M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

July 1, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JULY 1, 2016, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Will this meeting of the Maui County Council please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, there are nine Members present. There is a quorum to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And we have opening remarks this morning from Mr. Victorino.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael P. Victorino.

CHAIR WHITE: Thank you very much, Mr. Victorino.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you very much. And, if you've brought a phone with you, please put it on silent mode so that we'll maintain a nice quiet chamber this morning.

And with that, Mr. Clerk, may we proceed?

COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-92

CONGRATULATING KAONOULU RANCH ON ITS
100TH ANNIVERSARY

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

MR. CHAIR, ON YOUR BEHALF, I MOVE TO ADOPT THE RESOLUTION ENTITLED "CONGRATULATING KAONOULU RANCH ON ITS 100TH ANNIVERSARY".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa, with a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, thank you very much. Without objections, may I request that we substitute the resolution as handed out this morning, that includes updates and revisions that do not impact the intent of the resolution that is in our binders?

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair. May I also request the Clerk to read the resolution in its entirety?

CHAIR WHITE: Yes, thank you.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. It is with great pleasure and honor that we recognize and honor Kaonoulu Ranch on their 100th Anniversary.

Ranching has played a very important role in our modern history, and is a part of what makes Upcountry truly special; the rolling pastures, the horses, and of course, the cattle that you find sometimes on your street. Ranching, however, is not an easy profession. It takes a commitment to working long days and nights, and in part, for the Rice and King families, continuing an important family legacy. The Ranch has found a workable formula that has allowed them to outlast many other businesses and ranches, while keeping much of their ranch land intact.

The recognition today is also quite momentous as it kicks off an important weekend for the Rice family. They played a major role in creating and building up the Makawao Rodeo, and later the Makawao Parade, an outgrowth of the rodeo.

Both Henry and Freddy have been named as Grand Marshals of the parade to help honor not only their work, but also those that came before them, including Oskie and Harold "Pop" Rice. It is a fitting honor, and I know it's going to be an exciting weekend for all.

We wish the King and Rice family, along with their entire extended Kaonoulu Ohana, the best in all of their future endeavors, and send a big mahalo for their numerous contributions to our community and helping to make the place we call our home so special. Here is to another 100 years of success. Mahalo, Chair.

CHAIR WHITE: Thank you, Ms. Baisa. Very nice.

Members, are there further discussion on the resolution?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Chair, I would also want to offer my congratulations to the Rice and King family for the many years of not only operating and being a part of the ranching scene, but also for their contributions to this community. They have been a large contributor and philanthropist throughout this community for many, many years. And I want to thank them for that.

It is really enjoyable to see the four generations sitting here today together. And it's amazing how things move ahead, and how things change. Yet, with all the changes, this Ranch has, has played an integral part and stayed very much the way it was set up to be.

Yes, they're looking at different options in their business, and you have to. That's the business world we live in. But, as an entity and as a family, they have been a stalwart in our community.

Again, I'd like to congratulate them on the 100th Anniversary, and wish them another 100 years of success. I may not be around, but maybe my grandchildren or great-grandchildren will celebrate the 200th Anniversary of the Ranch itself. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I am so happy to have them here for this 100th Anniversary. So many ranches are gone. And so much of what when I was growing up and many of us growing up no longer exist. And I'm so proud of them for staying here, and continuing doing what they do well.

It hasn't been an easy life in ranching. I know it's been hard. But they've gone the extra mile every time. And I truly, just like Mr. Victorino said, I hope they'll be here a 100 years from now. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion?

COUNCILMEMBER BAISA: Mr. Chair.

CHAIR WHITE: Yes, Ms. Baisa. Thank you very much, Mr. Chair. For, if you're wondering why I'm doing this a second time, the remarks that I gave earlier were prepared for our Chair. And it was my honor to be able to present them to you today.

But as you know, Upcountry is the home of my family, has been for all of our lives; three generations of it. And it felt really good to walk into this chamber today and see people that actually have cowboy hats on. And it makes me feel really comfortable to see faces that I've known my entire life, and they've been a part of our lives.

And I know my husband won't mind if I tell a little story. And he, of course, this was part of his life too, cause his dad worked for the Rice's. They, at one point, had a very large hog farm, which my father, my father-in-law ran. And of course, Sherman, as a child, was there. And he shared his memory with me last night, that I thought was really neat.

He said that his job was to sit on the fence, and when Pop Rice would come through, his job was to open the gate and let him through. So, he knew the car, and he'd see it coming, open the gate, and then he'd shut it. But he really was there because every time it happened, Pop gave him a quarter. And you got to know, to a child in those days, a quarter was a lot of money. I remember buying three donuts at Komoda for ten cents.

So, we are really celebrating today. And I'm just delighted to have you here. And again, mahalo nui for all you've done for all of us. And your arena is such a big part of our community. Thank you so much for making that available. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank, thank you, Chair. And I wholeheartedly agree with all the comments that have made thus far. And so, having grew up partly up in Olinda, on Olinda Road across Oskie Rice, I boarded up at Seabury Hall. And to still drive that road, and to come up upon the gates and the whole, that area, it's still like I recall, cause there's many places today that you can't recognize it.

But in that area, it's so preserved and, of course, we're honoring the tradition of the, you know, the Ranch, the rodeo, the parade that we'll all, I'm sure, be a part of tomorrow, which will be exciting. So I just think that it's a, it's a great, the heritage, the theme of the, the parade is honoring your heritage. And definitely, the Ranch is part of that.

And thankfully they've carried on that tradition of paniolo, because I don't know what I would do with all my paniolo wear that I like to strut around and dress up like I'm actually a cowgirl.

But, so thank you all for that. And looking forward to a, a great weekend with all of you. And, and thanks for, yes, your, your contributions to this community. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I too want to echo the sentiments of everybody who's talked before. I want to thank the Ranch for doing a wonderful job for this community, especially starting the rodeo and the, and the parade.

The Ranch does come down into Kihei, sometimes more often that I like it when it rains. But, we still have a, a lot of the ranch lands are, are down in my district, and they do a great job in keeping them from being too overgrown or undergrown, either way.

But, they're, it's, it's fun to see occasionally when they bring the cows down and the, when you go down Piilani Highway and see the cows, people just don't remember that that ranch is a huge piece of land and part of the whole ahupua'a. So, appreciate all that they've done and, and look forward to many more years. Thank you.

CHAIR WHITE: Thank you.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I too would like to congratulate the, the Ranch. And, in thinking about our history of, of Maui, there are few families in this community that have built this Maui island in the, in the County to what it is today. And these are the, the families that have made up the fabric and the foundation of what we have today, by starting out traditions. And when you think of that, you think of the King family, and the Rice family, and many others. But, today we honor the King family and the Rice family for being that pillar in the community to maintain our traditions and our legacies.

What's so delightful is to see this next generation sitting here in the chambers knowing that our Heavenly Father will continue to bless these families, and that they will continue to be the protectors of our land. And that with all hope, our prayers are with the family to overcome any challenges and difficulties, because they are living legacies of what we have grown up to become. Thank you. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER HOKAMA: Chair.

CHAIR WHITE: Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, very quickly. Even those of us on Lanai know about this family. You know, I've been fortunate in my life to have many mentors, whether it be the late Elmer Cravalho, Nadao Yoshinaga, Mamoru Yamasaki, even my own father. And I would touch base with them, asking them years ago about certain applications coming before me as a Councilmember.

