. Slide, please. Under Powers, Duties, and Functions of the board. The East Maui Community Board is established. Council will establish additional community boards by ordinance, but other than that, the powers, duties, and functions stay the same, but now it will include the regional boards. Next slide, please. Okay, we did include two additions to the regional community boards based on community input. Those were in response to testimony asking for more administrator accountability to the board. We added when possible, the board may interview and evaluate administrator candidates, as well as with majority of all the board members, the board would have the ability to remove the administrator, of course, with Council approval. And Members, this gives the board more input into who is selected as the administrator. In addition to the Mayor removing the administrator with Council approval, the boards now have that authority to do that with Council approval. Slide, please. Administrator powers, duties, and functions stay the same under the Countywide version. Throughout the budget process, Members, we've seen how new staff positions can take up to a year to establish and fill. So currently, we just have necessary staff listed under Powers, Duties, and Functions. So if this is something that the board wants to consider, we...we could also specify staff positions, as we have learned that, again, it takes up to a year to create them. So this is something for you to consider as well, listing them in the bill. Next slide, please. Okay, we did add a small change to the administrator qualifications. Experience and/or willingness to learn Native Hawaiian resource management and ahupua'a connectivity systems. It's now Native Hawaiian water resource management. This, we felt this gives...this was originally in the bill, but this gives us more flexibility in hiring the administrator. Small change. Next slide, please. Powers, Duties, and Functions. One small change for clarity. Like the Department of Water Supply, Countywide Water Authority has the same ability through existing accounting procedures to enter into intergovernmental agreements, legal agreements. However, the Council must still approve any appropriations related to these agreements. So this is already stated in there, but we did want to make reference to this change. Slide, please. Okay. Under Powers, Duties, and Functions, this was...I...I know some of our County lawyers have asked me to explain this slide to you. Currently, under the under the current County structure,

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there is no agency in charge of water acquisition. That duty to investigate system purchases and leases has unfortunately fallen to our County Managing Director. So a new Countywide Water Authority would be able to investigate and oversee new acquisitions and leases. The new Water Authority will create a business model, grant the overview, operational, and CIP estimates brought to Council for revenue appropriations. Will also manage new systems, sell water to the County Department of Water Supply, to all...and to all other users, including Mahi Pono. And of course, the Council will retain the power to set all rates during the budget process, including water rates to the Department of Water Supply, the Department of Water Supply rates to customers. Next slide, please. Couple more slides. Okay. Under Powers, Duties, and Functions, we clarified water use requirements to the public trust doctrine, such as CWRM and court-mandated uses of water. So then under six, each system's public trust, nonpublic trust water usage amounts, including required uses based on State regulations and judicial requirements. So this helps to understand the State regulations, the court-mandated use of water. These were some of the questions that was brought up in our discussions. Slide, please. Section 8-19.5, under the Water Fund, we just changed the title to reflect the Countywide version. Slide, please. Members, this is good governance, a good governance bill, and so climate change and drought, population increases, anticipation of all these things. We anticipate less water availability for residential and commercial use, less water for agriculture use, affecting food security and economic diversification. So we realize that the opportunity before us now, for us to take action on. There's also private systems, major State leases that are available throughout Maui County, we could potentially be looking at acquiring these systems. Next slide, please. With the Countywide version, we changed the title of the Water Authority on the ballot question to read, shall the Charter be amended to establish the Maui County Community Water Authority with community regional boards to manage water collection, delivery systems acquired by the County, including State license areas in East Maui, pursue long-term water lease agreements with the State to provide a long-term, reliable supply of water for domestic and agriculture. Finally, Members, again, building off the East Maui resolution, today we can only discuss the version as stated, this Countywide version. And as stated at the last GREAT Committee meeting, we can only consider the amendments at this Friday's July 1st Council meeting. So this was just the...the timeline moving forward from today. Staff...Staff, go ahead and stop share. Okay. Again, Members, the Amendment Summary Form in Granicus highlights the proposed amendments for your review, and for potential consideration this Friday. I can quickly go over it, if that's okay. There are seven items. Staff, can you share the ASF that will be presented this Friday? Okay. So, Members, for your consideration for Friday, to substitute the attached proposed version to create a Countywide version. Number one in Section 8-19.2: Add language for consistency...consistency and clarity. Specify that the representative of the Hawaiian Homes Commission is to be nominated by the Department of Hawaiian Home Lands. We did have clarification that a beneficiary could also be nominated, as Pro Tem Kama had suggested. Number two for Section 8-19.4: To add language to allow the removal of the administrator by a majority of all community regional board members with approval of the Council, to require the administrator to have either knowledge of, or willingness to learn Native Hawaiian water resource management and ahupua'a connectivity systems. Number three, Section 8-19.5: Add the following new

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subsections, notwithstanding Section 9-18(1), Sign intergovernmental agreements and other legal instruments directly related to the acquisition or management of water collection and delivery systems. And four, initiate condemnation proceedings directly related to the acquisition of land or interests, and related to water collection delivery systems. Number five, under Section 8-19.5, to add language in various subsections to require the administrator's report to include water usage amounts, recommendations on water rates and allocations, submittal to the Mayor and Council. Six, to make nonsubstantive changes to, and reorder the whereas clauses. Finally, seven, to incorporate technical amendments to ensure internal consistency and compliance with the Maui County Guide to Legislative Drafting. So that is what will be before you on Friday. So, Members, we did ask for some of our resource persons to stay on as resource personnel. Dr. Likeke Scheuer, in the Department of Hawaiian Home Land consultant and water expert. Ms. Lucienne de Naie is our water system historian and water expert, as well as Ms. Shay Chan Hodges, the former Board Of Water Supply Chair and a TIG author. So Members, without objection, I'll designate them as resource persons under Rule 18(A) of the Rules of the Council.

