M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

October 7, 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, OCTOBER 7, 2016, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This Council meeting will 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, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

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

CHAIR WHITE: Thank you, Mr. Clerk.

And, Members and everyone in the audience, will you 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.

OPENING REMARKS

CHAIR WHITE: Members, this morning I'm pleased to welcome a delegation from our Sister City from Fukuyama City, Japan. And in order for our friends to understand what we are saying, I would like to call down Ms. Tokie Ogawa to be our Council translator.

MS. OGAWA: Good morning, Chair.

CHAIR WHITE: Thank you for your assistance once again this year.

MS. OGAWA: You're welcome.

CHAIR WHITE: Good morning to our friends from Fukuyama City, Japan. On behalf of--

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: On behalf of the Maui County Council, welcome to our chamber.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: This Sister City relationship, now in its eighth year, is growing stronger and stronger, and it's wonderful that we are able to share ideas and commonalities.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: It amazes me that despite us being from different countries, we do in fact, have so much to learn from one another to help each of our communities grow and thrive.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: I hope you had a wonderful time participating in the Maui Fair Parade yesterday afternoon and walking around the Maui Fair, trying a number of wonderful food selections.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: And this yearly event, truly gives you a sense of our local lifestyle.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: At this time, I'd like to ask the Clerk to introduce our visiting delegation and may I ask that you please stand as your name is called.

MS. OGAWA: *(Spoke in Japanese.)*

DEPUTY COUNTY CLERK:

The Honorable Naoki Edahiro, Mayor, Fukuyama City.
Joining the Mayor is Mrs. Masumi Edahiro, wife of Mayor Edahiro.
The Honorable Tetsuzo Miyachi, Deputy Chairman, Fukuyama City Assembly.
The Honorable Kenji Takada, Assemblyman, Fukuyama City Assembly.
The Honorable Tadashi Ohtsuka, Assemblyman, Fukuyama City Assembly.
Deputy Superintendent Shuji Michihiro of the Fukuyama City Board of Education.
Mr. Masaki Tamura, Administrative Officer, Secretariat and Public Relations Division.
Ms. Katherine Rice, Coordinator for International Relations, Citizens' Consultation Division.
Mr. Yasuhiro Sato, Secretariat Section Chief, Fukuyama City Assembly General Affairs Division.

CHAIR WHITE: Thank you, Mr. Clerk.

At this time, I would like to officially welcome Fukuyama Mayor Naoki Edahiro, who will provide remarks to the body at the testifier's podium.

MS. OGAWA: *(Spoke in Japanese.)*

MAYOR EDAHIRO: Aloha. I am Naoki Edahiro, and I recently took office the 13th, May, of Fukuyama City.

On behalf of our delegation from Fukuyama to our Sister City of Maui County, I would like to say a few word in greeting. I would like to express my sincerest gratitude to Council Chairman Mike White, as well as all of the Members of the County Council, for taking the time to meet us despite your busy schedules.

Since arriving on Maui two days ago, we have been welcomed very warmly by various people around the County. In particular, while participating in yesterday's

Maui Fair Parade, we received cheers of encouragement from the people lined along the streets, which I am very happy about.

Through the exchange between our cities at the citizen level, and the further exchange at the administrative level, I believe that the bonds of friendship and trust between our two communities will become even stronger.

I encourage people of Maui to visit our city of Fukuyama, and furtherly, instructions between our citizens, I look forward to seeing everyone, someday, in Fukuyama.

In closing, I would like to thank Chairman White and everyone else here in attendance today the best of health and success. I would also like to wish Maui County the best of success in all of its endeavors as well. Thank you very much. Mahalo. Thank you. Thank you.

CHAIR WHITE: Thank you for your kind words, Mayor. And I must say you're, your English is far better than my Japanese.

And, I would like to extend our welcome to the Fukuyama City Assembly for making the trip here to Maui. And representing the Assembly is Deputy Chairman Tetsuzo Miyachi, who will provide remarks to us, along with translator Kathy Rice.

MS. OGAWA: *(Spoke in Japanese.)*

DEPUTY CHAIRMAN TETSUZO MIYACHI: Aloha.

(Spoke in Japanese.)

MS. KATHY RICE: My name is Tetsuzo Miyachi, and I am the Deputy Chairman of the Fukuyama City Assembly.

DEPUTY CHAIRMAN MIYACHI: *(Spoke in Japanese.)*

MS. RICE: I would like to thank you, Chairman White and the Members of the Maui County Council, for granting us this opportunity to deepen the relationship between our two cities. Thank you very much for making time in your busy schedules to allow us to meet during this Council meeting.