And I'm telling this story because there's one thing that I appreciate in my dealings with Henry Rice. And I think this was in the late 90's, I believe, maybe 20 years ago,

Mr. Rice and I had a meeting regarding a potential family project. I appreciated that for that gentleman and myself, we still believed in the old ethic that a man's word and a man's handshake is good enough. He didn't need an attorney. He didn't need a piece of paper to memorialize something that as a man of integrity, sincerity, that your word and your handshake was good enough.

But we had a great discussion. We came to terms. And I can tell you that, Mr. Rice, without a piece of paper fulfilled everything that he said he would do regarding this project. I find that commendable. It should be, again, stated as a character trait that is very rare, but is very precious in my perspective of what is true character.

And I mention this, because it is something that I hope is endowed within this family, because of its great kupunas. And that they can share this with other members of our general community; that integrity is still something cherished and respected in Maui County. And I thank this family for, in their part of keeping the integrity of business, fulfilling their obligations and commitments that they have voluntarily agreed to, is something to be commended and appreciated by everyone in this County.

So to the Rice family, congratulations on your 100th Anniversary. It is a testament to the character of your families. Thank you very much, Mr. Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

I, I couldn't add a better word than integrity. And I think all of us have a great appreciation to the old families that have been able to provide a level of stewardship that continues, and a level of stewardship that we don't often see in other areas. And I think it's, you know, I think we take our hats off to you. And we want to thank you from the bottom of our hearts for maintaining the property, maintaining the, the kinds of assets that you've been able to provide to the community such as the arena and the areas around it, because it really helps to cement the, the fabric of our community.

When you look at what's happening this weekend with the rodeo and the parade, that's just one, one of the times that the Oskie Rice arena is used. It's, that area is used for the Upcountry Fair. It's used for many other things. So, without that, I think we would have a much more difficult time keeping the ranching community--

COUNCILMEMBER BAISA: Yes.

CHAIR WHITE: --as together, and as, as whole as it has been. I think a lot of us also need to be thankful for the, the level of focus that these families have on maintaining

pastures, because they're not just raising cows, they're raising grass, they're raising other animals if they need to. They're doing it in such a way that they're, they're focused on not losing the ability to, to, I call, I mean, ranchers are basically grass farmers. And their, their job is to maintain their lands in such a way that they don't run off during a heavy rain. So, they're always maintaining the environment that we all love to look at in ways that wouldn't be possible without the level of integrity that these, many of these families have, and this family especially.

So, it's with great honor that we recognize you this morning. And, we take our hats off, and I guess, put our spurs on, and wish you all the best for the next 100 years.

Members, all those in favor of the motion, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. With your permission, I'd like to call down the partners of Kaonoulu Ranch, along with the members of the Rice and King family, to present them with the official copy of the resolution and leis.

CHAIR WHITE: Yes. Please come forward.

COUNCILMEMBER BAISA: Mr. Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: I'd like to proceed with the presentation. I'm very honored today, again, to be able to do this. And we have for you the copy of the resolution. And you can hold onto that, Henry.

And then, on top of it, I have your buckles for being Grand Marshals. And this is for you, Freddy. And this is for you, Henry.

MR. HENRY RICE: Thank you.

COUNCILMEMBER BAISA: And, we definitely want to hear a few words from you. So, if you would please, Freddy. Henry will do it. He said he's the speaker.

MR. HENRY RICE: No. Freddy, Freddy might have a few words too.

COUNCILMEMBER BAISA: Oh, we can both, we'd love to hear.

CHAIR WHITE: Pull, pull the microphone up a little bit.

COUNCILMEMBER BAISA: Pull it up so you can, there you go.

COUNCILMEMBER VICTORINO: There you go.

MR. HENRY RICE: Chairman White and Councilmembers, thank you. This is Kaonoulu Ranch and its many ohanas of which you have met here, truly appreciate this. This resolution is truly, actually a reflection of cooperation and support between elected officials, and the ranchers and farmers of Maui County. Chairman, you and this Council have enhanced that support and cooperation. That's why we're standing here.

I hope to see a lot of you at the Fourth of July parade. I can recommend the chow fun and the kalua pork bowl; it's very good. And it's an honor for both Freddy and I to be riding as Grand Marshals in honor of our father. So, thank you very much.

Freddy.

MR. FREDDY RICE: Probably nobody here is old enough to remember H.W. Rice, Harold, Harold Rice. And, he was controversial at times. And I might just take advantage of this situation for a project that I've had in mind for a long time.

The second World War, the military took over what is now the Kahului Airport. It was a cane field. And at the end of the war, it was going back to the plantation. So, H.W., on his own dollar, went to Washington and convinced the military to give that area, the airport, as it stood, over to the County. And the controversy there was nobody wanted to spend the money to renovate it. So again, he raised the funds to do that.

And it's been in my mind for a long time, and something I'm going to pursue, but I have always thought the Kahului Airport should be named the Harold W. Rice Airfield. Because without his efforts, that airport would not exist today. It would be just another cane field. Thank you for your consideration there.

COUNCILMEMBER BAISA: Thank you both very much. And you'd open those buckles, we'll get a nice picture. We'll show everybody how beautiful they are. They just lift right up. Oh. Guys. Don't worry I'll get them back. I'm not a cowgirl. I don't know how to rope them. All right guys, we'll get you back here. Could've had my, my cousin with a lasso, right? Okay, guys come on, we're going to take a nice, the two of you with those buckles.

Thank you very much. And our best aloha to all of you. And I'd like to, again, thank Chair White for doing the resolution today, and thank you for letting me do it. You know, Upcountry is my home and I love it. Thank you.

CHAIR WHITE: Thank you so much. And, thank you for, all of you for showing up today and allowing us to, to recognize the great work you've done.

Mr. Clerk, please proceed.

COUNCILMEMBER VICTORINO: Maybe we should take a--

COUNCILMEMBER COUCH: Short recess.

COUNCILMEMBER VICTORINO: --recess. Short recess.

CHAIR WHITE: Yea, we should take a, a recess at the call of the Chair.

COUNCILMEMBER COCHRAN: Short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:36 A.M., AND WAS RECONVENED AT 9:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, let's proceed with the agenda.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-92.

Proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from the Hana, Lanai and Molokai District Offices should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

(Councilmember Victorino returned to the meeting at 9:38 a.m.)

COUNTY CLERK: And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes, with one minute to conclude if requested. And when testifying, please state the name and the name of any organization that you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and we have one testifier, Ron McComber, testifying on Bill No. 67.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. RON MCCOMBER, [testifying on Bill No. 67 (2016)]:

Good morning, Chair and Members of the Council.

CHAIR WHITE: Good morning.

MR. MCCOMBER: Once again you're hearing from Lanai. I full support of the item 67. And as we've gone over this community plan, gone over this community plan, whatever Riki has submitted, and we talked about it last week here on Lanai, that the Committee that met with Riki has agreed to whatever he submitted is an agreement from all of us.

I thought it was interesting this morning, sitting here listening to all the accolades for Upcountry farming and ranching. Don't forget, Lanai has been here and it's a special, special place. We've been in existence, I've been on Lanai for 44 years. The changes that I've seen, and particularly the changes I've seen within the last two years has been devastating in some of, community like ours.