COUCILMEMBERS: No objections.

CHAIR SINENCI: Just in case you guys have any clarifying questions of them. Okay, did you want me...okay, we can go through, let's start with some questions. Can put the timer on three minutes. We can go ahead and start with Committee Vice-Chair Johnson. Any questions of resource persons?

VICE-CHAIR JOHNSON: Okay. Well, the first question I would have, and I think I know the answer, but I...just...just to clarify it, the Countywide version includes Lānaʻi, because Lānaʻi is a private water system. But I know in your slide you didn't mention that, but I'm sure that...that the way the verbiage is, it is covered, yes? Lānaʻi is still covered under this? Yeah, I assumed so, I just figured I'd clarify that. The other thing is, is the resolution, did you say it was the second reading of the resolution? Is that...do we...is that normal, or did I miss...I have been out, so...

CHAIR SINENCI: This would be the first reading.

VICE-CHAIR JOHNSON: Okay. All right. Okay, my mistake. And those are all my questions, Chair. Thank you so much.

CHAIR SINENCI: Okay. Mahalo, Vice-Chair Johnson. Next, we have Councilmember Kelly King, questions?

COUNCILMEMBER KING: I don't think I have any questions, Chair. You explained it very well, and we had time to review it. So appreciate the PowerPoint and appreciate taking this to the Council. Thank you.

CHAIR SINENCI: Member King, did you have any concerns about the staffing? We just have the necessary staff.

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COUNCILMEMBER KING: Well, I think we would...if we were going to add staffing, we could do that by ordinance. Isn't that what it's set up to do?

CHAIR SINENCI: Okay. Thank you for that.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR SINENCI: Next, we have Council Chair Alice Lee, followed by Member Molina.

COUNCILMEMBER LEE: Thank you, Chair, I have no questions for the resource people. Thank you.

CHAIR SINENCI: Mahalo, Chair Lee. Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Chair. Thank you for the presentation and you know, it's pretty...pretty significant, the responsibilities that will be given to this Water Authority, and very helpful to...to understand. I guess my question would be if this goes on the ballot, it passes, and I know citizens may get confused, the difference between a Water Authority versus a Board of Water Supply. So has that discussion come up about maybe possibly abolishing the Board of Water Supply, and how would having this Countywide Water Authority impact the responsibilities of the...the current Board of Water Supply? Because I...I...I know I am...I...I...I'm anticipating that's going to be...there's going to be questions like that. And so I think it's important. And I know this has kind of come in sort of late in the game to have a Countywide Authority, so you know, and I know we're up against the clock to get the Charter amendment in to the Clerk. So I think the educational aspect to differentiate between the two is going to be important for the public to understand. Because if they don't understand, you could have people who are saying, hey, generally, if I don't understand it, I'm not going to support it. So I just like to get some feedback on that, Mr. Chair. Thank you.

CHAIR SINENCI: Mahalo, Member Molina. And I did see Ms. Chan Hodges wanted to comment on the question?

MS. CHAN HODGES: Yes, I think my video's been muted. Oh, there I am. Yeah, I just wanted to clarify, Councilmember Molina, there...there seems to be a lot of misunderstanding about what the Board of Water Supply does. And I...I really appreciated it when Norm Franco testified and explained about, you know, first of all, the Board of Water Supply meets once a month. When I was Chair, we had, like, these six hour meetings, but nobody liked that. So normally they're a couple hours, and the Board of Water Supply is...one of its main responsibilities is, you know, dealing with contested cases. So somebody doesn't like their water bill, or they have to pay for a fire hydrant, or the Water Department says it costs them, you know, a million dollars to put in this connector, and they have a dispute. Those things take...they can take, like, a year because, you know, we meet once a month...or they meet once a month, it's for a few hours. The water...the Board as an adviser, number one, does not have really very many specific jobs. Supposedly the Board approves the budget, but they're provided with the budget generally, like, two weeks before it's submitted to the Mayor, so they really don't have

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input. So the...the Board of Water Supply serves an important function, but I don't think it's the function that people think it is, and it does not in any way overlap with the Department or with the proposed Water Authority. Did that . . .*(timer sounds)*. . . answer your question?

CHAIR SINENCI: Yes.

COUNCILMEMBER MOLINA: All right. Yeah, I'm just kind of curious as to...I guess, you know, we have the Liquor Department, and you have two boards. You have the Adjudication Board, which hands out punishments and any licensee who violates their...their liquor license. Then you have the Liquor Commission, who establishes the rules. So I'm just trying to get an understanding of the differences between the Countywide Water Authority and the Board of Water Supply. So okay, thank you.

CHAIR SINENCI: Mahalo, Member Molina. Next, we have Member Paltin. Questions?

