

**ECONOMIC DEVELOPMENT, ENERGY,
AGRICULTURE, AND RECREATION COMMITTEE**
Council of the County of Maui

M I N U T E S

January 26, 2016

Council Chamber, 8th Floor

CONVENE: 1:39 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Don S. Guzman, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Michael P. Victorino

NON-VOTING MEMBERS
Councilmember Gladys C. Baisa (in 1:53 p.m.)

EXCUSED: Councilmember Riki Hokama
Councilmember Mike White

STAFF: Sharon Brooks, Legislative Attorney
Raynette Yap, Substitute Committee Secretary
Gerald "Keoni" Enriques, Executive Assistant for Councilmember
Don Guzman

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via
telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

ADMIN.: Jerrie Sheppard, Deputy Corporation Counsel, Department of the
Corporation Counsel
Kaala Buenconsejo, Director, Department of Parks and Recreation
Lydia Toda, Risk Management Officer, Department of the
Corporation Counsel
Michele McLean, Deputy Director, Department of Planning
In the audience:
Michael Molina, Executive Assistant, Office of the Mayor
Mary Kiely, South District Supervisor, Department of Parks and
Recreation

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OTHERS: Bill Greenleaf
Sydney Smith
Annette Niles
Eve Hogan
Sharon Freitas
Derek Hoyte
Amanda Minney
Pat Borge
Paula Loomis
Jonathan Blas P. Ramit, Vice-Mayor, Bacarra, province of Ilocos Norte
Edgar Corpuz, Counselor, Bacarra, province of Ilocos Norte
Rafael Galicinao, III, Civil Engineer, Bacarra, province of Ilocos Norte
Plus (8) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: ...*(gavel)*... Welcome to the EAR Committee, Economic Development, Energy, Agriculture, and Recreation. My name is Don Guzman; I'm the Chair of the Committee. The time is approximately 1:39. I'm going to introduce our Members that we have today. We have our Vice-Chair of the Committee, Elle Cochran.

VICE-CHAIR COCHRAN: Aloha, Chair. Thank you.

CHAIR GUZMAN: Good afternoon. Don Couch.

COUNCILMEMBER COUCH: Aloha, Chair.

CHAIR GUZMAN: Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR GUZMAN: Mr. Mike Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR GUZMAN: And joining us later will be Mike White as well as Riki Hokama. For our Administration we'll have today our Parks Director Kaala Buenconsejo and I believe Brienne Savage may be joining us later if not then at least I've announced her. The Planning Department may be here, also Corporation Counsel Deputy Jerrie Sheppard. For our Legislative Staff we have Sharon Brooks our Legislative Attorney as well as our Committee Secretary Rayna Yap. I'm going to check in with our District Offices. In Hana Office are you there?

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MS. LONO: Good afternoon, Chair, this is Dawn Lono at the Hana Office.

CHAIR GUZMAN: Good afternoon, Ms. Lono. And on Lanai District Office are you there?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai.

CHAIR GUZMAN: Good afternoon, Ms. Fernandez. On Molokai District Office are you there?

MS. ALCON: Good afternoon, this is Ella Alcon on Molokai.

CHAIR GUZMAN: Thank you, Ms. Alcon. Before I begin anyone who is wishing to testify please sign up at the lobby. When you get to the podium please introduce yourself and/or the organization in which you represent. You'll have three minutes to testify. Upon seeing the red light blink that's the end of your testimony. Okay and so at this point I will ask if there's anyone wishing to testify in the Chambers.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. BROOKS: Yes, Chair, the first testifier will be Bill Greenleaf followed by Sydney Smith.

MR. GREENLEAF: Good afternoon, Chair and Councilmembers. I appreciate the opportunity to speak on ag-tourism. I'll be speaking for myself Greenleaf Farm and also for the Hawaii Farmers Union. So, you know, we're in the midst of a lot of changes and Farmers Union is promoting young farmers to build a future and a career in Hawaii on Maui around agriculture. The agritourism has been called the bridge that really helps young people get started in this industry. The last time, there was never a time like this before where agriculture needed a restart. It was pretty much our companion our entire lives. And now that we've entered this...we've been in this industrial era of agriculture for so long and we're seeing that it has some weaknesses. And to regain strength and to create awesome jobs and great ohanas, agriculture offers a really big opportunity. And I feel very fortunate that Kalani English has continued the legislation he had passed at the State level. And I appreciate this Committee hearing this today because we were kind of at the end of our timeline for when this ag-tourism needs to come to Maui and be voted in. And I wanted to tell you one story, I was at dinner last night with some friends from Chicago and they brought a friend and we had a really interesting talk. And he was staying at a bed and breakfast in Upcountry after other visits on Maui staying at the hotels. And he just was pouring out praises for the difference in the experience of living...of his vacation stay being more among the country. He said he felt the aloha much differently and had a completely different experience going forward and would highly recommend it to all of his friends. And it turns out and I didn't even know it until after the end of the evening but he's the owner of the Chicago Bears football team. A very non-pretentious

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person but he could stay anywhere. It could be a luxury suite person at the wonderful hotels we have here in Hawaii. But he had a different experience and he'd like to --

MS. BROOKS: Thirty seconds.

MR. GREENLEAF: -- have that continued in the future. So I hope we pass this out and we can keep it going and get it passed. Thank you very much.

CHAIR GUZMAN: Thank you, Mr. Greenleaf. Is there any follow-up questions for the testifier? Seeing none, thank you very much for your testimony.

MR. GREENLEAF: Thank you.

MS. BROOKS: The next testifier is Annette Niles, followed by Eve Hogan.

MS. SMITH: Actually it's me.

MS. BROOKS: Oh, I apologize Sydney Smith, followed by Annette Niles.

MS. SMITH: Okay. Everybody knows me here. Before I go on with my testimony I'd like to say a brief thing about the Tom Morrow Equestrian Center. I used to be the campaign manager for Tom Morrow and he was just a beloved character here on Maui. He and I screen printed his campaign signs in my car port. We went back a long ways. Got his horse ready to ride High Spirits along the side of the highway. That was his...pretty much his whole campaign strategy was riding High Spirits. So, I would like to put my endorsement behind the Equestrian Center. Now, I'll go on with my testimony I'm here for EAR-41, the Ag-Tourism Bill. My name as most of you know is Sydney Smith. I'm the president of the Maui Coffee Association and I own Maliko Estate Coffee Farm in Makawao. I'm also a member of the Ag Working Group. I'm speaking this afternoon on behalf of the Maui Coffee Association and as a member of the Ag Working Group. I support and my association supports ag-tourism. Coffee orchards in particular are well suited to ag-tourism. There's generally no plowing, heavy equipment, or pesticides involved so it's easy to make a family friendly, safe and beautiful environment for the visitor. Most of you know that I've been working on this bill for some time. I've become very familiar with the laws and ordinances in other counties and other states. I've also become very familiar with the legislation in our own State. In 2005, the State of Hawaii passed Act 183. This is generally known as IAL or Important Ag Lands but it's much more than that. It's a mandate from the State to encourage the counties to assist farmers and ranchers to keep land in agriculture. This is a quote "The intent of this Act is not only to set policies for Important Agricultural Lands and to identify Important Agricultural Lands but also to provide for the development of incentives for agricultural viability in Hawaii, particularly for agriculture enterprises that farm Important Agricultural Lands and for landowners of Important Agricultural Lands. These incentives would be designed to promote the retention of Important Agricultural Lands for viable agricultural use over

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the long-term.” The following year in 2006, the Hawaii Legislature’s report, preliminary report on the implementation of Act 183, Incentives for Important Agricultural Lands, lays out 31 pages of recommendations for these incentives. Only three of them do not involve grants or tax credits. Here’s the three: expedited permitting process, flexibility in County and State Land Use Commission conditions, and ag-tourism as an allowed activity on ag land. I for one would much rather see the farmer or rancher finance their own viability as a producer rather than the taxpayer having to foot the bill and I hope you do too. Thank you.

CHAIR GUZMAN: Thank you, Ms. Smith. Is there any follow-up questions for the testifier? Seeing none, thank you very much for your testimony.

MS. SMITH: Thank you.

CHAIR GUZMAN: And would you be available to serve as a resource this afternoon?

MS. SMITH: Yes. Yes.

CHAIR GUZMAN: Okay. Thank you. Without objections, can we ...

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Thank you.

MS. SMITH: Thank you, Chair.

MS. BROOKS: Now, the next testifier is Annette Niles, followed by Eve Hogan.

MS. NILES: Good afternoon, Chair. Good afternoon, Council. My name is Annette Niles. I am a rancher, farmer, and I’m also on the Ag Working Group. I’m here to testify, well, before I testify on the Ag-Tourism Bill I’d like to say something about Tom Morrow. And I am totally in support of you guys giving them back the lease and the man was such a wonderful man and, you know, he wanted this arena for the people. And so if you could please continue his legacy. And then now jumping to the vacation rental on ag land, I would like to say something about that. You know I have, you know, I have had so many, many, many, many calls on my farm, on my ranch, do I have a place to stay, you know, could we come and stay on your farm and ranch, you know, just, you know, to be on a farm and ranch. They’re tired of staying in a hotel. They had the hotel. Maui is only so big. You can only come here every year and do so much. But, you know, I wish you guys would really support the Ag-Tourism Bill and so we can make a better life for our kids, our future. Thank you.

CHAIR GUZMAN: Thank you. Any follow-up questions for Ms. Niles? Seeing none, thank you very much for the testimony.

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MS. BROOKS: The next testifier is Eve Hogan, followed by Sharon Freitas.

MS. HOGAN: Hello, Council, thank you so much for having us here. My name is Eve Hogan and I'm the owner of the Sacred Garden in Makawao, a member of the Maui Coffee Association, Maui Flower Growers Association, and a member of the Ag Working Group. I'm testifying on behalf of myself to urge you to move the Ag-Tourism Bill forward. This summer I traveled to Italy and Israel with my husband and sought out ag-tourism destinations in order to have an experience of the real people and places. We sought out these places and it was absolutely amazing. And as Bill Greenleaf testified once before in Council, Maui has the opportunity to be a branded destination for more than its beautiful beaches. We have the potential to be thought of like Napa or Tuscany is. A place where you can discover quaint and unique farms and have an unforgettable experience. Attached to my testimony, I hope you all have this flyer, this is from a workshop that many of us here attended back in April. It was put on by the Hawaii Department of Agriculture to encourage and support those of us with agriculture ventures to embrace ag-tourism as a viable means to monetize our farms and create charming destinations in Hawaii. It was a great workshop packed full with interested people, knowledgeable speakers, and lots of great ideas. There was just one problem though, everything that they were telling us to do is considered illegal in Maui County. We do not have, because we do not have the ag-tourism ordinance in place. This ordinance is required in order to set forth the State mandate to make ag-tourism an allowable use on ag land. To my knowledge we are the only state in the country and maybe the only country in the whole world missing out on this opportunity to monetize and support agriculture, create jobs, provide special and educational experiences for locals and tourists alike, and to make the farmlands more than a drive-past experience. Act 183 also known as IAL was generated in a reaction to sugar cane and pineapple plantations shutting down across the state. With this transitional point in time with the recent news from HC&S it's the perfect moment in history to set forth a new agricultural vision for Maui. When you make it possible for people to be creative in what they offer on their farms and allow them to make money, Maui's charm factor will go way up. So will the reputation and its economy. Maui will become the leading edge of an industry trend that simply makes sense. Thank you so much for your support.

CHAIR GUZMAN: Thank you, Ms. Hogan. Is there any other further questions, clarifications? Seeing none, thank you very much for your testimony.

MS. NILES: Thank you.

CHAIR GUZMAN: I'd like to recognize the presence of Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR GUZMAN: Thank you for joining us. Next please.

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MS. BROOKS: The next testifier will be Sharon Freitas, followed by Derek Hoyte.

CHAIR GUZMAN: Yes, please come to podium and just introduce yourself.

MS. FREITAS: Hi, I'm Sharon Freitas.

CHAIR GUZMAN: Okay. And go ahead and state what item you're testifying on.

MS. FREITAS: We are here for EAR-48.

CHAIR GUZMAN: Okay. Go ahead with your testimony.

MS. FREITAS: Okay, this is about the Tom Morrow Equestrian Arena. Okay, we have...I have Paula Loomis here and Patty McNeal; they are also on our Board of Directors. And we have worked extremely hard to keep the equestrian lifestyle going and we'd really like to have support for a longer term lease. With the longer term lease comes more time to plan and prepare and do a lot of other things that we have on our agenda. We are currently trying to work on a trail course that people can come and practice with their horses for horse shows and then also it gives them something else to do at the arena. One more different use instead of just in the arena. And then we also need sand because of the wind and the rain and just use throughout the years since 1998 when we started that is, has become depleted. So we just ask for your kind consideration. And I have one...and on the thing about the ag bill with the ag-tourism. I just came back from a 32-day cruise in South America and that was one way that we chose our destination for tours. If it was an ag type of area we were on that tour.