For instance, two items had just come up that you need to understand about, cause you're going to hear about it later on, is yesterday the harbor advisory introduced a possible underwater submarine that may be launched at the Manele Small Boat Harbor. Don't understand that, we don't know what it's about.

Secondly, they've installed a 3,000 gallon JP4, which is jet fuel tank, above-ground tank, right in the heart of our city. These are the kind of things that we constantly have to address. It looks like we're fighting this, but all it is, is we're trying to protect Lanai City from what it was before, and it is rapidly being changed.

So, this is important that you do this community plan, and that you pass this community plan as presented, and the corrections and additions that Mr. Hokama has presented to you. I appreciate your hard work. This seems like it's been going on forever, but we need to pass that now. Thank you very much.

CHAIR WHITE: Thank you, Mr. McComber.

Members, any need for clarification of his testimony? Seeing none, thank you for being here this morning, Mr. McComber.

Mr. Clerk.

COUNTY CLERK: Molokai Office, please identify yourself and introduce your next testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, there is, no one has signed up to provide testimony in the chamber.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received written testimony. Without objection, we'll receive them into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM DEBORAH DELA CRUZ WAS MADE A PART OF THE RECORD OF THIS MEETING:

CHAIR WHITE: Thank you. And, without objections, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk, let's proceed

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's special meeting of April 1, 2016, regular meeting of April 15, 2016, and public hearing of April 21, 2016, were presented at this time.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE REGULAR MINUTES OF APRIL 15, SORRY, APRIL 1, APRIL 15, AND APRIL 21.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Members, any further discussion on the minutes? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-103 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That County Communication 14-266, from the Director of Finance, transmitting a report of short-term investments for the quarter ended September 30, 2014, be FILED;

2. That County Communication 15-44, from the Director of Finance, transmitting a report of short-term investments for the quarter ended December 31, 2014, be FILED;

3. That County Communication 15-123, from the Director of Finance, transmitting a report of short-term investments for the quarter ended March 31, 2015, be FILED; and

4. That County Communication 15-211, from the Director of Finance, transmitting a report of short-term investments for the quarter ended June 30, 2015, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COMMITTEE REPORT 103, WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee reviewed the various reports from Director of Finance Agsalog, regarding short term investments. Your Committee was satisfied responses as regards to the investments at the start of the fiscal year, the interest earned on those short term investments as well as the balances at the end of set periods. Your Committee, in its review, was satisfied with those responses, and thereby recommends filing of those communications.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, further discussion on these items? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-104 - PLANNING COMMITTEE:

Recommending the following:

1. Resolution 16-93, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES AND SHORT-TERM RENTAL HOMES," be ADOPTED; and

2. That General Communication 15-5, from David Dantes, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN PLANNING COMMITTEE REPORT 16-104.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met five times between July 2, 2015, and June 16, 2016 to review a proposed resolution to refer to the Planning Commission a proposed bill entitled "A BILL FOR AN ORDINANCE

AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO THE ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES AND SHORT-TERM RENTAL HOMES."

The proposed bill would amend the enforcement provisions for Bed and Breakfast Homes and Short-Term Rental Homes to add requirements and timelines for enforcement of violations relating to advertising of unpermitted operations.

In addition to strengthening the enforcement process, the proposed bill would amend Chapter 19.64, Maui County Code, relating to Bed and Breakfast Homes for consistency with the recent revisions made by Ordinance 4315 (2016) to Chapter 19.65, Maui County Code, relating to Short-Term Rental Homes.

I would also like to mention that there are, there is some confusion out there about what the proposed bill would do. The Maui News published a viewpoint article on June 28, 2016, that included a number of false statements. I made copies of the article for the Members if they want. One paragraph in particular stands out, which reads, "Despite these benefits, home-sharing on Maui County is currently under threat. The Maui County Council Planning Committee is considering a move that would fundamentally undermine the way residents and visitors use home-sharing platforms. If approved, this proposed change would require home-sharing companies to police their users and be responsible for user-generated content on their platforms".

Nothing could be further from the truth. In fact, the proposed bill would place the burden squarely upon the owner to establish that B&B, that the B&B or STRH that is being advertised as being operated legally, and in compliance with all applicable laws.

Before you is a proposed resolution referring the proposed bill to the Planning Commissions for their review and comment.

Your Committee recommended adoption of this resolution, and filing of the communication. I respectfully ask for the Council's support of your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I thank Mr. Couch and his Committee's work on this difficult subject. My question, if Mr. Couch is prepared to respond is, there is a State bill before the Governor regarding Airbnb and other type of, similar type of businesses that he's considering to veto. And I believe that some of the comments Mr. Couch gave earlier was in regards as it relates to the State legislation and not necessarily County or this Council's proposed legislation.

But, if the Governor does veto that State bill that the Legislature, interestingly, really quickly pushed through, I would like to ask Mr. Couch if he knows if there's any impact on the County's legislation, and whether it'll null and void certain sections, or it'll stand on its own, or additional revisions need to be considered by this body? Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Hokama, for your questions. First, let me remind everybody that this is sending the bill to Planning Commission for review, so we still have another crack at it when it comes back.

This bill only, should that bill be vetoed, that was just to allow for taxation for the Airbnb, and HomeAway, and all those folks to actually collect the taxes on behalf of the State, and then pay the taxes to the State. So, that really has nothing to do with the, at least the one I'm familiar with that's up there, has nothing to do with the actual enforcement. They just would collect the taxes.

And I think the Governor's concern was that it would make, it would put the impression out there that if you've got a TAT number and a GET number, then that means you're legal. And that would actually do harm to the County's ordinances, or at least to the impression that people need to follow the County rules as well. So, I think that's his concern. But, it has nothing to do with enforcement as far as I know.

So it shouldn't, this bill shouldn't be affected. And if there's something in there that is, affects the bill, we get a chance to take a look at it when it comes back.

COUNCILMEMBER HOKAMA: Chairman, if I may follow with--

CHAIR WHITE: Yes, please.

COUNCILMEMBER HOKAMA: --just one, a quick question please. Thank you.

So, Mr. Couch, did Finance Department or RPT Division be able to give you any comment about potential impacts, and whether or not they'll be any adjustments? Cause I can see if somebody playing naïve and ignorant saying I got a State TAT, I paid my GET, and if I'm legal, even if his zoning is not permitted and he doesn't have the appropriate permit from the County. I'm just considering whether or not this is going to be more confusing for those that are truly trying to comply versus those that really want to try and hide, so.

COUNCILMEMBER COUCH: Understood. And I do believe that the State's bill could cause that confusion. So, if the Governor vetoes it, then, then that will take some of that confusion away. But yes, it could cause confusion.

This bill before us today, not at all. In fact, in, it enhances our ability to enforce and, and the resources as well.

COUNCILMEMBER HOKAMA: And one last one quickly, Chairman. The, my, my last point is from what I'm hearing regarding that, you have another grace period before enforcement will start in this legislation, Mr. Couch.

COUNCILMEMBER COUCH: No. I do not. That was an--

COUNCILMEMBER HOKAMA: So, that 60-day thing in your--

COUNCILMEMBER COUCH: --that was in the prior--

CHAIR WHITE: That was in the--

COUNCILMEMBER COUCH: That was in the prior STRH bill.

CHAIR WHITE: --we passed.

COUNCILMEMBER HOKAMA: Okay.