MS. THOMSON: Chair, do you mind if I just add a couple of small bits to answer Councilmember Molina's questions?

CHAIR SINENCI: Okay, go ahead, Ms. Thomson.

MS. THOMSON: Thank you. You know, that's one of the things, and Chair Sinenci brought this up earlier, that's important to distinguish, not so much the Board Of Water Supply, but the difference between what the Authority would do and what the Department of Water Supply would do going forward. I do think it's important to have that discussion as part of the legislative record because, you know, as...as you've pointed out, there are some of the powers of the Authority that do overlap with the current Department of Water Supply powers and duties. So it is important to make a distinction between what the Authority will do and what the Board of Water...or sorry, the Department of Water Supply will do. Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR SINENCI: Mahalo, Ms. Thomson. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I think my question might be for a lawyer, and for Mr. Scheuer in regards to the SCHAA representative. Is that something that we could...first, for the lawyer, not Lawyer Scheuer, but another one. Could we establish a SCHAA representative if...after the Authority passes? And then after the lawyer answer, Lawyer Scheuer can weigh in on a DHHL representative, or a SCHAA representative, or both?

CHAIR SINENCI: Mr. Whittaker?

MR. WHITTAKER: Thank you, Chair. So we caution having an authority outside the County appointing somebody to a County board for two reasons. One is, they simply don't have to do it. You have no authority over a State agency or somebody who's not a member of

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the County. So if they decide they don't want to nominate anyone, they don't have to. They also...I think under this draft, they...the Council doesn't approve their nomination, they just nominate someone. So, you know, you have no authority over who they nominate. The second reason is that the appointing authority is not bound by County ethics rules. I'm sure DHHL would...would...you know, would be ethical, but...but it's just a warning, from a legal perspective, that...that somebody outside the County is not bound by County ethics rules in making that appointment.

COUNCILMEMBER PALTIN: And then to follow up, could we do something similar like how we do with the...the Mayor, like appointed by DHHL and approved by the Council, and if they don't appoint them within so many days, then the Council takes over the authority to appoint? Would that be more palatable to you?

MR. WHITTAKER: Yes, I think that would be a great improvement. That way, you can have...have a check on it, and then if...if no action is taken, you can take action.

COUNCILMEMBER PALTIN: Okay. And then I guess Lawyer Scheuer. Now that I said it, I can't stop.

MR. SCHEUER: Aloha mai kākou, Councilmembers. To clarify, I have a Ph.D. in Environmental Studies, I am not an attorney, though my last name does actually rhyme with...with it.

COUNCILMEMBER PALTIN: *(Audio interference)*

MR. SCHEUER: That's how I usually get people to remember it, because otherwise, they cannot figure it out. So, you know, I...I won't speak directly to the responses from your Counsel. I will note that...so like on a personal level, I know many people who are very active in the SCHAA. I know their good track record on getting things done. They are not a complete subset of all DHHL beneficiaries. There is homesteading organizations that are not part of the SCHAA, and so if the intent is to have an entity that's...like represents the public trust interests which are recognized in State law, I think it is more clearly established by having somebody who is nominated by DHHL. So hearing the...I can't imagine a world in which DHHL would not agree to send a name down. With that said, I'm sure that the creative minds of your Council could make it possible to have, you know, somebody nominated by DHHL, or in the absence of such a nomination, a beneficiary under the Hawaiian Homes Commission Act. And the way I read--and this is just me--the way I read the current version of the ordinance in front of you, it actually is subject still to Council confirmation. DHHL would send the name, and...but it's among all the Members who are subject to Council confirmation. Thank you very much. . . .*(timer sounds)*. . .

COUNCILMEMBER PALTIN: Thank you. If I get another round, I'd like to go back to Attorney...Lawyer Whittaker. Thank you, Dr. Scheuer.

CHAIR SINENCI: Mahalo, Member Paltin. Next we have Council Vice-Chair Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My question is for Ms. Chan Hodges. I...I was hoping that you would be able to provide a little more detail in...with the...with the estimated cost, revenue, and expenses that you spoke to in your testimony?

MS. CHAN HODGES: Yes, of course. . . .*(laughing)*. . . What...what would you like to know exactly?

COUNCILMEMBER RAWLINS-FERNANDEZ: And if you have any way of making it...like, visual aids would be tremendously helpful.

MS. CHAN HODGES: Yes, I do have a PowerPoint, I don't want to show you all four slides, but I do have a slide that just kind of breaks down some of the costs. Do you want to see that?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Yes, please.

CHAIR SINENCI: Ms. Stewart, can we allow Ms. Chan Hodges' slide?

MS. STEWART: Yes, Chair.

MS. CHAN HODGES: Let's see. So my desktop is kind of a mess, I'm a little scared here, but let's see here. Sorry. So I think...are you seeing this?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. CHAN HODGES: Okay. Yeah, I'm sorry, I'm not fully ready for this, and I'm trying to do the thing where you only see the...but it's pretty basic. So you see the total Water Authority revenues here?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. CHAN HODGES: Okay.

CHAIR SINENCI: Yes, we can see.

MS. CHAN HODGES: Okay, sorry. So...yeah. So I think one of the things that people just really don't seem to understand is that there's this whole revenue aspect. And in fact, the East Maui Water Authority, the...the margin between the revenues and the expenses is incredibly large. And it is...it's probably not quite the case when it comes to, oh, shoot, is it...did I just make it disappear? I'm really doing a bad job of this. Sorry. Hold on. Okay. All right, I'm really doing a bad job. So let me try this again. Now it's not working for me.