CHAIR GUZMAN: Thank you very much, Ms. Freitas. Is there any follow-up questions for the testifier? Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And thank you, Ms. Freitas, for actually have myself and the Chair visit the arena the other day and it was very nice to come and see it firsthand. So thanks for the work you folks been doing. In regards to the replenishment of the sand though I know you mentioned it was due to high winds of some sort --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --that blew off I guess certain amount --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --and you need to replenish that. But we also...so is that going to help, you know, put I guess more uses for the arena? 'Cause I mean we talked about --

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MS. FREITAS: The footing.

VICE-CHAIR COCHRAN: --pretty much everything but, yeah, the footing, everything but your ropers and those types of horse practices aren't really, it's not really suitable for that is what I'm hearing in the community. And so will this extra sand help that in order to ...

MS. FREITAS: The extra sand will definitely make a difference but would be nice to really have a lot more sand. But maybe if we could get on like maybe a schedule of like every year keep putting it in till we get to that level, you know, we'd like to attain that.

VICE-CHAIR COCHRAN: Okay.

MS. FREITAS: Yeah.

VICE-CHAIR COCHRAN: So you're saying that it's the depth maybe that needs to be adjusted --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --in order to --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --to get it to utilize that type of practice?

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: Horse discipline.

MS. FREITAS: Exactly.

VICE-CHAIR COCHRAN: Okay. Okay.

MS. FREITAS: Yes, thank you, Elle.

VICE-CHAIR COCHRAN: Well thank you for your comments.

MS. FREITAS: You're welcome.

VICE-CHAIR COCHRAN: Thank you, Chair.

CHAIR GUZMAN: Thank you. Any other further questions? Ms. Freitas, are you available to serve as a resource person if the Members have questions when the item is called?

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MS. FREITAS: Yes.

CHAIR GUZMAN: Okay. Thank you very much. Without any objections, may we call on Ms. Sharon Freitas as a ...

VICE-CHAIR COCHRAN: No objections.

CHAIR GUZMAN: Thank you. You can stick around for being called as resource person. Thank you. You can call the next testifier.

MS. BROOKS: The next testifier is Derek Hoyte, followed by Alison and Amanda Minney.

MR. HOYTE: Thank you, Chair, for the opportunity to speak and Councilmembers. I'm in favor of the proposed changes to the ag ordinance.

COUNCILMEMBER VICTORINO: Your name please?

MR. HOYTE: Sorry.

CHAIR GUZMAN: Your name please.

MR. HOYTE: Yeah, Derek Hoyte.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER VICTORINO: Okay, Derek, thank you.

MR. HOYTE: I wanted to thank everyone for the hard work that's gone into getting to where we are today and encourage you to amend the ordinance and vote in favor of this. I own a small farm of about 18 acres in Upcountry Maui and I have a payroll about 15 employees. And I exclusively make my living from ag-tourism activities here on Maui. I would however like to add a few comments about this change not being the final chapter in bringing Maui County into the 21st Century in promoting sustainable agriculture. Please consider that the approach so far has been to narrowly define agriculture in Maui County to not include ag-tourism thereby effectively making ag-tourism illegal. This change hopefully will finally make ag-tourism allowed as a good first step and I encourage that greatly. I would like to suggest however that a next step be to update the definition of agriculture to include agritourism as outright under such a definition. And a good place to start would be the definition that the Federal Government of the United States uses for agriculture and more specifically sustainable agriculture. And I included more information in my handout about what that is, how it's defined, what it includes. And if you'll note on Page 3 of that handout it very much includes entertainment farming and agritourism. And that's, falls under the definition of agriculture which if Maui County updated the definition of what's

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included in agriculture this ag-tourism statute might be unnecessary. It would also make agritourism a principal as opposed to accessory land use in the Ag zone allowing it to be deemed outright legal rather than deemed illegal until further authorized by the Planning Department. So a different approach, most other states in the Country follow the approach of making this activity legal as part of --

MS. BROOKS: Thirty seconds.

MR. HOYTE: --promoting agriculture. And I think there's a lot more that Maui County can do to also promote sustainable agriculture specifically in making it legal and allowed. And this is a good first step but I would encourage you to take further steps to encourage ag-tourism here in Maui County. Thank you for your time.

CHAIR GUZMAN: Thank you, Mr. Hoyte. Is there any follow-up questions for the testifier? Seeing none, thank you very much for your testimony.

MR. HOYTE: Thanks.

MS. BROOKS: The next testifier is Alison and Amanda Minney, followed by Pat Borge.

MS. MINNEY: So, I'm Amanda Minney of Malolo Farm, Upcountry Kula. Just for the Tom Morrow thing. I grew up riding horses since forever basically and had a lot of fun horse shows at Tom Morrow and hate to see that end. But then for the EAR-41 personally we're hoping to take our own farm to the next level which this bill could support 'cause we have a seasonal crop of protea. They have their seasons, they come and go, and there are the low spots in the season which if these changes were made possible we could sustain ourselves and maintain our farm better throughout the year without the drastic lulls that sometimes occur. As well the bill would help maintain or help benefit other farmers who may be in the same position as us throughout the year. It would be a great way to support local and keep Maui farming and strong.

CHAIR GUZMAN: Wait, hold on, hold on. Are you finished with your testimony?

MS. MINNEY: Yeah.

CHAIR GUZMAN: Okay. Members, do you have any follow-up questions for the testifier? Seeing none, thank you very much for your testimony.

MS. BROOKS: The last testifier in the Chamber is Pat Borge.

MR. BORGE: How is everybody doing? Happy New Year, Council. It's been awhile but here I am.

CHAIR GUZMAN: Can you please identify yourself for the record?

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MR. BORGE: I'm here to testify on the Tom Morrow ...

COUNCILMEMBER VICTORINO: Can we have your name please?

MR. BORGE: My name is Pat Borge.

COUNCILMEMBER VICTORINO: Okay. Thank you.

CHAIR GUZMAN: Thank you.

MR. BORGE: Okay, I'm not against Tom Morrow's arena I've known Tom Morrow. I used to rodeo with Tom Morrow. For one, to me the arena is in the wrong location bottom line. And the way it's been run over the last 15 years 'cause I remember going to the first meeting when Tom Morrow, when the County was going to give the money to open up this arena and it was specifically made and said by me that I don't want this to become a private club. And I'm a roper, I'm a team roper and I have a lot of friends who team rope. And I think they had only one rodeo there at the grand opening and horses were falling, sliding down. Some of 'em, one of my good friends fell, rest in peace he's not with us anymore. But that was one of our main concerns was that the arena, the floor itself wasn't safe enough. By adding more sand it's not going to make a difference. It's what under the sand that's got to be taken care of and that's going to cost big bucks to do that. I've been around. I've been to a lot of arenas. I've been East Coast, West Coast, wherever. On the Big Island you have two county facilities, on the Big Island Hawaii, that the county runs it and they have no problems and it's a community thing. So before like I know this group of ladies, I know you guys are not doing no wrong. I know it's all about horses and...but it's a community thing. It's taxpayers' money that's going into this thing and I'm a taxpayer and I'm a roper. And I want to be able to use this place but at the same time I don't want to be...I don't know the rules. I don't know who's on the board. I don't know whose running nothing. There's no outreach to the community on this facility. I'm sorry. I see it, you know, I've been there. You guys said, I know some of you say oh I never been there. I've been there. I got a picture right here looking at the roping shoot it's all rusted out. You know I know your lease expired two years ago so if you're running --

MS. BROOKS: Thirty seconds.

MR. BORGE: --a facility and your lease expires two years ago then nobody is up to par on this thing, you know, I mean like I said it's not against Tom Morrow it's about doing it right. This is the taxpayers' money that you're putting into this place. It's not yours. It's not your personal use. It's about everybody. I have a friend that lives right next to that arena. He drives all the way to Makena to rope in my arena with his wife and his kids --

MS. BROOKS: Three minutes.

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MR. BORGE: --and his grandkids. Just to show you that's it's not run right. I think before the Council make any more extending the leases or whatever, they should get the community involved. Sit down with the community and the ropers and all us get together and work on something. Thank you very much. I know I pass my time but ...

CHAIR GUZMAN: Thank you, Mr. Borge. Is there any follow-up questions for the testifier? Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And thank you, Mr. Borge, for being here. You stated that I guess there's a lot of, I guess a lot of uses, you know, horse, just different kind of disciplines and what have you but not so much what you do.

MR. BORGE: Right.

VICE-CHAIR COCHRAN: And I believe is that what Mr. Morrow did too, a roper? He was a roper?

MR. BORGE: Oh, Tom Morrow was a hell of a heeler. He was a good heeler. One of the best on the island at his time.

VICE-CHAIR COCHRAN: Right. And I had gone there with Chair Guzman and saw the setup and it's a beautiful setup with the shoots and the alleys and the gates and whatever you need for, you know, the --

MR. BORGE: Right, right.

VICE-CHAIR COCHRAN: --rodeo style and the type of riding you do. And you state there's concerns, I guess safety concerns with the arena that's why it's not being utilized that way.

MR. BORGE: Well, for one it's hard to find out how do we get in there, you know, and the parking is not suitable for...we got one good day of rain and we in there with our trailers and horse trailers it's going be hard. Plus it's hard to find. It's in the back of a subdivision. I mean you got to go through this, you know, all these houses to get to this arena. To me it's ridiculous. You know it should have been designed much better as far as getting to it, who to deal with, how you get the key, what are the rules. It was never out there for the community to know. I didn't know who was running the arena until today. Just a couple weeks ago they put out an ad at the...or two months ago they put at the feed store; welcome to Tom Morrow's Arena you can meet the board members. It took 'em 15 years for them to do that. I mean it's to me like they want a 10-year lease. Why 10 years? They already had 15 and we have all these problems. Maybe they didn't think we had problems but now we do. There is problems 'cause I can bring...a lot of my cowboy friends they working today or not they would be here testifying. That's why I'm here today. I mean I got things to do but when this came up it was my chance to tell you the Council here that this arena is not

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being run right as far as a County facility and it should be done in a better way. And the only way they're going to do that is by getting all the community involved and sitting down and talking on how we're going to do this, what are the rules, and all of that. Thank you.

VICE-CHAIR COCHRAN: Okay.

MR. BORGE: You know I mean it's just common sense, you know.

VICE-CHAIR COCHRAN: Okay, well, thank you for your time --

MR. BORGE: Thank you very much.

VICE-CHAIR COCHRAN: --and comments, Mr. Borge. Thank you, Chair.

CHAIR GUZMAN: Thank you. Members, any other further questions? Mr. Couch?
Mr. Borge --

MR. BORGE: Yes, sir.

CHAIR GUZMAN: --Mr. Couch has a question for you.

COUNCILMEMBER COUCH: Thank you, Mr. Borge. So, I just want to get it straight. You're okay with the arena being there, you just need to see...get a group together to find out what would be the best way to run it.

MR. BORGE: What we're going to do here, it's not just that little group, you know, there's a lot of other people are involved in the horse thing here. You know what I mean there's not just one little group. There's a lot of people have horses. There's a lot of people who need to use that facility but it's got to get out to the community and say hey this is what we got, this is what we're going to offer. And it's a County facility, make that very clear, you know.

COUNCILMEMBER COUCH: Okay.

MR. BORGE: Thank you. Can I...yeah, I want to talk about that ag thing --

CHAIR GUZMAN: Mr. Borge, your ...

MR. BORGE: --just, the one with the housing.

CHAIR GUZMAN: Okay, your testimony ...

MR. BORGE: We have enough TVRs and B&Bs. Just thought I'd throw that in.

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CHAIR GUZMAN: Is there any other further questions for the testimony...testifier? Seeing none, thank you very much. Is there any other testimonies that ...

MS. BROOKS: Chair, there are no further testifiers in the Chamber.

CHAIR GUZMAN: Okay, I'm going to go ahead to District Office. In Hana Office, is there anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify.

CHAIR GUZMAN: Thank you very much. And, Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Thank you. And on Hana [sic] Office is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR GUZMAN: Okay, thank you, ladies. We're going to go ahead and without any objections close public testimony, Members.

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Thank you.

... END OF PUBLIC TESTIMONY ...

**ITEM NO. 46: DONATION OF MATERIALS TO INSTALL BACKBOARDS
AT THE KALAMA PARK TENNIS COURTS (KIHEI)
(CC 15-302)**

CHAIR GUZMAN: Turning to the first item on our agenda that's PC-46 the donation for the materials to install the backboards at the Kalama Park tennis courts. This is the Committee is in receipt of County Communication 15-302, from the Director of Parks and Recreation, transmitting a proposed resolution entitled, Authorizing Acceptance of the Donation of Materials and Supplies to Install Three Backboards to the Department of Parks and Recreation, County of Maui, Pursuant to Chapter 3.56 of Maui County Code. The purpose of the proposed resolution is to accept the donation of materials and supplies valued at 3,000 to the Department of Parks and Recreation from the McPherson Foundation to install three of the backboards at the tennis courts at Kalama Park in Kihei. The Committee may consider whether to adopt the proposal of the resolution with or without revisions and may also consider filing of the County Communication 15-302 and related actions. Today we have our Director of our Parks

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and Recreation Department. Mr. Buenconsejo is here today. If you have any opening comments you may do so at this point.