COUNCILMEMBER COUCH: The, what, what's in there now is, I think you're referring to the, because of the prior bill, they had to put some language in there for that 60-day thing.

COUNCILMEMBER HOKAMA: Okay. Thank you, Mr. Couch. Chairman, thank you.

CHAIR WHITE: It is a, I believe the, one of the reasons that the veto is being considered is that the State feels that it may jeopardize the County's, the County's ability to--

COUNCILMEMBER VICTORINO: Right.

CHAIR WHITE: --to oversee zoning and other issues that are our purview, not, not the State's, so. But, the measure that we're voting on is simply to pass the, pass recommendations regarding enforcement onto the Planning Commissions for their review. But, thanks for bringing up the, the State issues.

COUNCILMEMBER HOKAMA: Chairman, my intent was only that if, whenever possible, we could give the, our commissions some guidance.

CHAIR WHITE: Right.

COUNCILMEMBER HOKAMA: And that I appreciate you allowing this discussion at this time.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, and for Mr. Hokama's sake, the whole six-month grace period thing more pertains to the next bill coming up. Yup.

CHAIR WHITE: Okay. Any further discussion on this measure? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-93.

COMMITTEE REPORT
NO. 16-105 - PLANNING COMMITTEE:

Recommending the following:

1. That Resolution 16-94, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.65.030, MAUI COUNTY CODE, TO ESTABLISH OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS," be ADOPTED; and

2. That County Communication 16-95, from Councilmember Robert Carroll, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN PLANNING COMMITTEE REPORT 16-105.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on June 2, 2016, to review a proposed resolution to refer to the planning commissions a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.65.030, MAUI COUNTY CODE, TO ESTABLISH OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS."

The proposed bill would require that an applicant applying for a Short-Term Rental Home permit must have owned their property for at least five years before submitting their application. The Code already prevents an owner from building a new home immediately, and immediately applying to convert it to short-term rental use.

The proposed bill would simply prevent a buyer from purchasing an older home and immediately applying for a permit. Your Committee noted that the proposal would help discourage speculation and keep older properties as long as, as long-term housing.

The proposed bill will take effect six-months after its approval to allow owners with less than five-year ownership to apply for permits.

The proposed bill also includes exceptions for the properties that had a Short-Term Rental Home permit within three years of the date of purchase, and for more, for properties with an assessed value of $1,000,000 or more. And that's for the building alone.

Before you is a proposed resolution referring the proposed bill to the planning commissions for their review and comment.

Your Committee recommended adoption of the resolution, and filing of the communication. I respectfully ask for the Council's support of your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Again, I appreciate Mr. Couch as our Chairman, and the Committee's work. I will support the Committee's recommendation with reservations, Mr. Chairman.

I believe the County has been patient regarding the term of, I don't even know how I want to phrase the term of the period of leniency or forgiveness, but I've had it. I think we gave them enough time. I'm ready to go straight to enforcement. So, I have my issues with giving another six-months, because the way I see it, they see the County as a dog barking loud but has no teeth. Well, I'm ready to bite with teeth. So, that's my position, Chairman. Thank you.

CHAIR WHITE: I don't believe you're alone, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-94.

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 16-116 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated May 24, 2016)

Transmitting 50 contracts/grants for April 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I request the Clerk bring up, also CC 16-117.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 16-117 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 16, 2016)

Transmitting 67 contracts/grants for May 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I hereby request Members of the Council, if you have a specific contract you would like to have reviewed by the Budget and Finance Committee under its finance responsibilities to make those contracts known.

OTHERWISE, I MAKE A MOTION TO FILE COUNTY COMMUNICATIONS NO. 16-116 AND 16-117, EXCLUDING FOR REFERRAL TO BUDGET AND FINANCE COMMITTEE, CONTRACT WC0869, UNDER CC 16-116; AND CONTRACT C5783-1, UNDER CC 16-117.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Members, are there any other requests for referral? Excuse me. Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

NO. 16-118 - MICHELE MCLEAN, DEPUTY PLANNING DIRECTOR,
(dated June 20, 2016)

Transmitting a copy of the notice of grant-in-aid award from the State of Hawaii Office of Planning for the Coastal Zone Management (CZM) Grant for the period of July 1, 2016 to June 30, 2017 in the amount of $373,276.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE 16-118.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Department is just notifying us of our acceptance of 373,276 from the State Department of, Office of Planning. Thank you.

CHAIR WHITE: Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I just want to make note that, I want to thank the State of Hawaii, Office of Planning for this grant. This helps with funding a position in the Department of Planning that is very critical to our Coastal Zone Management and SMA Rules and procedures, and especially preservation of the beaches. And we're working really hard with her, and she's done a great job in, in the time that we've been here. So, thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 16-119 - ALAN M. ARAKAWA, MAYOR,
(dated June 15, 2016)

Informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Mikala Enfield on June 15, 2016.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 16-119.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Nothing further to discuss other than thanking Mikala Enfield for her, their service to the Cultural and Resource Committee, and wish them continued success.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I also thank our resident from Lanai, Ms. Enfield, giving time and service to the County and our community.

When you look at one of her reasons for this decision that she has made is quite disturbing for me; cancelled meetings and meetings without quorum. You know, I wish I, at some point in time, maybe under Mr. Victorino's leadership we can ask, are there outstanding issues that we need to be made aware of, of those that volunteer. Whereby for those of, of those that serve from the outlying districts like Lanai, Molokai, Hana, making their efforts to attend the meetings and then show up with no quorum were then be told the meeting is cancelled.

Something's happening, Chairman. And if there's something we can do on our part to improve the situation to have this meetings, then I think people will tend to be more open to volunteering, than volunteering and finding out that they're being frustrated and choose to resign. So, I think there's something more to it than just people not wanting to serve anymore, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

And, Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr., Mr. Chair, I concur with Mr. Hokama's when I read that statement. I will be doing something by bringing something forward, especially for the outlying districts and their quorum problems. And maybe some changes need to be made, and that'll be something that this Council and the Administration needs to speak to. So, thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 16-120 - ALAN M. ARAKAWA, MAYOR,
(dated June 17, 2016)

Informing of a vacancy on the Lanai Planning Commission due to the resignation of Jarrod Barfield on June 16, 2016.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 16-120.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Any further, oh, Mr. Victorino, I'm sorry.

COUNCILMEMBER VICTORINO: Again, I want to thank Mr. Barfield for his service.

And again, some of the reasons and he stated also, kind of falls in that area. And so we need to really take a good look at the sister islands and their, their issues and the outlying districts when they have these meetings and having their challenges. So, I will assure Mr. Hokama, with his assistance and others, we will take a proactive approach to see what we can do with the Administration. Thank you, Mr. Chair.

And I want to thank Mr. Barfield for his service.

CHAIR WHITE: Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 16-121 - MIKE WHITE, COUNCIL CHAIR,
(dated June 24, 2016)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF TRACI FUJITA VILLAROSA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION, ENTITLED "APPROVING THE APPOINTMENT OF TRACI FUJITA VILLAROSA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES", AND FILE THE COMMUNICATIONS.

COUNCILMEMBER VICTORINO:

MR. CHAIR, MR. CHAIR, I SECOND THE MOTION.

Sorry.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Traci Villarosa is an outstanding candidate for the position of the Legislative Analyst. Traci has a Bachelor's Degree from San Francisco State University, and a Law Degree from Golden Gate University, as well as a broad range of relevant professional experiences.