CHAIR SINENCI: Ms. Rawlins-Fernandez, was that sufficient?

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

MS. CHAN HODGES: I'm sorry, I really, like, am doing a bad thing.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'll ask -- . . .*(timer sounds)*. . . oh, that was the timer. I do have a few questions for you, Chair, in my second round.

MS. CHAN HODGES: Okay, I apologize.

COUNCILMEMBER RAWLINS-FERNANDEZ: It's okay.

CHAIR SINENCI: Okay, thank you. And then Ms. Chan Hodges, if you can send in your slides, that'd be great to...for Members to --

MS. CHAN HODGES: That'll work better. Thank you.

CHAIR SINENCI: Okay. We do have Member Sugimura. Did you have any questions for our panel today?

COUNCILMEMBER SUGIMURA: Thank you very much, Chair, for letting...letting me listen in. I don't have any questions for your resources. Thank you.

CHAIR SINENCI: Yes, mahalo for joining us. Okay, Members we'll go to a second round. I believe I did see Member Paltin and Member Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you. My question, I guess, is for Mr. Whittaker. If the Council did want to have a representative appointed by the SCHAA, or a member of the SCHAA, could that be put in the bill if...after the Charter amendment passes, if it were to pass?

MR. WHITTAKER: Yes, additional qualifications could be added, after this passes, by ordinance. I also wanted to clarify something, if you don't mind, in response to your previous question, and Mr. Scheuer was...was right. It is Council that makes the ultimate appointment, but it is nominated by DHHL. And I just reread it just to be sure. So that's the process. It still can be improved so that just in case DHHL doesn't make the nomination, Council can still nominate. I just wanted to state that on the record.

COUNCILMEMBER PALTIN: Oh, cool, and he's not even a lawyer, but he's a doctor, so there you go. But you still think it's...even the part about if DHHL doesn't nominate it within a certain time, then the Council could. That can also be done after, via ordinance as well?

MR. WHITTAKER: Yes, that can be done by ordinance. I'm going to put some suggested language in the chat, just to improve that portion.

COUNCILMEMBER PALTIN: And the suggested language is for--I guess I see it in direct message--but is for the ordinance after it passes, if it passes, or right now for the

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resolution to put it on the Charter amendment?

MR. WHITTAKER: For the Charter amendment itself, specifically for that appointment.

COUNCILMEMBER PALTIN: Okay. And then I guess...shucks, I didn't...in my studying of this, I didn't notice if these are signed off the...what our Chair did here is been signed off by Corporation Counsel.

MR. WHITTAKER: Not yet, but I don't think we've been asked.

COUNCILMEMBER PALTIN: Okay, so then when that part occurs, then we can address it.

MS. CHAN HODGES: *(Audio interference)* It's just super frustrating, and *(audio interference)*

COUNCILMEMBER PALTIN: Okay, thanks.

CHAIR SINENCI: Yeah, we did...Mahalo, Member Paltin. We did --

COUNCILMEMBER PALTIN: Thanks.

CHAIR SINENCI: Mahalo, Member Paltin. We did --

MR. WHITTAKER: You're not...you're not muted, Shay.

CHAIR SINENCI: We did consult with Corporation Counsel. Yeah, we could consider language like recommendations from Department of Hawaiian Home Lands. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. On page 2, right above the section that Member Paltin was referring to with DHHL and Hawaiian Homes Commission, it says one member with experience in water resource management who is actively engaging, or engaged in, ranching or farming in the applicable community plan area, or areas where water service is provided. So my question is, would loko 'i'a practitioners, those...would that be considered farming?

CHAIR SINENCI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Would it be...okay, so that...I'm...I guess I will go to Attorney Whittaker. If...if we would have to explicitly include that because I don't...I don't know if loko 'i'a and maybe, you know, if loko 'i'a farming, aquaculture, is considered part of the definition of farming?

MR. WHITTAKER: I think we'd look at the intent of the Council in drafting those words, and I think Mr. Sinenci, who drafted this, indicated that that is his intent to be inclusive, and I think that's sufficient.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, and then my next question

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regarding that same section, is if forestry...so restoration of...of the forest, if that would be considered part of that. Okay. And then Mr. Whittaker, intention again?

MR. WHITTAKER: Is that the intent? If that is the intent, I think it would be included. None of the words there exclude...exclude that kind of experience. I don't think the words itself exclude that kind of experience.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, Member Sinenci, I guess if...if it's your intention to include that, if you can state that for the record?

CHAIR SINENCI: Yes. Thank you, Member Rawlins-Fernandez. We welcome any clarification of the existing language.

COUNCILMEMBER RAWLINS-FERNANDEZ: Do you intend for it to be included in that definition?

CHAIR SINENCI: Yes, we can go ahead and include it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Your intention is to...is that it is included in that language?

CHAIR SINENCI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. All right. And then below the DHHL section, it goes right into the staggering of terms, five, four, three. But I don't see language that set a standing term after the initial staggering. So I...I guess, Mr. Whittaker, would it...would that be understood, or did I miss it where it says that it's a five-year term?