MR. BUENCONSEJO: Chair. Thank you, Chair, Councilmembers. No opening statement. We're just here to go through the process. Just do a little clarification for those who may know exactly what those boards are. Those are those kind of backboards that a individual player would whack against and there is that net line that would take you there. So it's more of a practice warm-up kind of a situation backboard.

CHAIR GUZMAN: Okay.

MR. BUENCONSEJO: And that's it, Chair. I'm here for any questions.

CHAIR GUZMAN: And then I'm going to open up the floor for the Members at this point. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Buenconsejo, for bringing this up. So this was a project that an Eagle Scout wanted to do for the park itself. He had all the...he's providing the labor and the materials?

MR. BUENCONSEJO: Chair? You know I can clarify that more but from my understanding, yes, that will be...they'll be putting everything up on that part of it, yes.

COUNCILMEMBER COUCH: Okay.

MR. BUENCONSEJO: But everything will be donated.

COUNCILMEMBER COUCH: Okay. Mr. Chair, I guess maybe we can make this as an item potentially probably for the PIA Committee but, you know, to have to have the guy wait from August 15th for it to get through all our calendars to donate something of a halfway decent value, I was wondering if there's a way we can have an item to go to PIA to change that dollar amount somehow 'cause it's kind of unfortunate he had to wait so long to do this.

CHAIR GUZMAN: Well ...

COUNCILMEMBER VICTORINO: Chair, I will look into that matter, you know, just so that we can expedite today but --

COUNCILMEMBER COUCH: Okay. Thank you.

COUNCILMEMBER VICTORINO: --I'll look into that matter and bring something forward in the very near future. Thank you.

COUNCILMEMBER COUCH: Thank you, Chair.

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CHAIR GUZMAN: Okay. Thank you, Mr. Victorino. Let me ask the Director on the...when was the request submitted to the Department?

MR. BUENCONSEJO: Chair, from what we hear it was back in August.

CHAIR GUZMAN: Back in August.

MR. BUENCONSEJO: Yes.

CHAIR GUZMAN: Is there a reason why it took so long for it to come to the Council?

MR. BUENCONSEJO: You know, Chair, I could get back to you on that but just basically going through the process. There was some communication as well with the donor who doesn't live here fulltime. She's back and forth as well to the mainland. So just the communication and getting everything back and forth on that. Our District Supervisor is here in the stands Mary Kielty who would be able to answer more in detail with the process if you'd like that.

CHAIR GUZMAN: Okay. Well, for now I know that the...I think the family's person that is representing the family is flying in from Thailand. I believe is that correct? Is that ...

MR. BUENCONSEJO: Chair, yes, the daughter was...so she's back in the mainland and the daughter was on vacation in Thailand who was supposed to be here this morning but I guess she missed her flight.

CHAIR GUZMAN: Okay. So we are so very appreciative of the family to donate the materials at this point. But not to delay the matter any further, what's the status of the courts right now just in general?

MR. BUENCONSEJO: Regarding just the playing surface itself and everything?

CHAIR GUZMAN: Yeah, the playing surface.

MR. BUENCONSEJO: I mean it's there. It's playable. I mean of course every...we can always do upgrades and we are...we have that on the maintenance schedule but for the most part putting that up, it's definitely playable and ready to go once we can get those boards up. Nothing to do with the court itself, it's definitely there.

CHAIR GUZMAN: So were there boards before and is there a real need for these backboards?

MR. BUENCONSEJO: Yeah, there's definitely a need. I mean especially if it's being donated to us, you know, it does help us as a County with our operation costs. There are current boards there and there also were boards before that we replaced. So again the

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more the merrier and again with somebody doing the donation it's always a plus for the County.

CHAIR GUZMAN: Okay, very good. Is there any further questions from the Members? Seeing none, the Chair ...

COUNCILMEMBER VICTORINO: Recommendation.

CHAIR GUZMAN: Okay. The Chair will entertain a motion to recommend adoption of the proposed resolution entitled, Authorizing the Acceptance of a Donation of Materials and Supplies to Install Three Backboards to the Department of Parks and Recreation, County of Maui, Pursuant to Chapter 3.56 in the Maui County Code, and the filing of the County Communication 13-302 [sic].

VICE-CHAIR COCHRAN: Chair, so moved. And that includes also filing?

CHAIR GUZMAN: Yes.

VICE-CHAIR COCHRAN: And filing of County Communication.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COUCH: Second.

CHAIR GUZMAN: Filing of County Communication 15-302. Motion by Ms. Cochran, seconded by Mr. Couch. Any further discussion? All those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR GUZMAN: All those opposed say "no." We have six ayes.

UNIDENTIFIED SPEAKER: Five.

CHAIR GUZMAN: Oh sorry, five "ayes" and two excused. Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
Councilmembers Couch, Crivello, and Victorino.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and White.

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MOTION CARRIED.

ACTION: ADOPTION of proposed resolution and **FILING** of communication.

CHAIR GUZMAN: Thank you, Members.

**ITEM NO. 48: GRANT OF LEASE OF COUNTY RECREATIONAL SPACE
TO TOM MORROW EQUESTRIAN ARENA (HAIKU)**
(CC 16-6)

CHAIR GUZMAN: Moving to the next item on the agenda this is PC-48, the Grant of Lease of the County Recreational Space to Tom Morrow Equestrian Arena, Haiku, EAR-48. The Committee is in receipt of County Communication 16-6, from the Director of Parks and Recreation, transmitting a proposed resolution entitled, Authorizing a Grant of Lease of the County Recreational Space to Tom Morrow Equestrian Arena. The purpose of the proposed resolution is to authorize the nonprofit to continue to lease a portion of the Fourth Marine Division Memorial Park in Haiku. The Committee may consider whether to recommend adoption of the proposed resolution with or without revisions and the Committee may also consider filing of the County Communication 16-6 and other related actions. Today we also have the Director of Parks and Recreation here today. The floor is yours for any opening statements that you may have.

MR. BUENCONSEJO: Chair, there is no opening statements for the Parks and Recreation. We just wanted to talk story, be here for any questions that the Council may have for us from the Parks standpoint.

CHAIR GUZMAN: Right.

MR. BUENCONSEJO: The lease was originally, well, a little statement I guess, the lease was originally made back in April of 2008 through April 2013. So it is definitely on...it's a month-to-month currently until we get a current lease agreement.

CHAIR GUZMAN: Okay. Thank you. And we also have for our resource person the President of Tom Morrow Equestrian Arena, Sharon Freitas.

MS. FREITAS: Hi.

CHAIR GUZMAN: Thank you for joining us. Do you have any opening statements for the discussion?

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MS. FREITAS: Yes, I do. Back in 1994-'95 before Tom passed away ...

COUNCILMEMBER COUCH: Get a little closer to the mic.

CHAIR GUZMAN: Can you get closer to the mic?

MS. FREITAS: Okay, sure.

CHAIR GUZMAN: Thank you.

MS. FREITAS: Back in 1994-'95 before Tom passed away I was Tom's fiancé. I found the property to build this arena. Originally I was at a Community Advisory's Committee meeting in Haiku, and they were trying to get land directly across the street from Haiku Community Center, and my comment was, you guys having a very difficult process to take land that is productive ag for parks. And then I suggested looking at the Fourth Marine Park which that pineapple field had been terminated and that's the property that we were able to acquire to enlarge the park and for a County arena. When the arena began back in the early '90s I was on the Citizens Parks Advisory Committee. It took us years to get the approval to continue this process. Once we had the process and the land was determined for the arena, I did not just allow just certain people to run this, and I am a roper. Pat Borge has roped at my arena at the senior rodeos for many years. Back then I had more people using my private arena than was using clubs, and we are not a club. And on the fence at the Tom Morrow Equestrian Center is my personal phone number and the personal phone number of Sue Guille for anybody who wants information about using that arena. And as many years as I have drive down to Makena, Pat, I've never seen your arena either, it's hard to find. And I invited every single club president Oskie Rice, Makawao Roping Club, Ulupalakua Ranch, Kaupakalua Roping Club, Maliko Roping Club, Maui Horse Show Association. I can go on and on just such, everybody came to the meeting. When they came to the meeting I did not ask them just to...for input, I told them, I said, you folks are invited here as board of directors. You folks will be the board of directors to produce this arena. And that's how it began.

CHAIR GUZMAN: Okay.

MS. FREITAS: I grew up in this County where if you weren't friends with somebody you couldn't ride in an arena. This arena is for everybody's discipline. And yes I can agree with Pat about the footing in that arena but that is something that can be rectified. Okay and another thing that I...that arena need fixing is the shoot that runs, the alleyway that feeds the roping box. That was one day I couldn't be there in the process of building that arena 'cause as a school teacher and when I came they had the thing too wide. You want to move cattle you have to squeeze 'em. You cannot move cattle in a wide alley. You need a tight alley. And that is something that we can also be repaired. But as far as number of events, when we had the grand opening not one horse fell down. And I was in the drill team and we were doing some fast riding

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and my horse didn't fall. And I've had two women's rodeos and kids' rodeos there back in the early 2000 so there was more than one rodeo there. And there was numerous horse shows that transpired there. This is not just for one discipline. If it was for one discipline, why did I design a rope box in there, and it is there. Why did I put a strip shoot to take off the ropes from the cattle that you work? Why did I purchase a squeeze shoot so that you can put the cattle's head through and take horns on and off so you can rope horned cattle? The facility is there and it is not hard to find, and like I said my phone numbers are on that fence, and we have a website. And when this facility first began the numerous publications we publicized the grand opening in at our blessing. You folks have any questions you'd like to --

CHAIR GUZMAN: Okay.

MS. FREITAS: --ask me please ask.

CHAIR GUZMAN: Thank you very much, Ms. Freitas. Is there any questions that the Members may have for either the Department or Ms. Freitas? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Freitas, for your comments. A question for you, is the Tom Morrow Equestrian Arena is a 501(c)(3) corporation?

MS. FREITAS: Yes, it is.

COUNCILMEMBER COUCH: And they have a board of directors listed?

MS. FREITAS: Yes, we do. Two of our board members are here Paula Loomis and Patty McNeal. Sue Guille is on vacation, Yvonne Bringuel and Gena Rickard who is...both of those girls are also ropers are at work.

COUNCILMEMBER COUCH: Okay. That's it for now. Thank you.

CHAIR GUZMAN: Okay. Ms. Cochran?

VICE-CHAIR COCHRAN: Thank you, Chair. And thank you, Ms. Freitas. But you said questions for Department also?

CHAIR GUZMAN: Either Department or Ms. Freitas, either one.

VICE-CHAIR COCHRAN: Or I guess it would probably go together but...and so is it true that your folks' lease has been expired for two years?

MS. FREITAS: Yes.

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VICE-CHAIR COCHRAN: And what...and how did that come to be exactly that it...did you just not know or ...

MS. FREITAS: No, we knew, we've been working on it. Sue Guille has been writing and speaking back and forth with not exactly sure who but, you know, like the memos that I ...

VICE-CHAIR COCHRAN: The Department?

MS. FREITAS: Yeah because at that time, you know, I've been vice-president and Sue would talk to me about, you know, putting this and that in the lease, you know, what we'd like to acquire. So she was rewriting things constantly and I got the memos. So we've been working on it. It's not like we forgot about it. We have been actively working on the lease for two years.

VICE-CHAIR COCHRAN: And I guess you haven't been getting responses from the Department is that why it's been lagging? And then this is a question I guess to the Department is what --

MS. FREITAS: Yeah, I guess it is.

VICE-CHAIR COCHRAN: --what happened here between --

MS. FREITAS: Right.

VICE-CHAIR COCHRAN: --what you folks have been trying to push forward for renewal --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --and then what happened I guess on the Department's behalf that it didn't happen and --

MS. FREITAS: Yes, and ...

VICE-CHAIR COCHRAN: --two years passed.

MS. FREITAS: Right. And probably Paula could answer those questions better 'cause she's our secretary.

VICE-CHAIR COCHRAN: Okay.

CHAIR GUZMAN: Okay.

VICE-CHAIR COCHRAN: But I'll have Department --

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CHAIR GUZMAN: Department?

VICE-CHAIR COCHRAN: --chime in at this point.

CHAIR GUZMAN: Mr. Buenconsejo --

MS. BUENCONSEJO: Chair, thank you.

CHAIR GUZMAN: --do you have any --

MR. BUENCONSEJO: Yeah.

CHAIR GUZMAN: --information?

MR. BUENCONSEJO: Regarding the question as far as where it stood, as mentioned Sue Guille is not here so our office with our Grant Department has been trying to go back and forth but because of the time lapse of her being on island and not throughout the years it just kept getting pushed and pushed back. So as we finally got it together recently, the Department has put it together and that's where we're at today. So it wasn't the Department that was holding up the process of the contract or of the grant I should say. It was kind of a back and forth thing and as we know the grants don't happen immediately. So with the communication between the group and the Department and not having people there on a constant basis is where we are today.

CHAIR GUZMAN: Okay. What about, Corporation Counsel, do you any information to share?