For the past five years, she has served for the, served the County as a Deputy Director of Liquor Control. In this position, she has been the first assistant and principal advisor to the Director on manners relating to budget, personnel, legal services, and management.

Before going to the Department of Liquor, Traci was a, the Deputy Corporation Counsel and First Deputy Corporation Counsel for 14 years.

I have known Traci for several years, I think more than 18 years or so. I, I think she's a very good worker, efficient. Her integrity is beyond doubt one of the best that I have known. She's going to be a great asset to this team. And so I recommend the appointment of Traci Fujita Villarosa as the Legislative Analyst in the Office of Council Service, and respectfully request the support of my colleagues for this resolution. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'd like to speak in support of this, and to ask also, our Members to please approve it.

I think that we're very fortunate to have a applicant of this quality coming to help us in Council Services. She has a stellar resume. And all I can say is Liquor's loss is our gain.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: And I also would like to echo the same sentiments. I've worked, not only in a professional manner, but with the family for many, many years. And I've known them as being outstanding citizens in this community. And I know Traci is a welcome addition for us. And like Ms. Baisa said, our, our gain, is the other side's loss. I wish her nothing but continued success. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", and zero "noes".

Congratulations, Ms. Villarosa. Thank you for joining us.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-95.

NO. 16-122 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 24, 2016)

Transmitting a proposed amendment to Bill 67 (2016).

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members or you, I would ask that this be referred toward the end of the calendar, and attached to Bill 67.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

(See pages 42 through 57 for discussion and action.)

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 16-123 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 10, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)".

The recommended action is that County Communication No. 16-123 be referred to the Budget and Finance Committee.

NO. 16-124 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 10, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT".

The recommended action is that County Communication No. 16-124 be referred to the Budget and Finance Committee.

NO. 16-125 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated June 24, 2016)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF

REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, NA HALE O MAUI KAHOMA PROJECT"; and

2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, HABITAT FOR HUMANITY KAHOMA PROJECT".

The recommended action is that County Communication No. 16-125 be referred to the Budget and Finance Committee.

(Councilmember Baisa was excused from the meeting at 10:08 a.m.)

NO. 16-126 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated June 24, 2016)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM – WATER FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and

2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, COUNTYWIDE, COUNTYWIDE UPGRADES AND REPLACEMENTS".

The recommended action is that County Communication No. 16-126 be referred to the Budget and Finance Committee.

NO. 16-127 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated June 24, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO

ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

The recommended action is that County Communication No. 16-127 be referred to the Budget and Finance Committee.

NO. 16-128 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated June 24, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PUBLIC WORKS, GENERAL FUND, SPECIAL REVENUE/TRUST AND AGENCY FUNDS, SUBDIVISION CONSTRUCTION PLAN REVIEW FEES".

The recommended action is that County Communication No. 16-128 be referred to the Budget and Finance Committee.

NO. 16-129 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 22, 2016)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of May 31, 2016.

The recommended action is that County Communication No. 16-129 be referred to the Budget and Finance Committee.

(Councilmember Baisa returned to the meeting at 10:10 a.m.)

NO. 16-130 - STACY CRIVELLO, COUNCILMEMBER,
(dated June 21, 2016)

Relating to the Maui Short Range Transit Plan.

The recommended action is that County Communication No. 16-130 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-131 - STACY CRIVELLO, COUNCILMEMBER, (dated June 21, 2016)

Relating to Homelessness in Maui County.

The recommended action is that County Communication No. 16-131 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-132 - STACY CRIVELLO, COUNCILMEMBER, (dated June 21, 2016)

Relating to amendments to the Residential Workforce Housing Policy.

The recommended action is that County Communication No. 16-132 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-133 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 21, 2016)

Transmitting a document entitled "Low Income Housing Tax Credit Project for Sale under a Qualified Contract Request in Accordance with Section 42(h)(6) of the Internal Revenue Code" for the Front Street Apartments.

The recommended action is that County Communication No. 16-133 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-134 - STEWART STANT, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, (dated June 21, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING SITE LEASE RELATED TO AN ELECTRICITY GENERATING FACILITY AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY".

The recommended action is that County Communication No. 16-134 be referred to the Infrastructure and Environmental Management Committee.

(Councilmember Cochran was excused from the meeting at 10:11 a.m.)

NO. 16-135 - ALAN M. ARAKAWA, MAYOR,
(dated June 16, 2016)

Transmitting a proposed resolution entitled "APPROVING THE INSTALLATION OF SIRENS IN THE COUNTY OF MAUI RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM".

The recommended action is that County Communication No. 16-135 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with resolutions for second and final reading.

RESOLUTIONS

RESOLUTION
NO. 16-90

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO CHANGE THE NAME
OF THE CIVIL DEFENSE AGENCY TO
THE MAUI COUNTY EMERGENCY
MANAGEMENT AGENCY

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE THAT THE NAME OF, THE PROPOSED AMENDMENT REVISING THE CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CHANGE THE NAME OF THE CIVIL DEFENSE AGENCY TO THE MAUI COUNTY EMERGENCY MANAGEMENT AGENCY.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: I will let Mr. Couch speak to it, because he was the originator of the resolution.

CHAIR WHITE: Okay, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This is a, just a kind of a housekeeping thing. We wanted to change the name from Civil Defense Agency to Maui County Emergency Management Agency because Civil Defense Agency, when it was first founded, if you will, was to basically be defensive civilians in wartime.

(Councilmember Cochran returned to the meeting at 10:13 a.m.)

COUNCILMEMBER COUCH: Now, the Civil Defense Agency does a lot more than just that. It does emergency management, and basically does the same things that FEMA does on the Federal level, and the State, National Guard and State Emergency Management Agency does on the State level. So, I felt it was more appropriate to, to call them what they really do. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second, final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___71___(2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Brief recess.

CHAIR WHITE: Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:14 A.M., AND WAS RECONVENED AT 10:16 A.M., WITH ALL MEMBERS PRESENT).

CHAIR WHITE: This meeting shall please come back to order. And we go back to Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I WOULD MOVE TO DEFER THIS ITEM TO DATE CERTAIN TO THE NEXT COUNCIL MEETING OF JULY 15, 2016.

COUNCILMEMBER BAISA:

SECOND.

COUNCILMEMBER VICTORINO: No objection.

CHAIR WHITE: We have a, a motion to defer this item, and I believe it's because we have not yet received the unilateral agreement that we require for this passage.

So, we have a motion from Mr. Carroll, and a second from Ms. Baisa to defer this until our next Council meeting.

CHAIR WHITE: Any further discussions? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes". That will be brought up at our next meeting.

Mr. Clerk.

COUNTY CLERK: Thank you.

Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

COUNTY COMMUNICATION

NO. 16-105 - MICHAEL J. HOPPER, DEPUTY CORPORATION COUNSEL, (dated June 8, 2016)

Relating to a bill for an ordinance amending Section 2.80B.070, Maui County Code, to adopt the updated Lanai Community Plan.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Chair, since this communication relates to Bill 67, may I request that you direct the Clerk to call up Bill 67 at this time.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

(See pages 42 through 57 for discussion and action.)

CHAIR WHITE: Mr. Clerk.

ORDINANCES

ORDINANCE NO._____
BILL NO.___67___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN

CHAIR WHITE: Mr., Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Chair, my motion to pass Bill 67 (2016) on second and final reading remains pending.