DEPUTY CHAIRMAN MIYACHI: *(Spoke in Japanese.)*

MS. RICE: This year's delegation to Maui County includes Mayor Naoki Edahiro and three Members of the Fukuyama City Assembly; Mr. Kenji Takada, Mr. Tadashi Ohtsuka, and myself.

DEPUTY CHAIRMAN MIYACHI: *(Spoke in Japanese.)*

MS. RICE: I would also like to state my appreciation to Maui County Councilmember Michael Victorino, as well as to Mayor Arakawa and many others of Maui for taking part in Fukuyama's Rose Festival this past May, in which we celebrated our City's centennial.

DEPUTY CHAIRMAN MIYACHI: *(Spoke in Japanese.)*

MS. RICE: I hope that this visit will promote the cultural exchange between the Maui County Council and Fukuyama City Assembly. I also hope that this will promote the cultural exchange between the people of our two cities more than it ever has before, and strengthen the bonds between our citizens.

DEPUTY CHAIRMAN MIYACHI: *(Spoke in Japanese.)*

MS. RICE: In closing, I hope that the bonds of goodwill and friendship between us will continue to expand, and we also wish for the continued success in the endeavors of Maui County. Thank you very much.

DEPUTY CHAIRMAN MIYACHI: Mahalo. Thank you very much.

CHAIR WHITE: Mahalo, Deputy Chairman Miyachi.

Members, I'd like to open up the floor for remarks, and Ms. Ogawa will assist us in translation.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: I will be honored to start first and foremost. I would like to say, again, aloha to our guest from Fukuyama.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER VICTORINO: I was very honored to represent the Council at the Fukuyama Rose Festival in Japan in May, and very much enjoyed their hospitality, all of their wonderful food, and most importantly the beautiful scenic rose gardens that they have in that city.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER VICTORINO: And it's my hop e that we will continue to form a stronger relationship, both economically, educationally, and as well as personal relationships for Maui County and Fukuyama.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER VICTORINO: And I was also very honored to be their driver at the Fair for the past 11 years, and hope to continue even when I leave Council to be their driver. It has been a true honor to be with them.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER VICTORINO: And in closing Mr. Chair, I will say, on behalf of Maui County and myself, they are always welcome, as we are welcomed in Fukuyama. And I hope more Councilmembers as well as people from Maui County will go to Fukuyama, and you will continue to send your people here to Maui County.

And, I will say mahalo for the experiences that I have had with all of you. And wish you nothing but safes, or safe stay here, and safe travels to your home in Fukuyama. And with, in Hawaiian, we say e komo mai, I will see you again.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER VICTORINO: Thank you.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

Aloha to our guests. I would say as Pacific Islanders, we share commonalities.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER HOKAMA: Boy, that was a long translation for a short sentence.

MS. OGAWA: It was the Pacific Islanders.

COUNCILMEMBER HOKAMA: But my point is, to our guests, we share many common issues and concerns as islanders in the great Pacific.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER HOKAMA: We take pride in our native people. We take pride in our culture. And through that, we hope to continue and expand experiences, because through experiences, the key is the sharing of knowledge.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER HOKAMA: So, I look forward for us to continue to exchange knowledge so that we, as islanders, can help one another overcome the greater challenges that we face in the 21st Century, the "Century of the Pacific".

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER HOKAMA: So I thank you for your visit to Maui County, and we wish you the best in your near future.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER HOKAMA: Thank you very much.

CHAIR WHITE: Members, any further comments?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And aloha and welcome. I have the honor and privilege to visit your City, Fukuyama; very beautiful.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER COCHRAN: And what I love best, I think Mr. Victorino mentioned, the roses, the flowers. As you see, I love flowers. In Hawaii, we have a lot of those too. So, I feel the connection, but also of my Asian descent too, with your islands; my family from Okinawa.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER COCHRAN: And look forward to continuing this Sister City relationship, and blossoming like the beautiful flowers from both your City and our County. Thank you for being here. Aloha.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: Thank you, Ms. Cochran.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

And aloha and welcome to our guests, all of you. It's a pleasure to be here with you again. I have been here for the time that we're talking about; those eight years. And I'm sorry to say, but that will probably be my last time here when you visit, for me as a Councilmember.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER BAISA: I want to tell you how my heart feels happy, and I see the Sister City relationship work.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER BAISA: When I hear you say aloha and I hear you say mahalo, it's very gratifying to see that we're trying to learn each other's culture.

MS. OGAWA: *(Spoke in Japanese.)*

COUNCILMEMBER BAISA: And so, I look forward to this evening. We'll get to spend some time with you, my husband and I. And in honoring that exchange, I will say domo arigato.