MS. SHEPPARD: No, I worked on this most recently so it could come up to Council.

CHAIR GUZMAN: Okay. Is there...do we...would you like to have their secretary respond to your question?

VICE-CHAIR COCHRAN: Yeah, Ms. Guille is here, yes.

MS. FREITAS: No, not Ms. Guille. Patty.

CHAIR GUZMAN: Members, without objections? Okay.

MS. FREITAS: I mean Paula, excuse me, Paula Loomis.

VICE-CHAIR COCHRAN: Paula Loomis.

MS. FREITAS: Yes.

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CHAIR GUZMAN: Loomis. Without objections, Members, could we call on Paula Loomis?

VICE-CHAIR COCHRAN: Yeah, no objections.

CHAIR GUZMAN: No objections. Noted. Ms. Loomis, can you please come to the podium?

MS. LOOMIS: Thank you. I only ...

CHAIR GUZMAN: Can you please state your name and your position in the organization.

MS. LOOMIS: Yes, I'm Paula Loomis. I'm a user of the arena and I'm on the board of directors --

CHAIR GUZMAN: Okay.

MS. LOOMIS: --and I'm the secretary of the board.

CHAIR GUZMAN: Thank you very much. Were you present during the question, Ms. Cochran's question?

MS. LOOMIS: Yes.

CHAIR GUZMAN: Okay.

MS. LOOMIS: Yes.

CHAIR GUZMAN: Are you able to respond?

MS. LOOMIS: I just had a point that I wanted to make regarding the duration of the time that it's been taking to --

CHAIR GUZMAN: Yes.

MS. LOOMIS: --bring this lease forward.

CHAIR GUZMAN: Yeah, please continue.

MS. LOOMIS: I have not been involved in that process. I'm relatively new to the board; however, I do have a copy of the lease and I in looking at it noticed that on the draft it...while it doesn't have a date on it of course it does provide 2014 as part of the first draft. So that tells me that this has been in the works for a couple of years. This was drafted in 2014 and I guess there was an expectation at that time that it would be able to move along but, you know, things happen and it just has been a slow process. And I think as the director has pointed out we've been on a month to month in the interim,

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so that's the only comment that I wanted to make regarding the lease unless there are any other questions for me.

CHAIR GUZMAN: Members, yeah, I believe it's my understanding that they have been working on it since 2014 and so this organization has been waiting this long for it to finally get to this stage which is two years. So they have been waiting quite some time for it. Yes, Ms. Freitas?

MS. FREITAS: Okay, the other...one other point that I'd like to point out in the process of getting this arena built I was a school teacher at Baldwin High School. You know Baldwin High School we do not have our own fields we use the County facilities, the gym, the softball fields, tennis courts, everything. My research when I was on that Citizens Advisory Committee I researched the cost of running a swimming pool, the number of tennis courts, the number of basketball courts, the number of gyms, softball diamonds, you know, and what the cost takes to run these things. The County, and that was why the County gave it to a private organization to run. We're not a club. We're just, gosh just the guardians of the arena for lack of the right word right now and it's open to everyone. But if the County was to run this arena it would cost you guys hundreds of thousands of dollars a year for the same thing that we are doing now.

CHAIR GUZMAN: Okay. Any other further questions?

MS. LOOMIS: May I make another comment?

CHAIR GUZMAN: No. No. Hold on. Members, is there any other questions for Ms. Loomis?

COUNCILMEMBER VICTORINO: Yes, I do, Mr. Chair.

CHAIR GUZMAN: Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: I've been trying to catch your attention but I know you've been busy.

CHAIR GUZMAN: Sorry.

COUNCILMEMBER VICTORINO: So I told you, that's how, you got to say Mr. Chair.

CHAIR GUZMAN: Yes.

COUNCILMEMBER VICTORINO: Then you can take it. Right now, you folks have not ever come back to the County for any funding since this has been built. Is that correct?

MS. FREITAS: That's correct.

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MS. LOOMIS: That is my understanding.

COUNCILMEMBER VICTORINO: So it's been self-sufficient and whatever you charge whomever and I was told \$5, \$10, \$15 I forget but the last meeting they gave us some numbers.

MS. FREITAS: Yes, \$15 a month.

COUNCILMEMBER VICTORINO: Fifteen a month and that seems to keep the arena and all the ancillary services needed to keep it working okay. It seems to be alright with that figure.

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: Okay. And I guess the question I have, Mr. Chair, to them is if we were to approve this extension and help you continue on this path and I know, you know, she's my cousin so I can say this. And I know that Tom and the family, the Freitas family, and many of these people have been in the arenas all over this County. All over this state to be perfectly honest. And so if we were to approve this would you look at a better fiscal plan in maybe raising the fee a little to make sure that some of the maintenance issues, some of the pictures I've seen that, you know, it's kind of rundown. It needs some upgrading, right? I mean I'm not...I was up there about two months ago and it was pretty funky you know what I mean and it's still in good shape but it needs some upgrade, right?

MS. FREITAS: About the only upgrading like I said that it needs is, you know, either more sand or tear out that bottom of the arena, the base --

COUNCILMEMBER VICTORINO: Yes.

MS. FREITAS: --and redo the base, okay. And personally that base was not my choice.

COUNCILMEMBER VICTORINO: Right. Right.

MS. FREITAS: Okay.

COUNCILMEMBER VICTORINO: And so ...

MS. FREITAS: That's just what we ended up with.

COUNCILMEMBER VICTORINO: Right. So let's not blame anybody. Yeah, go ahead.

MS. FREITAS: Then, right, so it's just the base needs to be fixed and definitely like I've been talking to my husband Mark. We own a fencing company.

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COUNCILMEMBER VICTORINO: Right.

MS. FREITAS: And he's the one that before we were together who helped me build that arena.

COUNCILMEMBER VICTORINO: Right.

MS. FREITAS: You know hands on build and we were talking about him, try and get him to get down there to bring that shoot that feeds the rope box in narrower.

COUNCILMEMBER VICTORINO: Right. Okay.

MS. FREITAS: And like we've, you know, if we had more years we can do more things and we just raised the rates.

COUNCILMEMBER VICTORINO: Okay.

MS. FREITAS: Okay somehow people seem to think really our...what we gather information from the outside is that they don't really want to pay anything to use this arena. They want it for free.

COUNCILMEMBER VICTORINO: Right.

MS. FREITAS: But in order to keep it the way...you say it was rundown, when you got there was the yard mowed nicely always?

COUNCILMEMBER VICTORINO: Yes.

MS. FREITAS: Okay. The panels in the arena are not rusty. All the plywood around the arena to distract the cattle that's all still freshly painted green. The announcer stand and the container that it sits on is nicely painted. The rope box is still in functioning order. So ...

COUNCILMEMBER VICTORINO: Well there was some rusting on the ____ and the iron pad and, you know, the release shoot.

MS. FREITAS: Right. It's minimal.

COUNCILMEMBER VICTORINO: Yeah.

MS. FREITAS: It's just that's what is going to happen.

COUNCILMEMBER VICTORINO: But I'm just saying.

MS. FREITAS: Yeah.

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COUNCILMEMBER VICTORINO: Yeah. If you were to tell me or tell the County to fix the base --

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: --because that seems to be what it's coming back to, whether it's --

MS. FREITAS: Yes, to haunt everybody.

COUNCILMEMBER VICTORINO: --what Mr. Borge has said...yeah.

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: Everybody comes back to the base. What would it cost to have that done? We have any idea? Just a rough number for now.

MS. FREITAS: A rough number as far as I'm not too familiar with heavy equipment costs.

COUNCILMEMBER VICTORINO: Right.

MS. FREITAS: I'm familiar with fencing cost. If you told me how much it was to fence. I really...like say an excavator we just rented it for a week that was on the Big Island, that was 2,000 something dollars a week to rent an excavator.

COUNCILMEMBER VICTORINO: Yeah.

MS. FREITAS: And I don't think an excavator is really what you needed in there. To me if you just put a grader in there and graded that top gravel sealed thing off --

COUNCILMEMBER VICTORINO: Right.

MS. FREITAS: --would fix it.

COUNCILMEMBER VICTORINO: So is it safe to say if 10,000-15,000 may be enough to cover a redoing of the base itself? Because if we could redo the base --

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: --and lay the sand again now maybe Mr. Borge and the roping and the other --

MS. FREITAS: Yes.

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COUNCILMEMBER VICTORINO: --could use the facility.

MS. FREITAS: Oh and gosh do I entertain that idea.

COUNCILMEMBER VICTORINO: Okay.

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I didn't mean to go off track but ...

CHAIR GUZMAN: No, that's good.

MS. FREITAS: No thank you, Mr. Victorino.

COUNCILMEMBER VICTORINO: It's kind of where it's relevant.

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: I think this is where we're feeling the disconnect is that, you know, they're not a private roping club and I didn't want to mention it but if you go up to Oskie Rice or you go Haleakala, you go Kaupakalua, you pay to use those arenas. You know it's not free and, you know, I think people have to understand the day of free lunches is gone. You know there's got to be--oh I'm sorry, Ms. Baisa, thank you for the free lunch today. That was different, that's different. No, all joking aside. I really think we've got to make sure that people understand that this is not a County-sponsored arena. We just put it together in honor of Tom and today they're trying to be self-sufficient. So there is a cost associated with just upgrading or maintaining the arena itself and it's a beautiful facility.

MS. FREITAS: Thank you.

COUNCILMEMBER VICTORINO: And like I said I was up there a few months ago, you know, on my own. I don't call for people. I know how to get in, you know, I know how to get in.

MS. FREITAS: Yes.

COUNCILMEMBER VICTORINO: And so, you know, I just want to see it continue to increase and so that Pat and others can feel they can use it but there's going to be a cost whether its \$25 a person or I don't know, you know, whatever they said. But just enough to recover and that it's a safe facility. I guess that's the other key it's safe because even though they carry insurance, insurance does not sometimes cover if somebody is badly hurt, injured, or killed. Oh my God they're going to come back to the County because I don't care, they look for that deep pocket, Mr. Chair. You know that and I know that. Thank you, Mr. Chair.

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CHAIR GUZMAN: Thank you, Mr. Victorino. I guess with the way I look at it it looks as though you may for the first time ever may need to come to the Budget and ask the Council for some monies to be appropriated to fix some of these issues. You know the...it sounds like the flooring and you have some sand as well as some fences that need to be repaired. We're inviting you to come and present. We as a Council are very open for organizations that have continued to benefit the community and you've done so for 20-plus years and this is a park facility that is, you've been, you know, as you said been guardians for for quite some time. And I had the opportunity to do a site visit with Ms. Cochran and it looked very well kept. I don't know the intricacies of certain disciplines in the rodeo and so there may be issues with that. But I think this can be all resolved if we all work together. We invite the ropers to have a meeting and we can sit down and let's do an itemization and present to the Budget. We all are in favor of the legacy of what this arena stands for. So, I think most of the Members would agree with me. At this point, is there any other questions, Members? Ms. Cochran?

VICE-CHAIR COCHRAN: Yeah, actually, and thank you, Chair. And thank you for Mr. Victorino asking the question in regards to the footing and the base of the arena itself to address issues that Mr. Borge had brought up because, you know, they are a discipline of our horse community too. And I do want to commend you. I was quite...actually I was impressed with the area.

MS. FREITAS: Thank you.

VICE-CHAIR COCHRAN: I think it's beautiful myself.

MS. FREITAS: Thank you, Ms. Cochran.

VICE-CHAIR COCHRAN: But love to see it utilized more --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --as has been mentioned. And as I went to go see the other half of the park and Ms. Guille mentioned to me that originally you folks asked for the front portion which would have been more visible to the public --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --and people driving by. But unfortunately at the time, not unfortunately, but at the time the call for a park was for soccer and all these --

MS. FREITAS: Yes.

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VICE-CHAIR COCHRAN: --other uses which is currently there and I guess it's not really utilized for that anyways in the end, right.

MS. FREITAS: Right.

VICE-CHAIR COCHRAN: People were lounging and using that. I mean beautiful green open space but that's where I'm told you folks originally wanted to put this arena --

MS. FREITAS: Yes, it is.

VICE-CHAIR COCHRAN: --but it ended up in the back. As Mr. Borge said you have to drive down past the homes --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --and you're kind of tucked away back in the corner, which is a nice setting but yes it also makes it could be difficult for people to find.

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: So, I understand there's a lot of different things that have occurred through the years but in the end I hear and feel that we all are very supportive of this arena and of course the legacy and what it, you know, memorializes, Mr. Morrow in his efforts while he was here with us. And so I am in very much favor in assisting and helping, you know --

MS. FREITAS: Thank you.

VICE-CHAIR COCHRAN: --to bring this place up to par. Maybe as Mr. Borge said it's very rainy up there and trying to drive in your horse and trailers gets stuck in the mud whatever. Maybe a little more gravel. I saw the footing there gravel, grass --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --and it's kind of, you know, kind of compacted but I can see too, you know, it's Haiku and rain happens and then mud. And the more, you know, digging out with the tires and everything going it can make for not so good, you know, driving but that can be rectified too, you know, like you said. And I see you're trying to venture out and do a little more trails on the side there to utilize the space you have, and I know you're probably going to be presenting a budget item on that. So all this kind of stuff, you know, present and, you know, we all can discuss and ask the questions and see if it's fit for, you know, the use of our taxpayer dollars to help create more use, you know, and for our horse community. So, you know, that's I'm open to that. And you stated all the things and the issues you saw.