Councilmember Hokama has posted a proposal to amend Bill 67. If there are no objections, may I request that the Clerk bring--

COUNCILMEMBER VICTORINO: Mr. Chair. Clarification. I did not hear the, the motion to, I heard him say he wanted the two brought up, but I never heard him say, I move this motion and the two numbers.

CHAIR WHITE: Of the, what he was saying was his motion is still on the floor from our last meeting.

COUNCILMEMBER COUCH: From last meeting.

COUNCILMEMBER BAISA: Still on the table.

COUNCILMEMBER VICTORINO: Oh okay. Okay. I'm sorry. I apologize for that.

CHAIR WHITE: No, no problem.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Councilmember Hokama has posted a proposed, to amend Bill 67. If there are no objections, may I request that the Clerk bring up the, that up at this time; County Communication No. 16-122?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections, so ordered.

Mr. Clerk.

COUNTY COMMUNICATION

NO. 16-122 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 24, 2016)

Transmitting a proposed amendment to Bill 67 (2016).

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: I believe Mr. Hokama may want to make a motion.

CHAIR WHITE: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

Members, you have, under Communication 16-122, a posted proposal from myself with the attachments in the Ramseyer format. The proposal, before I make the motion, just so you are very clear is, will amend Exhibit "1" to Bill 67 to address matters discussed at the previous Council meeting of June 17, 2016.

So, for further discussion, Mr. Chairman, I intend to now place a motion before the Members.

AND THE MOTION IS TO AMEND CHAPTERS 3, 7, 9, 10, AND 13, AND APPENDIX 9.3 OF EXHIBIT "1" TO BILL 67 BY REPLACING LANGUAGE AS SHOWN ON THE ATTACHED MARKUP OF EXCERPTED PAGES.

COUNCILMEMBER COUCH:

SECOND.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: So, before I make you more confused, Members, I also now make a motion to amend. You have presented to you this morning from, from myself, a, another amendment as recommended by Corporation Counsel. And in the attachment, you will see that this proposal is to clarify an implementing action related to water use, to state the action is to be consistent with the Water Use and Development Plan, and, and the amendment is to add one word, and is the word "and" between "plan" and "as provided for by law".

THEREFORE, MR. CHAIRMAN, I MOVE TO AMEND CHAPTER 7 AND 13 OF EXHIBIT "1" OF BILL 67, BY INSERTING THE WORD "AND", A, N, D, IN TWO PLACES, AS SHOWN ON THE ATTACHED MARKUP OF EXCERPTED PAGES.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama, with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, Members, if you will see on the attachment, under 7.11, the addition is, again, on the last sentence between the word "Lanai" and the phrase "as provided by law".

And on the other attachment, it is on, again, under 7.11, is to add that same language, the word "and", between "Lanai" and the phrase "as provided by law".

This in no way weakens or takes away from the discussion that the Community Advisory Committee or the Lanai Planning Commission had discussed. This is to make clear that besides the Water Use Development Plan, any other laws that have been passed either by the State or the County also will have implementation and enforcement, such as budget district ordinances.

So, I ask the Members to take this recommendation as put forth by Corporation Counsel. I am in support on this. And I believe this in, will help clarify the community's position of this subject. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor of the amendment, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

I think we're back to Mr. Couch.

COUNCILMEMBER COUCH: No. I believe we're at the amendment still.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman.

So, we're back to just one amendment at this time, and that is on the primary that I have presented to you.

Members, thank you. We had quite lively discussions on Lanai, whether it was in my office with various members, individuals at Blue Ginger over coffee, standing in line in

Pine Isle Market, our community has, was happy to share their thoughts with me on this.

One, they would like to see a final resolution. One way or the other, the island wants a determination.

Secondly, for those that have continued to speak up for the island's best interest, not just for particular perspective, I can say that the community is now better understanding of what the plan is trying to state, where we are trying to go, and definitely what we are trying to preserve that is unique to Lanai. And one of the tools that our community has chosen to protect and clarify its uniqueness is its language of the community plan. And that is why they are adamant about words such as "prohibit". They're very concerned about other generic words that takes away the unique character of what makes us special on Lanai.

So, therefore, Members, the proposal that I have here this morning before you is something the community in general is very supportive of. Like any plan, it is not 100 percent consensus. But, I would say for those of us that are Lanaians, this is something we can live with, Mr. Chairman.

And I would ask the Members to put in it, we've taken the comments from Planning Department, from Mr. Wong and his Deputies in Corporation Counsel. But I have been guided more by what I believe is my na`ao, what I believe is right, what I believe is the true history of our island and what we're trying to protect and enhance, as well as the ability to give our people hope for a better future through this document.

So, I ask the Members to support this amendment at this time. Thank you.

CHAIR WHITE: Any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank Mr. Hokama, and Corporation Counsel, and Mr. Garneau for really working hard with the community on finally coming to language that everybody can agree with. And so I wholeheartedly support this without any further amendments. So, thank you.

CHAIR WHITE: Any further discussion, Members? Seeing--

COUNCILMEMBER COCHRAN: Chair, and we're voting on the amendment of Mr.--

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: --Hokama.

CHAIR WHITE: Correct.

Any further discussion on the amendment? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Now I believe we're back to Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Can I get a short recess?

CHAIR WHITE: Yes. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:27 A.M., AND WAS RECONVENED AT 10:28 A.M., WITH ALL MEMBERS PRESENT).

CHAIR WHITE: This meeting will please come back to order.

And, we're back to Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, if I can defer to Ms. Cochran. I understand she might have an amendment as well.

CHAIR WHITE: Okay. Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, yea, and thank you very much. And thank you, Mr. Couch. Yea, I'm just want to look at, there was a correspondence from Department of Planning, June 14, and in it is the same matrix, Item 7-22 and it has Chapter 7, has to do with Infrastructure. And it's the portion in regards to the Lanai Airport. And it's stating prohibit extension of Lanai Airport. So, there's the word

saying to "Prohibit", which it looks like it's more under FAA jurisdiction or State DOT jurisdiction.

So, I guess the question right now is for Corporation Counsel. If those words that are in the document currently is appropriate to be there, I guess? Or how is it this County can enforce it, or you know, follow up and implement to prohibit this when, I believe it is not under the purview under the County to do so?

CHAIR WHITE: Mr. Wong.

COUNCILMEMBER COCHRAN: And, I'm not--

CHAIR WHITE: Could, could you provide him the page number?

COUNCILMEMBER COCHRAN: Okay. Mr. Wong do you have the document? It says page 1 at the very bottom, and on the matrix, the last row, Response Number 5. It says, I guess this might be a document from Planning, actually that breaks--

CHAIR WHITE: You're not referring to the document that we are looking at, at--

COUNCILMEMBER COCHRAN: So, it's page 7-22. So, that means it's Chapter 7.

CHAIR WHITE: Okay. We're going to take a quick recess so that we can make sure that Mr. Wong has the right document.

COUNCILMEMBER COCHRAN: Mr. Wong has the correct page.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:29 A.M., AND WAS RECONVENED AT 10:40 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED).

CHAIR WHITE: This meeting will please come back to order.

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you very much. Thank you for that break. I had had a discussion with Mr. Wong, and ran the, the language by him. So, I, shall I repeat, I guess, what the question is, Mr. Wong, or?

CORPORATION COUNSEL PATRICK WONG: If you wish.