MR. WHITTAKER: I think if it's not stated there, then the default in Section 13.2 would apply, which is the five-year term.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. . . .*(timer sounds)*. . . I have more questions, but I'll yield. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Is there any other questions? You can always email your questions for follow up between now and Friday. Oh, go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: I'm unmuted. So I think some of the discussion that's important is that Corp. Counsel signs off on this. So Richelle or Keola, are you planning on signing off on looking at this, or where are we before it gets to the Council floor...or what is the status of that?

MS. THOMSON: Thank you, yes...thank you, Member Sugimura. As Chair Sinenci said, we had the opportunity to review the bill. There was one change that he noted in his presentation regarding the powers of the Administrator, and that's to, you know, execute

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contracts and sign agreements and things, adding in the language that's in 9-18 right now. I think that also, the discussion...one of our concerns is...is simply so that we don't get ourselves into the... an issue of what does the Department of Water Supply do versus what does the Authority do, you know, so...so that it is clear what their territory is. And because the amendment right now has a lot of overlapping kind of duties and powers, we're going to very much depend on the legislative record going forward to, you know, divvy up the territory, so to speak. So I...I think that it is quite important here in...in Committee, and then also at Council on Friday. You know, clearly differentiate. And Councilmember Sinenci did say that this new Authority would be primarily or exclusively concerned with newly-acquired systems. So I think that's an important distinction. But you may want to have some...some further discussion about...going forward, how...how long would the Authority maintain control over the new systems? I think also one of...one of the questions that was lingering a little bit for me is, in terms of other types of acquisition of systems, some of them may not be in leases. You know, they may be wells or other types of water sources, you know, that may be looked at for acquisition. So there could be...there could be some words missing...to go. But that was...that's really our primary...our primary, I think, concern, that we just want to make sure that we understand what the territories of the two Departments would be going forward.

COUNCILMEMBER SUGIMURA: So to continue with that, then...appreciate it...you would need this clarified before you can sign off on...on this proposed Charter amendment? We have work to do?

MS. THOMSON: Right. You know, I think that we're close to...close to understanding, making sure that we understand the intent. . . .*(timer sounds)*. . . So you know, I think that we're not...we're not concerned about whether or not there is the legal authority to establish this type of body. You know, that's...that's fine. But it's really just so that going forward, what do the two different departments do?

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR SINENCI: Mahalo, Member Sugimura. And yeah, for Ms. Thomson, we would consider it to be a permanent, the community board? You're exactly right. It'll just be for managing new systems?

MS. THOMSON: And that would be for the Authority itself, correct? Going forward, the Authority would manage...manage new systems, and I guess recommend rates for the users, which would also be the Department of Water Supply would be a user.

CHAIR SINENCI: Mahalo, Ms. Thomson. Member Rawlins-Fernandez, you had a follow up?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'm...I'll...I do have other questions, but going off of...staying with this topic, so the Water Authority, the jurisdiction of the Water Authority would be the...the sourcing of that water. So if it's a stream, like Mr. Thomson was saying, that it would be the untreated, unfiltered water to the Department of Water Supply, who would then treat the water to Department of

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Health standards and distribute to its customers. And for well-sourced groundwater, again, it would be the untreated ground sourced water sold to the Department of Water Supply, who would then filter and transmit that water to the County water users...water customers? Chair, is that correct?

CHAIR SINENCI: Yes, that's correct. And we can work with Ms. Thomson for the...for the specific language.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then...so, Ms. Thomson, is...is that intention clear, discussing that here right now?

MS. THOMSON: Thank you for the question. You know, it may help to ask that question also of the Director of Water Supply, you know, because they have a very clear understanding of...of what their jurisdiction is. Currently, DWS also does, you know, water source development. So they also are responsible for, you know, untreated water. So from the...from the source, whether it's stream or groundwater or ditch system, I think that...you know, so that's what I'm getting at is, it is difficult to see what the dividing line is.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MS. THOMSON: But in terms of --

COUNCILMEMBER RAWLINS-FERNANDEZ: So...so this would provide a framework for Water Authorities to be created if the area so chooses, and then would be set up through ordinance, through the Council. If there's...if a Water Authority in the area exists, then that would be the jurisdiction. Right now, Department of Water Supply does not divert from East Maui, it buys its water from EMI. And so as far as EMI goes, right now, it buys its water six cents per thousand, and it's EMI, whose authority is to transmit the diverted water from the streams in East Maui. For Moloka'i, Well-17, that is owned/managed by Moloka'i Ranch. And so if we had...if Moloka'i wanted to have a Water Authority to take over Well-17, for example, then it would source that water from that well, and then sell it to Department of Water Supply. Because in that area there exists now a Water Authority, and that would be the dividing jurisdiction between the existing Water Authority and Department of Water Supply. . . .(timer sounds). . .

MS. THOMSON: Thank you. And I...I definitely agree with your interpretation of that. The one caveat is that with this Countywide Water Authority, I understand it to be just one Water Authority, so there wouldn't be regional water authorities. There'd be regional boards...regional advisory boards, but there would only be one Water Authority.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that, Ms. Thomson, because I think Chair Sinenci's intention was to set up the framework to have water...different Water Authorities in the different regions, just as the boards would be set up in the different regions. So I guess in looking at the bill again, we would need to more clearly provide language to explain that that is the intention of the bill. Chair Sinenci, is that correct, that the intention is to have the Water Authorities be in the different areas where the

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boards would exist? Or would there be one Countywide one?