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MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: So I want to thank you for being open and honest about that, about the alleys and it needs to be --

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: --tightened up and the gates, you know, a little more WD-40 right now.

MS. FREITAS: Yes.

VICE-CHAIR COCHRAN: You know a little rusty as Mr. Victorino mentioned but I see the initial plan surely looks like it was meant to have some roping going on.

MS. FREITAS: Oh, yeah. I'm a roper.

VICE-CHAIR COCHRAN: You know originally and unfortunately ...

MS. FREITAS: Pat can attest to that he's roped at my arena with me.

VICE-CHAIR COCHRAN: Yeah. It's...so like I said I was very impressed with the overall setup of the place. Not being a professional but, you know, I like the little wall you have to separate the spectators from the actual riders when they are, you know, utilizing the arena.

MS. FREITAS: Safety first.

VICE-CHAIR COCHRAN: That's right. So, you know, I congratulate you on all that kind of stuff 'cause there are some finer details that I could see that you folks had done but again room for improvement, so.

MS. FREITAS: Right and like we put out a lot of our own time like I have my own arena and I have a Bobcat and I'm just up the road from where this arena is. And with the use like horses riding they'll push the sand to the side and then anytime you have a berm of sand the winds pile more against that berm and it grows and grows. I take my own Bobcat down to the Tom Morrow Arena and with my Bobcat I scoop up the sand, and I take it and I dump in the places in the middle. And then I'll go down the side along the fence and just kind of scoop it up, clean it all way, put it in the middle then I'll back blade it back. And I do that at no charge because I love the sport of rodeo and I love having arenas, and I really want to perpetuate this to anybody who wants to ride.

VICE-CHAIR COCHRAN: Okay, well very good. So looking forward to more details on how to improve the area and --

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MS. FREITAS: Yes, and I ...

VICE-CHAIR COCHRAN: --you know we'll take it from there.

MS. FREITAS: Yes, and I thank you folks for the invitation to put in a request for more money to help us upgrade this facility and make it a true facility when Tom and I first put this on paper that everybody can come and use it and especially the ropers. Oh, how I'd like to hit another steer again.

CHAIR GUZMAN: Well, thank you very much, Ms. Freitas. And also the Members just in conclusion, yeah, I think that it's something that the community needs to collaborate on and as well as, you know, since we haven't ever heard the association come to the Council in, you know, 20-plus years, I think it's...by bringing it forth now I think it's a good thing. It will serve as a collaboration or at least a vehicle to get the arena back in the attention of the community. And it's good timing. Ms. Baisa, followed by Mr. Couch.

COUNCILMEMBER BAISA: Thank you very much, Chair. Because I'm not a voting Member of this Committee I've tried to be quiet here but I have to say something. It appears we're having a gathering of the clan here today because Ms. Freitas happens to be my second cousin.

MS. FREITAS: Yes.

COUNCILMEMBER BAISA: Her father is my mother's nephew. It's that close. My mother was Freitas.

MS. FREITAS: Yes.

COUNCILMEMBER BAISA: And so I'm very familiar with her, very familiar with her family, their work, and their interest in Upcountry and in this kind of discipline, this kind of sport and its part of Upcountry. It's what Upcountry is all about.

MS. FREITAS: Yes.

COUNCILMEMBER BAISA: And what I'm seeing here today and hearing about is this dedication and this devotion to this cause and to this sport, and what she and her people that work with her believe in. You know they give a lot of time and they give a lot of energy and they give a lot of money too. And thank you for all that dedication. And I want you to know that while I can't vote in Committee I can vote when it gets out of Committee to the floor and I'm very strongly in support of this. I think it's very important. We need to preserve the Upcountry and the spirit and the sports of Upcountry and this is definitely something that I want to see the County support. So again thank you so much and good luck. And I'm not worried about the two years. I

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have been here for almost ten and everything we talk about has been here for years and years and years so that's not a surprise to me. But I certainly would like to get it settled. Thank you, Chair, for bringing it forward.

CHAIR GUZMAN: Thank you, Ms. Baisa. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I noticed on the lease, and we had this discussion with the youth centers and a couple others things that for some reason some of the Members wanted to bump the lease up to \$100 a year. I'm not in favor of doing that but want Members to take a look at we're doing things and we've always been doing things for \$1 a year. So when those come back up again remember to bring those back down to --

CHAIR GUZMAN: Yes.

COUNCILMEMBER COUCH: --\$1 a year if that's...I mean that's the way it's been done and to put that burden on a nonprofit is ...

CHAIR GUZMAN: Is there a motion?

COUNCILMEMBER COUCH: No, I want to leave it at \$1.

CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: Just so the next time there's a lease that comes up to a nonprofit especially youth centers that should stick around to be a dollar.

CHAIR GUZMAN: I get where you're going, Mr. Couch. Ms. Crivello, do you have any closing statements?

COUNCILMEMBER CRIVELLO: No, just comments. I want to thank you for the work that you do --

MS. FREITAS: Thank you.

COUNCILMEMBER CRIVELLO: --and your organization. And if it is the favor of the Department to support this, I would like to support the Department and its recommendation and yours too, Chair.

CHAIR GUZMAN: Okay. Thank you very much. So, I will...the Chair will entertain ...

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Yes, one last one.

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VICE-CHAIR COCHRAN: Real quick before...yeah, well I had some handouts dispersed to us just to give you folks a little more information and I had received this from Sue. I believe, Chair, you had gotten --

CHAIR GUZMAN: Yes.

VICE-CHAIR COCHRAN: --an e-mail also from her thanking us for the visit and so on. But she gave us a little further information about your folks' organization. It has their grant report. So you can see tenant contact like you've mentioned, Ms. Freitas, the program...what Tom Morrow's program summary is about, what the intention and purpose of the organization is about, and list their board of directors, and so on. So I just thought it would be helpful for all of us to learn a little bit more about who the group is, what, you know, what they do, and what they stand for. And also, Ms. Guille sent a thank you e-mail which I forwarded also to you folks and gives a little background on Tom himself and what had occurred and the reason for setting up this memorial to him, and things like that. So I just thought that's helpful for all of us to know a little bit more. So, I wanted to mention that.

CHAIR GUZMAN: Yes, the documents are very ...

VICE-CHAIR COCHRAN: Read these handouts. Yeah.

CHAIR GUZMAN: Yeah, very helpful.

VICE-CHAIR COCHRAN: Okay.

CHAIR GUZMAN: They even have...they conclude with the financial statements.

VICE-CHAIR COCHRAN: Yes.

CHAIR GUZMAN: Yeah, so...

VICE-CHAIR COCHRAN: And their budget, yeah, their financial statements.

CHAIR GUZMAN: So, Members, it's all there.

VICE-CHAIR COCHRAN: So, it's just a little bit more insight to the group.

CHAIR GUZMAN: Very good. Thank you, Ms. Cochran.

VICE-CHAIR COCHRAN: You're welcome.

CHAIR GUZMAN: Members ...

COUNCILMEMBER VICTORINO: Mr. Chair?

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CHAIR GUZMAN: Oh, Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah I know you said last one but I still going be the last one. Just for clarification so that everyone in the County doesn't get all excited. Sharon is...her mother and my...was the Kinores family which is a part of the Cambra family I should say and that's why me and Ms. Baisa are not related. The two different sides of the family but I want to get that clear today.

CHAIR GUZMAN: But you and Ms. Crivello are related though.

COUNCILMEMBER VICTORINO: Yeah. Yeah, so I mean I have so much family I got make clarification so that I don't have any problems later.

CHAIR GUZMAN: Okay, just wanted to make that clear.

MS. FREITAS: If I can help clarify it's half my mom and half my dad.

COUNCILMEMBER VICTORINO: There you go there's the half-half. Okay, Chair, that's all I had to say.

CHAIR GUZMAN: Okay, thank you very much, Mr. Victorino. Okay, the Chair will entertain a motion to recommend adoption of the proposed resolution entitled, Authorizing a Grant of a Lease of the County Recreational Space to Tom Morrow Equestrian Arena, and the filing of County Communication 16-6.

VICE-CHAIR COCHRAN: Chair, so moved.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR GUZMAN: Moved by Ms. Cochran, seconded by Mr. Victorino. Any further discussion? All those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR GUZMAN: All those opposed say "no." Five "ayes," two excused. Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
Councilmembers Couch, Crivello, and Victorino.**

NOES:None.

ABSTAIN: None.

ABSENT: None.

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EXC.: Councilmembers Hokama and White.

MOTION CARRIED.

ACTION: ADOPTION of proposed resolution and **FILING** of communication.

CHAIR GUZMAN: Thank you, Members.

ITEM NO. 41: MAUI ISLAND PLAN, CHAPTER 4, ECONOMIC DEVELOPMENT RELATING TO TOURISM (CC 15-153)

CHAIR GUZMAN: Moving on to the next item on the agenda. Oh, before I start with that I'm just going to take a quick introduction. I think we have in our gallery some important political officials from the Province [sic] of Bacarra. And if you could please stand and be acknowledged. Thank you for joining us, Governor [sic]. Thank you. So moving on, Members, PC-48, oh, no sorry, apologize, PC-41 --

COUNCILMEMBER VICTORINO: Yeah.

CHAIR GUZMAN: --that is the Maui Island Plan Chapter 4, Economic Development Relating to Tourism. And the Committee is in receipt of the following, number one, County Communication 15-153, from Councilmember Don Couch, on the matter of the Maui Island Plan Chapter 4, Economic Development relating to tourism. The correspondence dated January 19, 2016, from the Department of Corporation Counsel, transmitting a proposed resolution entitled, Referring to the Lanai, Maui, and Molokai Planning Commissions a Proposed Bill to Regulate Agricultural Tourism Activities in the Agricultural District, with a proposed bill entitled A Bill for an Ordinance amending Title 19 of the Maui County Code to Regulate Agricultural Tourism Activities in the Agricultural District, attached as an exhibit. The purpose of the proposed resolution is to refer to the Maui, Lanai, and Molokai Planning Commission a bill that would regulate agricultural tourism activities in the Agricultural Districts implementing Section 205-2(d)(11) and 205-2(d)(12) of the Hawaii Revised Statutes. The Committee may consider whether to recommend adoption of the proposed resolutions with or without revisions as well as the Committee may consider filing of the County Communication 15-153 and other related actions. So, today I believe it's in your binders, Members. We're only going to be limiting this to...the action would be to vote on whether we pass this through to the Commission for their input and review. We have here today the representative from the Planning Department Michele McLean who is here with us. And this bill has been in the process of...I'm sorry.

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COUNCILMEMBER COUCH: Yeah, Mr. Chair, can we have a short recess, please.

CHAIR GUZMAN: Oh, yes, recess, please. . . .*(gavel)*. . .

RECESS: 2:51 p.m.

RECONVENE: 2:55 p.m.

CHAIR GUZMAN: . . .*(gavel)*. . . The EAR Committee shall now reconvene. I believe that we have just a clarification by Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Yeah, in my letter to you I also have the Chapter 4 of Maui Island or Maui County General Plan, Maui Island Plan and a Committee report. And Committee reports talk...wanting to...the Committee wanted to say your Committee expressed interest in further evaluation of public expenditures for the visitors industry. That's what my letter was about, however, in the letter I just talk about Chapter 4 Economic Development and on that same page, Page 4-13 talks about goal, objective, policies and actions. A policy 4.2.1.e diversify the tourism industry by supporting appropriate niche activity such as ecotourism, cultural tourism, volunteerism, voluntourism, ag-tourism, health and wellness tourism, et cetera. So, I believe we're on okay footage to continue on with the ag-tourism bill but that wasn't the intent of my letter to you.

CHAIR GUZMAN: But you did ...

COUNCILMEMBER COUCH: So if we can bring that...if we can leave this open.

CHAIR GUZMAN: Yes, yes, we won't file the Communication --

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: --15-153.

COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: But the other communication prior to 15-153 is related to this subject matter.

COUNCILMEMBER COUCH: Perfect.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COUCH: Thank you.