COUNCILMEMBER COCHRAN: Okay. Yea, so just to bring everybody back to what I am leading to. It's in reference to, under infrastructure, section Chapter 7. And, it's a policy that states "Prohibit the extension of Lanai Airport's runway in the direction of Lanai City. Prohibit aircraft flight patterns over Lanai City as a means of noise mitigation. Identify and implement other aircraft noise mitigation measures such as the prohibition of late-night aircraft operations." That's current language. It isn't in existing community plan.

(Vice-Chair Guzman returned to the meeting at 10:40 a.m.)

COUNCILMEMBER COCHRAN: Planning Department has a recommendation, and this is where I spoke to Corporation Counsel just now. They would like to see the word "prohibit" replaced with "discouraged", which still in essence gives the intent of no this is not wanted and I wholeheartedly agree. And replace on the last sentence there, the "identify and implement" with "encourage". So, it would still be encouraging the prohibition of late night flights and things of that nature.

So, Mr. Wong, just if you can respond to that suggestion, and I guess, the justification. Oh and, and the justification mainly is this County cannot, I guess, dictate, you know, what FAA or State Department of Transportation can or cannot do. But of course, we can share our, our, you know, intent and want to discourage and say, hey this is not really welcomed on the island or what have you.

So, just checking in to see if that is still properly explained in, even if the words are changed to the, I guess sort of lighter version in a sense. So, if Mr. Wong could have some comments at this time, Chair.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Thank you, Chair. Thank you, Member Cochran for the question. I, I have reviewed the comments from the Planning Department, and just so the body is aware, these comments were reviewed by my Department prior to presentation today. And also, during the interim, we did a thorough review of all the proposed changes and the proposed agendized changes by Mr. Hokama. Taken in consideration the language that you reflect upon to the extent that the softer language would be amenable. However, it doesn't necessarily take away from the overall policy consideration.

From my vantage point, whether the language in the document prohibits or discourages, it's a matter of policy consideration versus whether the document is legal or not. So for your consideration, if you choose to soften the language throughout the remaining areas of the plan, please reflect upon the Planning

Department's other proposed changes. For example, they also, on the same matrix, discuss the prohibition, the use of potable water for the golf course irrigation. That too is a prohibition.

So, with that said, you know, I believe that the body's policy decision to prohibit those areas, or those types of changes, is purely that, a policy consideration. If and when the enforcement of it is confronted, is confronting the Department, we'll have to cross that bridge when we get to it.

So, is it legal as written and as proposed? Yes. Would it remain legal with a softer language? That too would be accurate. So, whether you choose to keep the language as a prohibition or to amend the language as a discouraging action is yours to decide.

COUNCILMEMBER COCHRAN: And, Chair. And, thank you very much for that explanation, Mr. Wong. And, I thank you for highlighting the other prohibitions that are in this matrix as I saw too. And the additional language that was added in as the very ending of both those prohibitions and as stated by law, I think, oh, as provided by law, are in there to cover, I guess, this County in reference to we're, we're not CWRM. They have jurisdiction over our water use and things of that nature.

So, I really, really want to appreciate your input here this morning on this subject, and Chair, this opportunity and Members for your indulgence, and also Planning's recommendation. So, what I heard is that, even with the word in there, it's not like something that is illegal of sorts. But, it's, it's okay. And so at this time, I'm going to yield to, you know the, the area representative, and to the recommendations of the area rep. So, thank you, Chair.

But, again, I was looking to possibly do an amendment. But at this time, I decline. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

PURSUANT TO RULE 14B OF THE RULES OF THE COUNCIL, I MOVE TO SUSPEND RULE 19C OF THE RULES TO ALLOW BILL 67 TO BE ACTED UPON TODAY.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Couch to suspend the Rules, and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just to note, the Rule suspension will require a vote of at least six Members. This is needed because Mr. Hokama's second amendment was not posted on the agenda in advance of the meeting. All the other ones were. And that was the one with the word "and", and Mr. Wong felt that it was strong enough of a change that we need to waive the Rules.

CHAIR WHITE: Okay.

Any further discussion on the waiver, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. We are back to the main motion.

And, I just wanted to say that Bill 67 is a comprehensive update of the Lanai Community Plan, and also integration of the Lanai Island Plan as required in 2.80B.

I want to, I really want to thank the Department for sticking with us. I want to thank the community for sticking with us. And, Mr. Hokama, for, you know, working hard with the community and the Committee. And Mr. Garneau just doing a, a good job of

listening to the community and also getting and listening to the Department. And is, it's a really good piece of compromise. So, I respectfully ask for everybody's support of Bill 67. Thank you.

CHAIR WHITE: Thank you.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I speak in support of this motion as amended, excuse me, this morning. Let me first say, it's been a longer and more difficult task for everyone than was previously anticipated. We thought after '98, we made improvements to the ordinance that guides this process to make it clearer, easier, and faster. Obviously, we failed on all three counts.

But, I can tell you, Mr. Chairman and my fellow Members, as far as Lanai is concerned, and all the previous and current community plan, and this future one we're considering, has always looked at it from an island standpoint. We've never been so narrow in our perspective to only focus on the city per se, or what the word community is. We have always been from the macro point of view that everything on the island impacts everybody on the island. So, we have always had the sense of a more bigger perspective, an island perspective. Again, it is just how most of us grew up and our history with that island.

I appreciate your support. I think words such as "protection", "prohibit", gives you a clear sense of what a unique community position is on specific issues. Yes, we understand and I appreciate Ms. Cochran's concern about jurisdiction and authority, cause I, I am one of those sticklers also. But, our, our community is akamai enough, most of them are very long-term families, they are ma`a to the process regarding what is FAA jurisdiction, what is State jurisdiction, what is basically County jurisdiction.

I share this with you because, and I guess I'm showing some age. When you look at the West Maui region and Kapalua Airport, that was something that the County developed. When it was being considered to be taken over by the State, and I think it was a 5-4 vote when Council decided to make that.

What was one of the key requirements of that community at that time? Prohibition of night flights. And, they were very forceful in their position regarding that specific concern of flight operations for Lahaina, Kapalua, Kaanapali people. And the State agreed, we will prohibit night flight. And that is why Kapalua has no night flights.

It was a prohibition that the community requested and government honored, okay. It didn't have to, but they got that sense from the community; no night flights period. And it is now the policy and the operational restrictions that the State has agreed to for Kapalua because the people spoke up and said this is what is our primary concern.

So yes, we, you know, I appreciate Ms. Cochran's concern about the jurisdiction, but being able to express your sense of what makes that unique community special, these are words that express that sentiment, Mr. Chairman.

You know, for all of us, the changing times and the quickness of the changing times, if anything, makes us more concerned about the things we need to preserve and protect, okay. My mother, you know, eh, it was only radio at one time. Now there's TV, now we went to the moon, now we looking at Mars. We, the times have changed so fast, I hate for us to question who we are as a people and what is our culture. That would be more disturbing for me.

And so for me, making clear understanding of who we are, what we are, and why we are, is important to our documents. And each community, each district, will have their opportunity to express that uniqueness that for, in totality, makes this County a very, very great and special place. And it's because it is the strength of a uniqueness, not the strength of what makes us homogenous, but I think the uniqueness of our differences that makes us special, because we have found our way, the island way, to make it work for a jurisdiction of multiple islands.