MS. OGAWA: *(Spoke in Japanese.)*

CHAIR WHITE: Thank you, Ms. Baisa.

Any further remarks, Members?

Well, the Chair would like to thank you for your remarks. And at this time, we'll call a short recess to exchange gifts. So this, we will stand in recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:20 A.M., AND WAS RECONVENED AT 9:35 A.M., WITH ALL MEMBERS PRESENT).

CHAIR WHITE: Will this meeting please come back to order.

Mr. Clerk, may we proceed with the ceremonial resolutions.

DEPUTY COUNTY CLERK: Mr. Chair, we have received no requests for testimony from the chamber or the District Offices on the ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Members, without objections, we'll close testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-119

CONGRATULATING THE CENTRAL EAST MAUI INTERMEDIATE ALL-STARS FOR WINNING THE 2016 INTERMEDIATE (50/70) BASEBALL DIVISION WORLD SERIES CHAMPIONSHIP

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE THAT WE CONGRATULATE THE CENTRAL EAST MAUI INTERMEDIATE ALL-STARS FOR WINNING THE 2016 INTERMEDIATE (50/70) BASEBALL DIVISION WORLD SERIES CHAMPIONSHIP.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, with your permission, I'd like the resolution to be read in its entirety?

CHAIR WHITE: So ordered.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. It is with great pleasure and honor that I bring forth this World Series Champions. It's been since 1980 when Maui last won any World Series Championship, and that was the Pony's, Pony League All-Stars. And we recently had the opportunity to meet with the Coach Floyd Miyazono at the closing of the 442 ceremonies here in Wailuku.

There's a lot of work that goes into becoming a world champion. A lot of work starts at home, and moves on to the school, moves on to the playing practice field, and then playing the game. These young men put a lot of effort and time, but their parents, their supporters, their boosters, as well as their coaches, put as much hours and effort as they did. So I want those young men to remember, it was a team effort all around. And once they hit the field, they once again proved that Maui County has great and quality players that play as a team, that work together as a team, that travels great distances as a team to bring back a championship to the State of Hawaii and Maui County.

We are extremely proud of these young men, and wish them continued success in their future. But savor the moment, young men, savor the moment. It doesn't come every day, and sometimes it never comes again. But, if you have a chance, before you leave, remember all those who made it possible; your coaches, your parents, your boosters. But more importantly, remember the effort and the commitment you made as players, that one day you will do this at another level, and bring another championship back to Maui County.

So on behalf of Maui County, myself, also Shane sends his congratulations. He says that this has been a banner year for Maui County, and he wishes us continued success. Because the success we have transcends all of the nation and all of the world. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, are there any further discussion on this item? 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. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, with your permission, may we call the coaches and the team down for their leis and as well as the presenting of their resolution.

CHAIR WHITE: Absolutely. If the team wouldn't mind, would the coaches, please come down on the, on the, or the, this side of the room. Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: With your permission, Mr. Chair. Mr. Chair, people, parents, boosters, all my fellow colleagues, may I present the 2016 World Series Champions. That has such a nice ring. I, I love that World Series Champions. And don't worry, those who came close, there's always next year, right?

At this time, I would like to present to the Coach, Mr. Craig Okita, the, well I know Trevor going talk, but come Craig, come, come, come. Mr. Okita is one very bashful guy. I known him since he was, never mind when I knew him, and he still hasn't changed. But you are the Coach and I want to present the resolution to you. I know Trevor is going to be the speaker for the team, but I wanted to say congratulations to you and the team for the hard work, dedication and the accomplishment that you guys have made. Thank you very, very much.

Trevor, if you'd like to say a few words.

MR. TREVOR TOKISHI: Oh da kine, I think I need one interpreter for my pidgin English. You know, Coach Craig is usually our designated team rapper, I mean, motivational speaker, but he let me have the mic today.

So, good morning, Chairman White and Members of the Council. Thank you very much for having us here. You know, we are very honored by this resolution, and very appreciative. So, thank you very much.

You know, there are a lot of people that have been saying that this is probably the greatest summer of baseball on Maui ever, right? And, you know, they may be right. Cause, you look at it, you know, we're just from this small island, in the middle of the Pacific. All the success that all these teams had at the highest level, you know, it's truly remarkable. And it's something that you boys should all be proud of. It's something that you'll have forever. And it truly was, it was awesome, right?