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CHAIR GUZMAN: Thank you. Okay, Members, this bill has been in works for the last two years in order to provide the consistency between the County's land use laws and the State's land use laws for the purpose of augmenting the agricultural industry in the Maui County. The bill would allow the agricultural tourism activities as an accessory uses within the Agricultural District as provided by in Section 205-2 of the Hawaii Revised Statutes. In 2006, there was a mandate from the Hawaii Legislature to the counties to pass agricultural tourism ordinances regulating and encouraging those businesses as a way to maintain farms and ranches by offering a related income stream. In Section 205-2(d)(11) of the Hawaii Revised Statutes we added...it was added, sorry, we didn't add it, it was added to allow agricultural tourism conducted on a working farm for the enjoyment, education or involvement of visitors as an accessory use. The ordinance specifies that it applies only to counties that have adopted ordinances regulating agricultural tourism under Section 205-5. So this ordinance is what we have come up with to comply with Section 205-5 to enable that type of legislation. And a second provision of the Section 205-2(d)(12) of the Hawaii Revised Statutes that applies only to Maui County and allows overnight accommodations of 21 days or less for any one stay within the County provided the County has adopted ordinances regulating agricultural tourism activities pursuant to Section 205-05 and those activities coexist with a bona fide agricultural activity, which means an active farming operation. So this ordinance is a result of having to comply with that section. Maui County Code must enact regulations to allow this type of agricultural tourism to promote agriculture development in the County. The Ag Working Group has worked on this bill as you've heard in the testimony. It was referred by the Planning Committee and at this time we are wishing or the Ag Working Group as well as I myself as the Chair is hoping that we would pass this through to the Planning Commissions for their recommendations and fine tuning of the bill and then have it be sent back to us for further vetting. I would ask for any comments from Ms. Sydney Smith, for any opening comments that you may have.

MS. SMITH: Thank you, Chair. Well, as you said that we worked on this for quite some time. I think that it's really important to point out that a lot of the reason that this hasn't been pursued in the past is a fear of the abuse. And, you know, as a working farmer and having a lot of friends who are working ranchers, we really get tired of kind of being thrown under the bus because of the fear of abuse. We do feel that educated ag inspectors that are qualified will eliminate a lot of these problems because we currently don't have any qualified ag inspectors. It's really easy to, for a lack of a better phrase "pull the wool over the eyes" of the inspectors that we have now. And this is creating such a problem because you can practice all of these things now with a Special Use Permit which is very expensive and so the people that are able to afford a Special Use Permit are already wealthy or well off and then the actual farmers and ranchers that really should have these opportunities can't do it. And so this has been the reason that I got involved in this from the very beginning is because my neighbor Eve Hogan and I went through the Special Use Permit process really just to see how bad it was. And, you know, a lot of people said it's not that bad 'cause it's much better than it used to be. You know but that still makes it expensive and hard to go

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through and if you don't have a lot of resources or a lawyer in the family or someone who's a consultant, you know, that can do all of the plans and paperwork it's just daunting and almost impossible for a lot of our local families to be able to do this. By making it an allowable accessory use they won't need to go through this process. And so we and the farming community, the actual farming community and ranching community support ag-tourism as a part of a true working farm or ranch. Thank you, Chair.

CHAIR GUZMAN: Thank you. Do we have any questions from the Members for our resource person? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and I want to thank you for bringing this up because this was another one of the ones that I was...asked your group to talk about. Having heard from the farmer group saying that they needed some way to supplement their income to actually be able to do their farming, one of our...the Planning Committee's biggest concerns was the potential abuse. So I just wanted to ask you or Ms. Smith what kind of things have you put in there to really curtail the potential for abuse of this?

MS. SMITH: Well, I think it does say in the current version that it has to be a working farm or ranch. And of course that's subjective but I really feel and I don't know where we are with that bill for the ag inspector bill but that's kind of crucial. You know any of the people that came to testify today or myself could go out and see in a minute if something was an actual farm or not. It wouldn't really be a big mystery but apparently this is a difficult situation for some people. So I think that just stating in the language of the ordinance that it needs to be a legitimate working farm or ranch should be enough if the County has the personnel that are qualified to do that. And I mean you could put a monetary amount on that but my problem with that is as a coffee farmer I have a high amount of income that I make but my neighbor that does veggie starts that sell for 25 cents apiece may work more hours than I do on the farm and it's very legitimate farming but make less money. So I hate to put a monetary component on it because that's just making it easier for the inspector but it doesn't make the job of the farmer or rancher any easier. So I'm not sure that there's a full-proof way to do this except to have a qualified person in the County doing the inspection. And our plan, Chair, has been to have an inspector that could be utilized by all departments. And so all departments need this qualified inspector 'cause it isn't just Planning and it's not just Water and, you know, it's not just the Finance Department. It's all the departments and they don't each need to have a qualified inspector, there just needs to be one that everyone could use.

CHAIR GUZMAN: It does say in the ordinance, Members, that there needs to be a farm plan approved by the Planning Department and I believe it has to be an active farm as well. That's the only requirement aside also from proof of insurance as well. Mr. Couch?

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COUNCILMEMBER COUCH: Thank you. And I just...those are the big things that I'm sure that's going to happen at the Planning Commission level as well, those kind of questions. And this is just to get it down to the Planning Commission and having read through a lot of this it appears that it's pretty solid. So I'm fine with sending this down to the Planning Commissions.

CHAIR GUZMAN: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And if I could vote I would be in support of this. You know this has been hanging around from when I was Planning Chair when I first came to the Council when I was working with Lani Weigert from the Lavender Farm and we were trying to really promote ag-tourism. And I want to thank you and the Ag Working Group for pushing and pushing, and pushing and finally having this bill here. I think it's important and if ever there was a reason for us to move this it's what is happening in our community with ag. We have got to be very creative and figure out however we can support ag in this community 'cause they're struggling. And if they can do a farm as well as earn an extra income and make it all work then I am in full support. I think we've got to do this. Thank you.

CHAIR GUZMAN: Thank you. Ms. Crivello, followed by Mr. Victorino.

COUNCILMEMBER CRIVELLO: Thank you. Thank you for being here. You know I guess I do recognize that agritourism is of value as far as, you know, educating the visitor. And I've often heard the chatter that sustainable farming is the way to go and I also recognize that the statutes allow overnight stays or B&B and STR. And that's the conflict I have personally as far as having the STR or the B&Bs on what is actually your farm, your farming world. And I'm sure this will be dealt with in the Planning and then when it comes back to us because then I start to want to address the application of the real property tax too. Do you see that as far as the real property tax changes being, remaining with Ag if the farm area would have STRs or as well as B&Bs?

MS. SMITH: Well, I'm glad you asked that because in my case I have large parcels. Now, I know that some people have gotten STRs and B&Bs that are on small ag parcels and there are even half-acre ag parcels here in Maui County even though they don't allow those now. There are some in existence. You know I feel that, you know, I have a 500-square-foot cottage on my large farm parcel. I really don't like the idea of changing my zoning, you know, because it's only a tiny little section, you know, that my cottage is on and I do have short-term rental homes on my farm but it does not impact my farm. And...but I do feel that there has to be some kind of component in the Finance Department to tax them but I don't like the idea of changing the whole parcel's tax structure because that defeats the whole purpose of trying to help support keeping a farm in a viable farming structure. So, you know, I think there has to be an answer but I don't like the idea of changing the zoning.

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COUNCILMEMBER CRIVELLO: Chair?

CHAIR GUZMAN: Yeah.

COUNCILMEMBER CRIVELLO: Another question in follow up to that. So in your, in the work that your Working Group have, am I to understand that in conclusion you cannot just sustain by farming?

MS. SMITH: I couldn't.

COUNCILMEMBER CRIVELLO: Okay.

MS. SMITH: I mean --

COUNCILMEMBER CRIVELLO: Thank you.

MS. SMITH: --you know I don't know of very many that could.

COUNCILMEMBER CRIVELLO: Okay. Thank you.

CHAIR GUZMAN: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, and basically, Mr. Chair, thank you for bringing this forward. I mean I know it's got to go the Planning Commissions and I think they'll vent [sic] it out, a lot of the other issues that may come up. What we're trying to get in compliance with what the State has been trying to push forward also so this is not just us it's a Statewide movement. And as was mentioned earlier by one of my colleagues soon this island will have 36,000 acres available for ag and I don't think there's many people that can get out there and make sustainable ag work. I know the next issue is the hemp, industrial hemp and all that. That may be one of the answers, and bio crops. There may be many answers. But any crop that you grow today is going to take a while to harvest so what happens in the interim unless you have big money backing you up. But what a world we could have if that ag-tourism was a part of it until like Sydney said would make it viable. And how many of us have two and three jobs, nobody every questions why we have two or three jobs, no one ever questions why you need to make money, why you need to survive. So I think the day of worrying about those who will cheat, there will always be guys who want to and that's why I agree with you, Sydney, let's get some inspector, an inspector who knows what a farm is. Can smell it, feel it, taste it, don't have to be told what a farm is. I think that's very important.

MS. SMITH: Yes, sir.

COUNCILMEMBER VICTORINO: And once we get that the rest will become easy. Dedication, all these other issues all become relevant once you get that aspect

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completed. And I think you guys have worked hard. I've been at a couple of your meetings and this group is a wonderful group. They work very diligently in trying to make farming, ranching, and any form of agriculture, commercial agriculture especially, sustainable for years to come. And it's not hard, it's not easy I should say to be a farmer. So, I can support this bill being moved on. I don't want to belabor the point. I think it's time this moves on and let's get it done. You know let's hopefully the Commissions won't stay there for ever and ever and ever. Yeah. So thank you, Mr. Chair, for allowing me ...

CHAIR GUZMAN: Thank you, Mr. Victorino, very well put. I have...just to let the Members know that this was worked on for quite some time and then vetted through the Ag Working Group, and then back to my office, and then Council Services. And we had, I know that Greg and Keoni who also works with my office had two meetings with Mr. Spence as well as Mr. Alueta and got their input as well. Thereafter it went to Corporation Counsel for some more input. Although they didn't sign off as to form and legality I believe the proper procedure would be to send it on to the Planning Commission to have them vet it through and then have us work on it some more and then bring it up to the Corporation Counsel for their form and legality. At this point, I'd like to ask...wait in between that time there was instructions from our Corporation Counsel, our Deputy, to send the bill for review to our Risk Management Department because of the liability issues on the insurance portion. And they recommended the language that's in Section 11. I do have one question on that section if we could have the representative come down and if you could also identify yourself from the Department.

MS. McLEAN: Mr. Chair, will the Planning Department have an --

CHAIR GUZMAN: Yes.

MS. McLEAN: --opportunity to give comments?

CHAIR GUZMAN: Of course, yes, you will.

MS. McLEAN: Thank you.

MS. TODA: Thank you, Chair.

CHAIR GUZMAN: Yes, on this section...can you please identify yourself for the record?

MS. TODA: I'm Lydia Toda, I'm the Risk Management Officer for the County.

CHAIR GUZMAN: Okay. Thank you for being here today. I know that we had sent this off to your Department for review and comment. You did recommend the language here in number 11. My question is why do they need insurance on the vehicle, on a vehicle if it's a ag-tourism type activity? Is it just for just having an additional insurance on

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coverage for a vehicle? Like when you're...when a person wants to avail of this ordinance they have to register with the Department and upon registering they have to show proof of liability insurance. I understand that on the property itself but why the additional vehicle insurance?

MS. TODA: Automobile liability is just a standard coverage for all types of businesses. If you own a business where you have vehicles that you're using to, as part of your operation then you would be required in any instance to have coverage for that vehicle, liability...automobile liability coverage. So that's something that's in there. I understand that maybe not all, you know, farm types of operations have vehicles that they drive on the road but in that instance then you would not need to have the automobile liability.

CHAIR GUZMAN: Okay. Mr. Victorino?

COUNCILMEMBER VICTORINO: Two separate worlds.

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Two definitive separate worlds and you cannot operate. The other challenge comes up if you're talking farm equipment or something that has to stay on the land, even an old buss up truck that stays on the land it's okay. What invariably happens is I got to go pick up something at the store and I'm in the truck and I'm in the field. I'm going to go to the store right now. Once you enter public highway you have to have no fault and that's what happens a lot 'cause I do insurance for some of these farmers and they just don't think about it. So that's the real dangerous portion of this. Also, if you keep the truck or vehicle legal you're required to have insurance. So, again --

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: --this is just my area of work all the time. So that's why when I saw that I wasn't really opposed to it because I believe no matter what vehicle unless it's a real farm vehicle like a tractor or something. And even tractors can be dangerous because they have trailers that they hooked up to and take people around. I saw that happen up at the farm up in Paia, they were taking the tractor and they had people jumping behind in the trailer. Yikes if something happens.

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: And that's all I have to say about that.

CHAIR GUZMAN: Okay, that's very good for that type of explanation. Thank you very much. And now we will have our comments and any input presented on the floor by our Planning Department.

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MS. McLEAN: Thank you, Chair. We received a copy of the resolution and the bill yesterday afternoon. So we have not had a chance to review it. We did work with your Staff and Council Services staff last year I think it was roundabout in October but I can't say without having had the time to look at it whether the bill that's in front of you today, you know, how many changes have been made since that time. And so there are, you know, just when I was sitting in the gallery before this item came up I was going through it and making notes and there are a number of questions, policy questions that we would like the chance to discuss with the Committee in Committee before it's sent to the Planning Commissions so that the Planning Commissions can review and comment on something that's close to a final version of the bill. The Planning Commissions review and make recommendations to land use ordinances. They shouldn't really be asked to come up with a number of policy decisions or to answer what seem to be unclear policy issues that are in this draft. We would like a chance to discuss that with the Committee and make modifications to the bill before it is sent to the Planning Commissions. Just for example in the new definition of ag-tourism activity, more than half of those uses are already allowed as either permitted or accessory uses in the Ag District already. So that just needs to be cleaned up in some way. Those two things need to reconcile because if you're doing let's say horseback riding under the current accessory use of open land recreation does that mean you're doing an ag-tourism activity and you need to register? But it's allowed under open land recreation already. So if you're doing an activity that's described in two different areas, one has a registration requirement and one doesn't, it's just confusing how you...how we would treat these things. Other uses that are listed in there are permitted outright. Vineyards are allowed outright. U-Pick it farms and gardens would be allowed outright. So you know that's just on the first page of the bill. So we would like the chance to work with you. So I don't think it would take more than one Committee meeting to work through it and we can work with your staff ahead of time.