CHAIR SINENCI: Yeah, we would...right now, it's set up to have the different regional systems, but with the same Staff.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. All right. Mahalo, Ms. Thomson. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Members, any other questions for our panel? And again, you can always send in other...if you have more clarifying questions for us to follow up, and could work with the language that was brought up with Ms. Thomson for more clarification. One more question from Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Mr. Chair. Just dovetailing off of Member Rawlins-Fernandez's question with regards to staffing. So you would have four regional, I guess, boards, and then I presume it's the Water Department that will have oversight of this? You know, I mean, the staffing? So they're responsible to provide staffing for this? Is that how it's going to work? Because I'm trying to parallel that with our Advisory Committees, so I guess the Planning Department, yeah, and we're still waiting for it to get off the ground. So I'm just curious as to how this department will deal with the staffing issues of...of these various regional boards, so hopefully they don't encounter the same problems that the Planning Department is having with our Advisory Committees in South Maui and the North Shore. So can you elaborate on that further a little? So...just so I get a better understanding of the staffing aspects?

CHAIR SINENCI: Thank you, Member Molina, for your question. Currently, the Water Authority has its own staff. We haven't formed any other regional boards at this juncture, but today's Countywide sets...establishes that structure, should we want to add more regional boards to the --

COUNCILMEMBER MOLINA: Okay. So...so this is through the...the water...the Department of Water Supply will be totally independent, yeah, of this...basically another department, yeah, what we're looking at?

CHAIR SINENCI: That's correct. The Department of Water Supply would be managing their systems, the Water Authority would be managing all of the new systems acquired by the County.

COUNCILMEMBER MOLINA: Okay. And...and staffing all of the boards, regional boards. Okay. All right. Thank you for the clarification.

CHAIR SINENCI: Mahalo, Member Molina. Okay. Members, again, if you have any other questions, please send it to us, and we can follow up on it. I do have one more item to consider today, and so with that, if we can take a quick ten-minute break while we set up for our second item? The APT Committee meeting of Tuesday, June 28th, is now in recess to 3:53. . . .*(gavel)*. . .

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RECESS: 3:44 p.m.

RECONVENE: 3:56 p.m.

CHAIR SINENCI: . . .(*gavel*). . . Aloha, and yu orait kākou. Will the APT Committee meeting of Tuesday, June 28th, please come back to order. And I did...if...Members, if we can go back to item APT-1(9), I forgot to defer it. So if there are no objections, I would like to defer that item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: KRF)

ACTION: DEFER pending further discussion.

**ITEM 47: OLD HANA SCHOOL IMPROVEMENTS (CONTRACT C7547;
F&H CONSTRUCTION)**

CHAIR SINENCI: Okay, great, thank you. Okay, Members, so our last item, the Old Hāna School Improvements, Contract C7547, the F&H Construction, APT-47. The Committee is a receipt of a Miscellaneous Communication dated February 7, 2022, from the County Clerk, transmitting Contract C7547 relating to the Old Hāna School improvements. This contract to F&H Construction is in the amount of \$3,232,000 for Phase 2 of the Old Hāna School improvements. The project completion date has been contingent upon the progress of building permits and...including the DCAB review. And so with that, we are pleased to have Deputy Director of Parks and Recreation, Samuel Marvel, to join us today to provide us some updates on the Old Hāna School project. Aloha, Mr. Marvel.

MR. MARVEL: Good afternoon, Chair, and good afternoon, Councilmembers. Thanks for inviting us to speak today. We're here to provide an update on the Old Hāna School improvements project. Start with a brief overview of the scope, for those of you not familiar with the project. So this...this project was initially initiated to make much-needed upgrades to the Hāna Community Center. The Community Center, or Old Hāna School, as it's called, consists of several buildings built in the 1910s, '20s and '30s. We learned through this project that the main classroom building was built in 1912, so that makes it over 110 years old. And, you know, it's...it's in pretty bad shape in a lot of places, and in much need of repair. And we found through...through our assessment of the building that it needed both remediation of hazardous materials, structural upgrades, and then just comfort-related upgrades; some AC, flooring, those types of things. The project was broken up into two phases. The first phase included all the hazardous material abatement. So the lead paint was taken care of, it was repainted. All the buildings were treated for termites, and that...that first phase has been fully completed now and done. So Phase 2, which will include renovations to the restrooms, replacement of the windows, replacement of the floorings, new drop ceilings, new air conditioning, and those types of upgrades is...did bid, and is currently under...under contract. We have a contractor on board, and as Chair Sinenci