And so, I ask the Members to, again, continue to support our districts, support Lanai this morning, by allowing our uniqueness to be preserved, allow our character to move forward, and that it needs to be cherished and nurtured. And this document, I think, helps bring a component of that clarity and advocacy that our people on Lanai would like this Council to support.

And so I ask you, Members, you know, this ain't the perfect document. There's no silver bullet. We are realistic on Lanai. But, we believe this is a workable document. It is not set in stone. We are flexible enough to meet a changing environment of the Lanai island. And we will do what is best for the whole island, not just a component of the island. We will do what is best for the total island of Lanai as it regards to this special County.

And I look forward to Mr. Couch's recommendations, because I for one, definitely we will agree, we need to make this a better process. Thank you, Mr. Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Hokama for those comments. I totally agree with you about the, the process, and we had a discussion about that. And I, and I think the Planning Department, as well, agrees with that.

You know, I was remiss in thanking the hard work of the, the Lanai Community Plan Advisory Committee, and the Lanai Planning Commission. They, they took this thing on and, and did what they needed to do to get, get it to the point where it is. So, I want to thank the, the folks over there on that community as well.

With that, Mr. Chair, I call for the question.

COUNCILMEMBER HOKAMA: Chairman, second and final please.

CHAIR WHITE: --unless there's other discussion.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you for the reminder, Mr. Couch. I want to give acknowledgment and appreciation, you know, I may not have agreed with everything, but you know, the Planning Department does play a critical role in the process. And I appreciate their recommendation, their perspective.

I would like to thank Mr. Greg Garneau of Council staff. The community found in Mr. Garneau a refreshing person who was non-judgmental, wasn't defensive about a position or a proposal because it wasn't his, but allowed the community to share their various thoughts. Some liked it, some didn't like it. But, I appreciate the professionalism of those that represented the County in allowing that communication to be shared, Mr. Chairman. And that is why, I think, today we have a better document than we originally started with when Council received it. So, stating that, to our staff, Mr. Garneau, thank you. The community is just, I cannot express how happy they was to deal with a non-judgmental, non-defensive person about the work product. So, thank you for that.

And, I hope that this sense of communication, being able to work, and have the communities be able to clearly express what they feel is their priority. Not the Department's priority, not the Council's priority, not the Administration's priority, but what is the true sense of the community's priorities through a community plan, not a Council plan, not a Department plan, but again, the community's ability to communicate clearly in a community plan.

I will continue to be very open to and supportive of, and ask all the future communities in their involvement to speak up and express what you feel is important, even if you're told this may not be your jurisdiction. If it is an important community concern, it needs to be shared and expressed, and disposed of in the appropriate manners. And if it's in this type of documents, Mr. Chairman, then place it, because this is a statement of community that we should be open to receiving and supporting. Thank you.

CHAIR WHITE: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: And since we're thanking everyone, let's thank not only the staff who had countless meetings, not only here in Maui, but on Lanai; the Councilmembers who went to Lanai for a number of meetings, and met with the community, and asked the questions, got the answers, and can support Mr. Hokama because we heard it directly from the community, and the community at large. All of those played a integral part of putting this plan together.

I hope and pray that the next plans are a little bit easier, a little well, a little better planned out. I'm not going to be here to see the end though, I know that. But, I really believe the process can be streamlined, if first and foremost we have those matrix that we can see the various differences; who did what and said what. Who recommended what changes, so that it's easier for all of us to have a better understanding when we're trying to complete the plan.

But, I want to thank all of those because many of us spent many hours, not only in this chamber, but on Lanai, reviewing, listening, grasping, and then finally saying, okay, I think this is workable. And today we've come, I believe, what the community, GPAC, all, all of those, the what do you call those, the Community Advisory Group have put together along with the Lanai Planning Commission. And today we have a document, I think, everybody can live with. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further comments, Members?

I'd just like to share that this is, this is a very long and arduous tough process. And, I think, at least Mr. Couch, probably gained a few extra gray hairs through it.

COUNCILMEMBER COUCH: A lot.

CHAIR WHITE: I want to thank the Advisory Committee. And I want to thank the Lanai Planning Commission. But, I especially want to thank the Department, because they are the ones who are left herding three different sets of cats. And it's not an easy process. We can see the challenges.

But, the Department is the one that's dealing with them on a daily basis. And, I know, you know, I watch how hard it is to get things done in just one group of nine, but we're dealing with multiple groups in each of these community plan areas, island plan, or community plan areas. We have some real challenges, I believe, to, to streamline the process, make it easier on the three groups, make it easier on the Department to come up with a plan that is meaningful and reflective of each community's desires, and wishes, and dreams.

But, I especially want to take my hat off to the Department, because they've stuck through it and put up with all the, all the challenges that each of the three groups has presented them. So, mahalo to you all.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

COUNCILMEMBER COUCH: Mr. Chair, I still have some motions to make.

CHAIR WHITE: Please.

COUNCILMEMBER COUCH: But, prior to that, Mr. Chair, may I take a point of personal privilege? Thank you.

You know, you didn't hear me say too much about the Planning Department in my thanks. I wanted to save it for this time. If everybody looks on page 1 of this plan, on the inside cover, the Planning Department not only worked really hard, they had to overcome a significant tragedy. And I just don't want to forget the names of Kathleen Kern, and Tremaine Balberdi, and Doug Miller, and James. We know Doug, and James Giroux, and Mark King are still here with us thankfully, and then of course, the Pilot Dick Rooney. Those folks were working on this plan. And so the Department not only had to deal with the three cats, three herds of cats, they had to deal with their pain. And it's the County's pain. And this plan is dedicated to those folks, and I just wanted to see if we can get a moment of silence for Kathleen Kern, Tremaine Balberdi, and Dick Rooney. Thank you, Chair.

CHAIR WHITE: Yes.

Members, we'll observe a moment of silence.

MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE, OBSERVED A MOMENT OF SILENCE IN MEMORY OF THE KATHLEEN KERN, TREMAINE BALBERDI, AND DICK ROONEY.

CHAIR WHITE: Thank you. Thank you, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 16-105 AND 16-122.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion to file from Mr. Couch, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Chair, having considered the county communication on the floor, it is appropriate to file both of these at the, at this time.

CHAIR WHITE: Okay. Any further discussion on these items? Seeing none, all those in favor signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you all very much for being here. And with that, we will adjourn.

ADJOURNMENT

The regular meeting of July 1, 2016 was adjourned by the Chair at 11:04 a.m.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

160701/lks:jm

P.O. Box 630046
Lanai City, HI 96763
June 29, 2016

Dear Maui County Council Members:

SUBJ: County Communication 16-122
Bill No. 67 (2016)

I am a member of the Lanai CPAC and am looking forward to being able to say I was a member of the Lanai CPAC.

I support Councilman Hokama's June 3, 2016 Amendments to Bill No. 67 as amended by his June 24, 2016 submittal.

The CPAC worked off a draft provided by the Planning Department. While we did occasionally refer to the 1998 Plan, we failed to specifically review that Plan for policies and actions that should have been carried over. Councilman Hokama's amendment identifies those. I especially support the language regarding water and the airport runway extension.

The changes regarding water reflect policies that came about after hard fought battles as the resorts were being built. The change regarding the runway extension affects safety, noise abatement and what people can grow in the City.

Please pass our Plan as amended.

Sincerely,

Deborah dela Cruz

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