CHAIR GUZMAN: Hold on, Ms. McLean. Let me ask Staff. Staff, did you send this bill to the Planning Department?

MS. BROOKS: Yesterday.

CHAIR GUZMAN: You didn't send it them prior to yesterday?

MS. BROOKS: No.

MS. McLEAN: And please let me say we're very supportive of the concept. There's, the gist of this is very, very good. The idea of ag inspectors is fantastic. You know, there's, you know, overall there's a lot of very positive stuff in here. We'd just like --

CHAIR GUZMAN: Well --

MS. McLEAN: --a chance to really firm it up before it moves out.

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CHAIR GUZMAN: --if Members feel comfortable sending it on to the Planning Commission. We did the same thing for the, I believe the compost bill which basically, you know, we had some issues to it but we basically said hey send it on over to the Planning Commission. I think it's...the bill is in substance all there. I believe this would be in the same type of category. If the Members would object I'm going to go ahead and call for a vote for sending it to the Commission. And you can always vote it down if you'd like but I just would like to have that opportunity to entertain a motion to send this to the...you know, adopt the recommendations proposed in the resolution referring to the...referring this matter to the Lanai, Maui, and Molokai Planning Commissions, a proposed bill to regulate agriculture tourism activities to the Agriculture District with a proposed bill entitled A Bill for an Ordinance Amending Title 19, Maui County Code, to Regulate Agriculture Tourism Activities in the Agriculture District, as attached as an exhibit.

VICE-CHAIR COCHRAN: Chair, so moved.

COUNCILMEMBER VICTORINO: Second.

CHAIR GUZMAN: Moved by Ms. Cochran, seconded by Mr. Victorino. Any further discussion?

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Just one quick question. Ms. McLean, do you not...doesn't Planning staff the...all the Planning Commission meetings anyhow?

MS. McLEAN: Yes.

COUNCILMEMBER VICTORINO: And so, if there are specific concerns, questions or challenges with this as it's presented right now that you would then bring it up to the Planning Commissions during the deliberations by their...those bodies? If you have any concerns I'm saying would you bring it up at that point in time with--oh, Sharon.

MS. BROOKS: . . .*(inaudible)*. . .

COUNCILMEMBER VICTORINO: I'm sorry, threw me off. I asking a question, I see somebody fall down at the same time. Oh, my God. No, I guess, Mr. Chair, what I'm asking is., the Planning Department is if they're very concerned about what's in here right now, and you support it so I don't think it's a major concern, but you see a certain area or a certain paragraph, a certain that bothers you or, you know, some substenance [sic] that maybe you want to have changed, you can at the point of

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meeting with the various Planning Commissions bring that at that point bring it up?
You could bring it up at that point, right?

MS. McLEAN: Yes, we could.

COUNCILMEMBER VICTORINO: Along with their concerns?

MS. McLEAN: Along with their concerns, the problem is that...this is a pretty significant bill and, you know, we might not have major changes that we want to see. I don't know yet. The Commissions in the past have looked at bills and not with this Committee, not even, you know, not with ag or but in the past we've taken bills to them where they've just said no we don't support it because we've raised questions and so you don't get good feedback from them because they have just said no there are problems with this, we can't support it. Another thing I did want to bring up is that what the State law relating to ag-tourism requires is that it relates to a bona fide agricultural activity. We would want to also confirm with Corporation Counsel who hasn't signed off on the bill whether this ordinance which is more permissive than State law, how that would reconcile with the State law requirement for ag-tourism. Because what they define as a bona fide ag activity and a commercial farming operation seems to be more restrictive than what's defined here as an active ag operation. So that could be a very important change to the bill. If the bill goes to Commissions as it is now, comes back to you, changes need to be made based on that. It could very well require it going back to Commissions again as being a substantive change. So I'm not, you know, I'm not trying to throw a wrench into this. I'm not trying to be difficult or slow things down. I'm just saying that I think we could work through it quickly and have a better, more refined bill go to Commissions and I think that would be a better way to approach it or excuse me I should say that's what the Department would request.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR GUZMAN: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Hello. Yeah, Crivello is the name. Thank you. Thank you for being here, Director. Chair, I would like us to have consideration for what the Department is requesting in all fairness because at the end it's the Department that we're going to put the pressure on to make sure if it's bona fide, if, you know, whatever is allowable and whatever process. And in questions from Mr. Victorino will they be there to advise the Planning Commission or what have you, the respective Planning Commissions. So more so I think her request is of value because of their role with the Planning Commissions. So that's just my opinion. Thank you.

CHAIR GUZMAN: Thank you very much. Any other comments from the ...

MS. SMITH: Could I comment?

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CHAIR GUZMAN: Ms. Smith --

COUNCILMEMBER COUCH: Excuse me.

CHAIR GUZMAN: --you have to be asked a question. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I just wanted to ask, Ms. McLean, you said it would be quick. How quick is quick?

MS. McLEAN: What would be quick, meeting with you folks again?

COUNCILMEMBER COUCH: Yeah.

MS. McLEAN: We could...we will have ourselves ready at the next regular meeting if you want to post this at your next regular meeting. If that's two days from now then maybe not, we won't be ready but if, you know, in two weeks.

CHAIR GUZMAN: Well, I mean it's basically I would believe that this...if this Committee is up to vet, going through line by line and vetting out the policies versus allowing the Commission to give their input and then coming back to this Committee based on the input of the Commissions and then working out the policies. It's really up to this Committee if you want to do it that way. I would prefer the first part of it where we send it to the Commission and get their input. It's not written in stone. I mean they're giving us their suggestions and they do have that third eye where they can kind of look at the language and see whether in fact this is a policy issue that needs to be decided. The Corporation Counsel doesn't sign off on the ordinance before it goes to the Commission anyway. Corporation Counsel signs off after it goes through the Commission and after it gets back to this Committee and we do our final vetting. So the horse before the cart or the cart before the horse. It doesn't really, you know, to me it doesn't really matter 'cause we're going to be vetting it whether it goes to the Commission first or it comes afterwards we're still going to look at it. And we won't pass anything out of this Committee until we thoroughly vet it through. So do you guys want to continue this and vet it line by line and then send it off to the Commission where it's going to get vetted some more and changed some more and then come back and that means vetting it twice in this Committee. And then we've got an issue with dealing the 20H [sic] Hawaii Revised Statute section in this coming legislative session where there could be amendments and I know that Kalani English is also recommending that we get moving on this so that he has a leg to stand on to defend the State Statute. Because nothing has been done whatsoever in this County to enable that legislation. So if we send this off to the Commission we can at least say it's off our table and it is pending and allow Mr. English to present in his defense that, you know, his 205 Statute can still withstand any major amendments at the Leg. So strategically I would suggest that we...I would recommend we send it off to the Commission so that Mr. English has an opportunity to say that it's pending. Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, you know, since I deal with the Planning Committee and the Planning Department quite a bit, I'm one that I try to do...go along with what the Planning Department says but your point about giving Senator English some ammunition, I'd be willing in this one instance, at this time to follow your...I mean I follow your recommendations all the time but go against the Planning Department's --

CHAIR GUZMAN: Right. Right.

COUNCILMEMBER COUCH: --recommendation only because we want to get something that Senator English can say look they're working on it.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: It's in their process. So I can support your comment this time. Sorry, Michele.

CHAIR GUZMAN: Yeah.

COUNCILMEMBER VICTORINO: Recommendation?

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Thank you.

VICE-CHAIR COCHRAN: Chair?

CHAIR GUZMAN: Ms. Cochran?

VICE-CHAIR COCHRAN: So, I heard from Planning Department that the last version she saw, they saw was back in October and so then this new version was only sent to them yesterday. Why is that?

CHAIR GUZMAN: I don't know.

VICE-CHAIR COCHRAN: Why is that lag?

CHAIR GUZMAN: Staff?

MS. BROOKS: The bill was worked on extensively in December and January by Staff. And it was also sent before the New Year with a request to Corp. Counsel to approve the resolution. They don't normally approve or review the bill but in this case we were grateful to receive some input from Corp. Counsel and including the suggestion that we seek input from Risk Management. Additionally, the Ag Working Group has

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continued to make comments and suggest revisions to the bill in its many forms from October to now. And so because it was repeatedly revised, we weren't able to receive back the, Corp. Counsel's approval of the resolution only until January 19th. So we didn't receive it until recently.

CHAIR GUZMAN: And the ...

VICE-CHAIR COCHRAN: January 19th but today is...yesterday was the 20, you know, I mean --

CHAIR GUZMAN: Right.

VICE-CHAIR COCHRAN: --there's a few days to give the poor Department time to vet through and at least be prepared for today. I feel for the Department right now actually.

CHAIR GUZMAN: Yeah, I do too.

VICE-CHAIR COCHRAN: You know and I understand what you're trying to say but, you know, I made the motion but, you know, I personally would rather...I know and I can't speak against it. But my point I'm just saying that this is something that has been worked through for so long and everyone knows I'm not anti ag one bit but I think that this Department deserves the right to vet it through and send it down to, you know, and I want to refer it to Planning Commission most definitely. But I see where it can be hard on their behalf. I know it's not a dead subject for them to make changes and all that and I guess that's the route it's going to have to go anyways at this point is how I'm seeing it. But, you know, it would have been nice to have, at least give them a week or at least more than a few hours less, than a day to look at and comment on it. So that's just my point.

CHAIR GUZMAN: No, I ...

VICE-CHAIR COCHRAN: 'Cause as huge as this is, as you say how much time and energy has been put into this I think it's deserving of this Department to be given that, their chance too. So that's just my comments, Chair, you know.

CHAIR GUZMAN: No, I would agree with you.

VICE-CHAIR COCHRAN: It's not the end of the world, I understand.

CHAIR GUZMAN: No, I would agree with your statements. I believe that it should have gone to the Planning Department sooner. My Staff unfortunately is staffing the Special Committee on the, of Governance and we've...my Staff has been up in their ears with doing research for the Special Governance that there's are a lot of things that are dropping in my Committee based off of the Governance Committee. And you wouldn't

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believe how many research assignments they're given. And so I do have to defend my Staff for that. I do understand that things have been dropping, even the agenda items that are on there, there's some mistakes that have never been there before, but because of our low manpower, and this additional committee that is like a three, four committee, you know, it's taking a brutal...a brutal blow to some of Members' staff. And believe me my Staff takes the brunt of it because we have the researchers on it. So, I apologize for not having it presented to the Planning Department sooner but I'm boxed in at this point. Because we've heard from Mr. English that...and a lot of the members at the Working Group that they've been in communication with Mr. English that he needs a leg to stand on. So strategically I have no more choice but to say okay let's try to push this through to the Commission, we'll get it back. At least the Planning Department will have an opportunity to review it during Commission and that's the best that I can do. You know if I push it further I don't think I can get it in time for the Legislative session to be at least passed into Commission. Yes?

COUNCILMEMBER CRIVELLO: Chair, thank you. And, you know, I support staff and I really recognize the overwhelming positions that they're experiencing now. My question is what sort of timeframe does the Planning Commission...say we pass this through, what requires them to put this on the agenda sort of timeframe?

CHAIR GUZMAN: I think they have 130 days?

MS. McLEAN: Hundred and twenty days.

CHAIR GUZMAN: Hundred twenty days to review it.

COUNCILMEMBER CRIVELLO: And how soon do we want the Senator to have it come back to us and again Planning Department? I'm like where Ms. Cochran is coming from. I just feel for the Department and I feel that at the very end --

CHAIR GUZMAN: Yeah.

COUNCILMEMBER CRIVELLO: --they will be, you know, they'll be the eyes for this, you know. And I understand what is on you and your Staff but I think if we cut short the true process, I'm just looking at the true process, is the process Planning and in collaboration with the Committee and then to the Planning Commission and then back to us without having to go Planning Commission, Planning Department, back to us, so.

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: No, I agree there's been other bills that basically we've passed through without really venting [sic] it through and we passed it straight to Commission. And I'm okay either way, I just wanted to let you guys know where I was boxed in. So, you know, if we want to continue this and then spend an entire meeting vetting it through

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we can do that but I will have to clear my agenda to spend the entire day doing it and then when we pass it to the Commission they're going to vet it through and then it's going to come back to us and we're going to vet it again. So it's either we do it one time or we do it twice --

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: --that's your, you know--Mr. Victorino?