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mentioned, we're still waiting on building permit approvals for all of these buildings to get constructed. So the scope of...the scope of the work is the four...four main buildings, called Building A, which is the cafeteria and Councilmember Sinenci's office; Building D, which is the main...the main building, which houses MCC and our Parks offices. Building E, which is the Hāna Youth Center. Building G, which is the Hāna Senior Center. And as I mentioned, construction can begin after building permits are received. So right now, there's three main issues that...that we've received as far as comments for the building permits to be issued, and the main one that we're addressing right now is for the Planning Department. They had some comments regarding a historic building assessment. They wanted us to take a closer look on preserving the character of those buildings, given that they're over 100 years old, and some of the architecture there, I guess, is some of the first of its kind in the State. So we want to make sure that we're preserving that character while we make upgrades and try to modernize. So we're working with a historic consultant, who is...who's assessing those buildings, advise us on how we best can do that to meet those conditions. And then we have a couple other comments that we're addressing regarding the wastewater system, making sure that's up to date, and addressed in our plans. And then also, some comments regarding the energy efficiency of our air conditioning system. So we're in the process of addressing those, using our...our project consultants. And hopefully, we can get everything taken care of and addressed, and get the building permits issued, so these projects can get underway. Like...like I said, the contractor is...is under contract and ready to go, as soon as we get the permits to give them the go ahead to get started. So our next step is to hold our fourth community meeting for this project. We're tentatively looking at mid-July for this meeting, where we'll discuss further details with all of the building tenants and other community stakeholders. We'll include your office, Chair Sinenci, as we have in the past. And we should be able to provide a more accurate timeline (*audio interference*). So a few things that we're...that we're looking at this time is, you know, if...if the permit process looks like it's going to be extended for a large amount of time, if we're looking at nine months, or a year or more, of permit reviews, we're looking at options to possibly move back in the tenants temporarily into that space while the permits are obtained. We know that this building is vital to the community, and we really do want to work...to work on some type of a solution that works for everyone. So that's...that's kind of all I have, as far as a brief overview, and happy to answer any questions that...that you have at this time.

CHAIR SINENCI: Mahalo, Mr. Marvel, for your comments. So we have some questions from Member Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Chair. Good afternoon, Mr. Marvel. Thank you for the update. You mentioned a series of community meetings, and you know, time is money in construction, and with the escalating costs of materials and supplies and everything else, are you confident at this point with the current timetable you have that we can...you know, things can start to move with this project? Because my concern is the longer we wait, and then as, you know, supplies and everything costs more, we may be ending up getting a...I guess, a request from the contractor that say, hey, we need more money because unanticipated costs of materials and supplies with shipping issues and so forth. So everything is still...I guess we're...we're on track, and

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my...my...my biggest thing I...I...I just worry about is, the longer we take, the potential for the cost of materials and supplies to go up and so forth. And then end up, we get more delays. You know how the whole process goes, right? If they...they're going to come back and ask you for more money. So anyway, your thoughts on that?

MR. MARVEL: Yeah, we have the...we share the same concerns with this...with this project, and I think...I think we've...we're doing everything we can to...to expedite the building permit process, because we really can't do anything without...without being permitted, and we...we've even looked at ways maybe we could start some of the...some of the work. You know, maybe there's some...some type of work they could do, maybe we can mobilize them, and it just really didn't...nothing really made sense. It's too risky to get them on site without having...having everything in hand. So at this point, we're just...we're just trying to stay in communication with the contractor on the process, and just, you know, letting them know where we're at as far as...as far as that. It's a little bit...but we're doing everything that we can that's within our control, and I think the concerns about the historic assessment of the buildings is...is valid, and we definitely want to honor that and keep...keep the character of those buildings. So we're...we're doing what we can to do that as quickly as we can.

COUNCILMEMBER MOLINA: Yeah, thank you. And...and we've just...did that recent assessment with the Planning Department as one department that has to handle permits. So hopefully we can see more, I guess, things getting expedited a lot faster, along with Planning and also other departments that the...you know, will have to give their approval so we can move forward.

MR. MARVEL: Yeah.

COUNCILMEMBER MOLINA: So anyway, but...but thank you. Thank you for that update. Thank you, Mr. Chair.

CHAIR SINENCI: Mahalo, Member Molina. We have a question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Marvel, for your diligence. I'm happy to hear that the hazardous materials phase been completed at least. I just was wondering...and...and I'm glad that you're treating the historic nature of the building seriously. I just was wondering, from one of the testifiers, the communication with the contractor, could it be extended to communication with the community, or the previous inhabitants, as to what's going on? Because, you know, I mean, like you said, it's a...a well-used and important, integral part of the community. And, you know, if...if they're aware of what the holdup is, like, you know, the historic nature of the building, at least they...they know what's going on, you know, instead of like, oh, my goodness, how long is it going to take? At least they're like, oh, well, this is like one of the oldest buildings that we still have, and that's going on. So that was just a...a inquiry, I guess.

MR. MARVEL: Thank you, Member Paltin. That's...that's very valid, and we...we definitely share the same...same concerns and the same efforts to...to try to stay in touch with...with the community in Hāna as much as possible. So you...like I mentioned,

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earlier this...we've had three...three community meetings so far. Last...the most recent one was in March. I think it was the end of March. And I...I understand the frustrations from the community because we can't...we can't give a firm date, and we're...you know, we're waiting on permits, and it's...it's kind of been a very loose window. You know, I wish we could...I wish we could give a firm date, and we're trying to do that as much as possible. So our intention is to have another meeting with the...with all of the tenants and with the community out there in mid-July to...to update everyone on the progress, I guess, of where we're currently at.

COUNCILMEMBER PALTIN: I see. So, you...you are in kind of communication. The frustration is that there isn't information to be communicated, because you don't know, because of the permitting process?