COUNCILMEMBER VICTORINO: You know, Chair, and I understand my colleagues' concerns and I understand, you know, Department, I truly understand where you're standing. I think let's first start with Mr. English, what we send down now if we forward it to our Planning Commissions, that's what he's going to be using first and foremost. So understand this is what Kalani will use right now. It doesn't have to go to the Planning Commission, come back and we approve it and then, because then we're like next year again.

CHAIR GUZMAN: Right.

COUNCILMEMBER VICTORINO: So, this is what Kalani is counting on at this point to help him because he can say Maui has basically supported this. Now it's gone to the Planning Commissions to vent [sic] it out and all that. So I hope you understand, Ms. McLean, that's the other time element in here. And the session, if you don't get something to them by the end of...actually end of this month, early next, they start running in their directions. They got to get bills; they got to get things out there now. In fact by the end of this week most of the bills would have been put out by the various committees and then after that it's all up to the President or the Speaker to then allow any more bills or to process anything else after that. There are deadlines that they follow.

MS. McLEAN: Yeah, the deadline for bill introduction is tomorrow.

COUNCILMEMBER VICTORINO: Yeah, thank you, tomorrow. I was thinking Friday but okay thank you for that. See, so again this is what Mr. English has asked us 'cause when I was down there he mentioned the same thing to me, you know, that he needs this. Okay. It is not, and I understand where you are, Mr. Chair, you're boxed in.

CHAIR GUZMAN: Right.

COUNCILMEMBER VICTORINO: You know and so my feeling is like Mr. Couch for this one time I would ask the Department to understand that it is kind of imperative for us to get it out because Kalani needs it to help us get it and the State level but more importantly I think this still gives the Planning Commission an opportunity to look at it, to vent [sic] it. Because even if we make changes now, we send it to them they change it, come back, we still...so really what you said is we work on it once, we send

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there and they send it back, we work on it twice no matter what happens. And you know and that's happened in --

CHAIR GUZMAN: Right.

COUNCILMEMBER VICTORINO: --many occasions, the Planning Commissions take different approaches than what we recommend. Okay so I guess, you know, and again, Ms. McLean, I'm sorry about the way that things work out. At times we all fall into these traps. Deadlines are not met; unfortunately at times we have received tons of information right at the very end and have to sift through it in a meeting to try to make the decision. So please forgive us we're not trying to, you know, make you feel bad. I understand how you feel, but I think this is very imperative from a State point of view and really to get the process moving within the Planning Commissions 'cause 120 days you're talking now...what you looking in July, August probably by the time it gets back to us. And, you know, this is, you know, for Ms. Baisa and I, August is like running the clock almost out so maybe that's another issue, my clock's running. But our clocks all running because we don't know whose going be back in the first place so the clock is ticking. So I guess my recommendation and I will support you, Mr. Chair, in passing this out now with the idea, and please forgive us, Planning. It's really the clock is running too quickly in this particular case both on the State level and here locally so I think we need to push this along. And then you as a Department can interject as you going through and maybe some of the concerns you have may be the same concerns the Planning Commissions will have also, who knows. So that would be where I would support you in this case at this time. Not to circumvent you the Department, please I've always waited and waited and waited and sometimes you guys had many, many good reasons why you couldn't get things done for, you know, staffing and all that issues too. So please forgive me but I will try to support the Chair's recommendation at this time. Thank you, Chair.

CHAIR GUZMAN: Is there any further discussion? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR GUZMAN: All those opposed say "no."

COUNCILMEMBER CRIVELLO: No.

CHAIR GUZMAN: Okay, there are four "ayes," one "no" and two excused. Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
Councilmembers Couch, and Victorino.**

NOES: Councilmember Crivello.

ABSTAIN: None.

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ABSENT: None.

EXC.: Councilmembers Hokama and White.

MOTION CARRIED.

ACTION: ADOPTION of proposed resolution.

CHAIR GUZMAN: Thank you.

ITEM NO. 20: INDUSTRIAL HEMP (CC 14-213)

CHAIR GUZMAN: Moving on to the last item, Members, on the agenda, it is the PC-20, Industrial Hemp. The Committee is in receipt of the following County Communication 14-213, from Councilmember Don Couch, on the matter of industrial hemp as defined in Act 56 (2014). The correspondence dated January 20, 2016, from Committee Chair Don...from me, sorry, transmitted a proposed resolution entitled Urging Support of the Senate Bill to Establish a Pilot Program to Allow the Cultivation of Industrial Hemp and Distribution of its Seeds in Hawaii. The purpose of the proposed resolution is to urge the State Legislature to support a proposed bill establishing a pilot program to allow the cultivation of industrial hemp and distribution of its seeds in Hawaii through limited activities by the Board of Agriculture for agriculture or academic research. The industrial hemp, it's an important crop that was recognized in 2014 by President Barack Obama when he signed the Farm Bill of 2014 authorizing the institutions of higher education of state departments of agriculture to grow industrial hemp for research or agricultural pilot programs. In 2014, the State Legislature enacted Act 56 which authorizes a two-year initial study on hemp remediation and biofuel crop research on Oahu by the College of Tropical Agriculture and Human Resources at the University of Hawaii. The research project is a feasibility study on the growth and use of industrial hemp in Hawaii. Positive results were reported by the University in a report in 2016 Legislature. A copy of which has been handed out to you. The study found that subtropical fiber hemp grows quickly in Hawaii with the potential of three crops per year. The study concludes the yield of about 30 tons per year of stocks per acres is promising because there is a need for a building material in Hawaii that is not imported. The large amount of leafy material from the fiber hemp offers the potential for homegrown forage crop to feed local cattle, and then hemp is also a production, as a production can be lucrative to farming activities. There is a significant potential for successful hemp agricultural industry in Hawaii based on the preliminary findings of the industrial hemp research project. Members, Staff has also passed out a revised revision of the proposed resolution which I asked for it to be prepared in order to provide the Maui County support for any bill that establishes a pilot program allowing the cultivation of

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the industrial hemp and distribution of its seeds in Hawaii for research purposes. The support would include the Senate bill that is attached. Also I believe just today and I think Staff passed out I think it was by Representative Ing and Representative Thielen, they just introduced today their hemp legislation that does not have an act number here I see. But I do have it provided for you for your review as well. So something like this would also be an act that we would be asking to support. Is there any discussions from the Members at this time? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, for bringing this up. I know we've discussed it before and I guess the question I would have is this moves a little bit further than what we had asked before. This is saying hey let's allow it to be cultivated here maybe in a pilot project but at least remove all the State I guess punishments for trying to grow it here as long as it's industrial hemp. That's what I can see in the bill. Is that your interpretation of that as well?

CHAIR GUZMAN: Are you talking about Mr. Ing's bill?

COUNCILMEMBER COUCH: Well, this bill that you put on here. Senate Bill 2659.

CHAIR GUZMAN: Oh, yeah. Yeah. Right, right, that's the Senate bill. Actually I had a discussion with Staff that we should keep our options open by not referring to a specific bill in the resolution.

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: Because if we then specify a bill, that particular Senate bill and it dies and let's say Representative Ing from the House side his bill goes through we would just be, we would be caught in the corner by saying okay we can't support Ing because we never, we actually specifically wrote that we supported the Senate bill. So, I said well just keep it general --

COUNCILMEMBER COUCH: Sure.

CHAIR GUZMAN: --so that ...

COUNCILMEMBER COUCH: But you're talking about a pilot program --

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: --so is there, can we remove the word pilot?

CHAIR GUZMAN: Yeah. We could. We could.

COUNCILMEMBER COUCH: I would think --

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CHAIR GUZMAN: If there's any ...

COUNCILMEMBER COUCH: --I think that's what the new bill is talking about is not a pilot program.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: It's just allowing it straight out.

CHAIR GUZMAN: Right.

COUNCILMEMBER COUCH: So, if we remove the word "pilot" wherever it is in the be it resolved, I think that might be a more broad ...

CHAIR GUZMAN: Okay.

COUNCILMEMBER VICTORINO: Mr. Chair, just for clarification. I don't believe...the State supports it; it's the Federal issue that has been the hampering of all of this. It's been a Federal issue. It's not the State, you know --

CHAIR GUZMAN: Right.

COUNCILMEMBER VICTORINO: --and I don't care about removing the pilot portion but it's not, and again I want clarification that the State of Hawaii has supported it and it has brought bills forward and continues to. But it's on the Federal level that the Federal level has not recognized it and considers hemp as cannabis as marijuana as illegal.

CHAIR GUZMAN: Right.

COUNCILMEMBER VICTORINO: And that's how it's been presented. And until the Feds change it it becomes a very difficult situation to ask a farmer to go ahead and go for it and plant all these crops with the knowing...with the knowledge that the Feds could come in and say no this is illegal. And that's one of the other challenge we face, this is really a national challenge because across the board industrial hemp throughout the United States there are many, many states that want to do it. There are many groups that are ready to whirl on this but again the Feds have continuously said no this is illegal and we will not allow it. And that's what the real challenge has been. We had the experimental crop in Oahu. It went real well but again it was an experimental crock...crop I should say, a pilot program. Now can we get the Feds to say yes to us, I guess that's the real question we have.

CHAIR GUZMAN: Yeah, no I agree it is a Federal issue right now and until they pass a law that says look you can grow it legally and that's why I...the Federal government allows hemp to be grown for educational purposes --

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COUNCILMEMBER VICTORINO: Yes.

CHAIR GUZMAN: --and research and that's why I, you know, we stayed with the pilot program --

COUNCILMEMBER COUCH: Sure.

CHAIR GUZMAN: --and the research part of it so that it is legal to do that, it's just that we're saying can we do it here on Maui because what you guys grow on Oahu maybe may not necessarily fit Maui and can we try it out here. You know and then that's what the reso is purporting to say is we support legislation to allow research and study on these pilot programs regarding hemp here on Maui. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And while I understand that's what the intent was, keep in mind that 13 States have established a commercial industrial hemp program by statute. Now whether or not the Feds say yes or no, that's a different subject. They have it ready to go so that if the Feds finally say yes okay industrial hemp's good to go, they're there. And I think that's if we remove the word pilot I think that will put us in line with those states so that --

CHAIR GUZMAN: Oh, I see.

COUNCILMEMBER COUCH: --if the Feds say okay it's good it's no longer a pilot program. It's just a program that goes. So, 13 States have done it basically telling the Feds we're ready to do it. So that's why ...

CHAIR GUZMAN: And that's why Ing and Thielen are --

COUNCILMEMBER COUCH: Correct.

CHAIR GUZMAN: --proposing their legislation 'cause I was like wait this is passing --

COUNCILMEMBER COUCH: Correct.

CHAIR GUZMAN: --legalization of it. Okay, so it's just in anticipation of the Federal government allowing.

COUNCILMEMBER COUCH: Yeah, and that will still allow us to have pilot programs --

CHAIR GUZMAN: Oh, yeah.

COUNCILMEMBER COUCH: --'cause we just say programs.

CHAIR GUZMAN: Programs. Okay.

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COUNCILMEMBER COUCH: Thank you.

CHAIR GUZMAN: Perfect. Is there any objections to Mr. Couch's amendment to delete the wording of pilot?

COUNCILMEMBERS: No objections.

COUNCILMEMBER VICTORINO: Friendly amendment, yeah.

CHAIR GUZMAN: Okay. Very good. Is there any other discussion?

UNIDENTIFIED SPEAKER: Recommendation?

CHAIR GUZMAN: Okay, we're all good. At this time, the Chair will entertain a motion to recommend adoption of the proposed resolution with amendments urging the support of the establishment of a program to allow the cultivation of industrial hemp and distribution of its seeds in Hawaii, attached as an exhibit, and the filing of County Communication 14-213.

COUNCILMEMBER COUCH: So moved, Mr. Chair.

CHAIR GUZMAN: Moved by Mr. Couch.

VICE-CHAIR COCHRAN: Chair, second the motion.

CHAIR GUZMAN: Seconded by Ms. Cochran. Any further discussion? Seeing none, all those in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR GUZMAN: All those opposed say "no." Two excused, five "ayes," no "noes." Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
Councilmembers Couch, Crivello, and Victorino.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama and White.

MOTION CARRIED.

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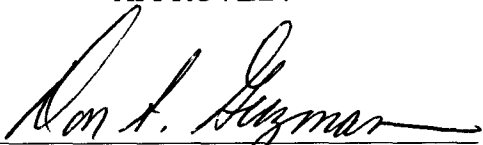
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ACTION: ADOPTION of revised resolution and **FILING** of communication.

CHAIR GUZMAN: Thank you very much, Members, it was a long agenda but we got through it, and I'm very happy the Broncos are going to the Super Bowl. So, have a good one. Thank you very much. Meeting adjourned. . . .(gavel) . . .

ADJOURN: 3:54 p.m.

APPROVED:



DON S. GUZMAN, Chair
Economic Development, Energy,
Agriculture, and Recreation Committee

ear:min:160126:cs

Transcribed by: Cathy Simmons

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CERTIFICATE

I, Cathy Simmons, hereby certify that 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 this 17th day of February 2016, in Wailuku, Hawaii.



Cathy Simmons