MR. MARVEL: That's the...that's the sense I get. We...we...we've reached out with what we have, and have tried to be very transparent about the process. It's just there's certain parts of it that are out of our control. So we tried to communicate that, but I...I understand the frustration.

COUNCILMEMBER PALTIN: Is it at all the Department...the Department doesn't have the ability to assist...assist in the interim with some of the needs, like, for example, the Wi-Fi for the college, if...if perhaps the mobile Wi-Fi vehicle could be put in a location that's suitable to be used for education, with a password, or...or something along those lines? Like to assist with their interim needs?

MR. MARVEL: Yeah, and we could definitely look into that. I think that might be outside of the (*audio interference*) jurisdiction to set that up, but we could...we could definitely, you know, help in any way possible with...with coordination on that. We're...we're happy to...we're happy to help in any way that we can. And like I said, if...you know, one thing we're looking at is if this permitting process looks like it's going to go on for more than six or nine months, you know, maybe we can get some folks back into the...into their buildings temporarily, at least until we get there. So we're...we're open to solutions, and we want to, I mean, reach out. I just encourage the community to reach out to us, and...want to help.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR SINENCI: Mahalo, Member Paltin, and mahalo, Mr. Marvel. I did have a question, follow up on the CRC. You're mentioning that the Planning had said that there were some historic elements to the building. We did not see that the Old Hāna School was currently on the historic preservation registry. Is that your understanding?

MR. MARVEL: Yeah, that...yes. Thank you, Chair. That...that is our understanding, and we, you know, just recently received a report, the Planning Department, of an analysis that...that does state that they currently aren't on the...the register, but that they are eligible, and the recommendation was to...was to get an estimate on how to preserve some of the elements that are significant architecturally. So we...we do have that report.

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CHAIR SINENCI: Because I think if we're saying that the building is 110 years old, we have to keep at the original, or they're using those same materials or...or elements. Those...those types of supplies might not be available for us if we need to keep to the historic nature of the building. So I'm not sure how that is going to affect even the cost, should it balloon the costs even over our appropriation.

MR. MARVEL: Yeah, thank...thank you, Chair. That's...that's a valid concern, and that's one that we share as well. So we...we hope that there's some type of middle ground or you know, some type of a...I don't want to say compromise, but some type of a...a solution that we can come to that...that preserves the character of those buildings, but also allows us to actually make these improvements, to get people in there, so we can...we can use them. That's...that's really what the buildings are for. So I...I think that the...the Planning Department does understand that, that we have...you know, we...we do have limitations based on budget, and based on those concerns.

CHAIR SINENCI: Thank you, Mr. Marvel. I believe my community has...already moving forward with our Aloha Week festivals in October, so I guess my recommendation would be if the Department can consider those alternatives and starting to move those agencies back into, which...whoever can be moved back, and to...if we can keep our park space open. Right now, those buildings are kind of situated in one area. We...we still do have the entire park open, and if we can keep the park section, including the bathrooms, open, so that my community can use the open space for sports, for festivals, at least we *(audio interference) space (audio frozen)*.

MR. MARVEL: Hmm.

COUNCILMEMBER PALTIN: Vice-Chair Johnson, did you want to call a recess? Oh, I think he's back, but --

VICE-CHAIR JOHNSON: Did he get frozen? Okay.

COUNCILMEMBER PALTIN: He...he was frozen --

VICE-CHAIR JOHNSON: I --

COUNCILMEMBER PALTIN: -- but I think now, he's just muted.

VICE-CHAIR JOHNSON: Committee Chair Sinenci, are you there? You want me to call a recess?

COUNCILMEMBER PALTIN: *(Audio interference)*

CHAIR SINENCI: *(Audio interference)*

VICE-CHAIR JOHNSON: Now we can hear you loud and clear.

CHAIR SINENCI: Yeah, my computer has reached its maximum capacity for one day's work.

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. . .*(laughing)*. . . With that, I'll take that as a sign. If there are no other questions for Mr. Marvel, we'd like to mahalo Deputy Director Marvel for his updates, and we'll look forward to the community meeting in mid-July. And without objection, Members, I would defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: KRF)

ACTION: DEFER pending further discussion.

CHAIR SINENCI: Okay. Mahalo, Sam.

MR. MARVEL: Thank you, Chair.

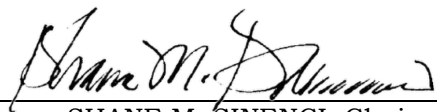
CHAIR SINENCI: Staff...Staff, is there anything else before we adjourn today's meeting?

MS. STEWART: No, Chair.

CHAIR SINENCI: Okay, great. All right. Thank you, Members, for that discussions today. And with that, the APT Committee meeting of Tuesday, June 28, is now adjourned. It is 4:16, with time to spare. . . .*(gavel)*. . .

ADJOURN: 4:16 p.m.

APPROVED:



SHANE M. SINENCI, Chair
Agriculture and Public Trust Committee

apt:min:220628:kr

Transcribed by: Kaliko Reed

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CERTIFICATION

I, Kaliko Reed, hereby certify that pages 1 through 41 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 27th day of July 2022, in Wailuku, Hawai'i

A handwritten signature in dark ink, appearing to read 'K. Reed', is written above a horizontal line.

Kaliko Reed