It was awesome, but it was not surprising. It was not surprising when you consider our tremendous coaches. You know, it's, in this small island of Maui, we have literally world class coaches, right? I'm not just talking with the coaches up here who are really amazing, but I'm talking about the coaches in the stands, you know, the coaches who are here. Like Coach Noah and Coach Richard, and coach, all the coaches, a lot of coaches out here that, that are, and a lot of coaches who are not here who weren't able to make it today. And I'm talking about the coaches of these coaches, you know, like Coach Apolo that I see out there. Tons of other coaches who over the years have dedicated, you know, their time and sacrificed so much teaching the game of baseball and teaching life lessons, not just to these boys here, but to all the ballplayers across this island, not just this season, but season after

season, after season, they've dedicated their time. And when you have that level of talented coaches with that commitment, success is abound to happen, right?

So it's not surprising. It's not surprising the success we had because of our parents, because of our aunties, our uncles, our grandparents, our siblings, our friends. I mean, I am positive there is no team in the world who had more support, more aloha than our teams had. You know, they say that it takes a village to raise a child, right? And that's exactly what it was. It was an extended family of friends and relatives who supported not just the team, but, but nurtured these boys to be the young men they are today. You know, instilling characteristics of, of resilience, and respectfulness, and hard work. And it's those traits that that carried onto the ballfield that translated to success. So, it's not surprising.

It's not surprising considering where we're from. Maui No Ka Oi; "Maui is the Best". You know, and I'm not just talking about the people, and the businesses, and the community that really financially donated so generously. We wouldn't have gone anywhere without that kind of financial support that, that this community came through for. But, I'm talking about truly everyone rallying behind these teams, not just one but all the teams.

You know, there were people that I barely knew who were coming up to me and just so thankful, you know. And they were just so stoked, that they generally felt a part of it, right? And, and I know that there's no team in the world who had that kind of total community support, you know. And I really believe it was that positive vibe, you know, that mana, that transcended oceans, you know, and, and really was a key in our success. So yes, it was an unprecedented summer. Yea, it was, it was amazing.

And yes, it took some luck, took some right things to happen. But no, it wasn't surprising. It's the reflection of so many people over so many years, that made this happen. So congratulations to all of you. And, thank you.

COUNCILMEMBER VICTORINO: Wow, Trevor. You looking for a political career or something? Whoa. You know, I thought I talked a lot. He really made me look good. But, thank you again.

And ladies and gentlemen, the 2016 World Champions. Let's give them another big round of applause and congratulate them. Thank you for all your help. And good luck to all of you. Boys, good luck to you in the future. And I hope to see you up here again soon. Even if I'm, may not be here, I will always be honored to have all of you. Thank you. God bless you all.

CHAIR WHITE: Thank you, Mr. Victorino.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-119.

RESOLUTION
NO. 16-120

CONGRATULATING THE 2016
MAUI PONY ALL-STARS FOR WINNING THE
WEST ZONE CHAMPIONSHIP AND ADVANCING
TO THE CHAMPIONSHIP GAME AT THE PONY
LEAGUE BASEBALL WORLD SERIES

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO CONGRATULATE THE 2016 MAUI PONY ALL-STARS FOR WINNING THE WESTERN ZONE CHAMPIONSHIP AND ADVANCING TO THE CHAMPIONSHIP GAME OF THE PONY LEAGUE WORLD SERIES.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. With your permission, Mr. Chair, may we have the resolution read in its entirety?

CHAIR WHITE: Yes. So ordered.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Again, one game, just one game short. However, like the previous team, the commitment and dedication not only of the players, but their family, their boosters, and as well as their coaches, has produced a real champion for Maui County.

I look back and say, one game to Taiwan, what if. But, never look, never say, and never think should of, could of, would of; you did it. You went there, and you extended yourself. And who's to say in the future you'll not come back as World Series Champions.

I'd like to again congratulate, congratulate the entire team, their families, their boosters and supporters, the entire County of Maui. But like again, there's a theme, certain coaches who have contributed again and again. As was said by Mr. Tokishi, we have world class coaches here in Maui County, and that is a fact. And some of these same coaches were coached by coaches that were, names were mentioned earlier. And I want to congratulate all of them, because each generation gets better, each generation produces higher quality and standards.

And finally, I'll close with saying, I wish nothing but continued success and good fortune to all of them. Boys, remember, take a moment to thank your parents, and your supporters, and your coaches. Because, without them and this community, you would not have gotten as far as you had. I understand the dedication and quality that you putting forward, but it's important to understand that those who support you will always be there whether you win or lose. God bless you all. Thank you, Mr. Chair.

CHAIR WHITE: Thank you for those words, Mr. Victorino.

Members, any further discussion on this item?

Seeing none, I'll just add that the scoring differentials are stunning; 19-3, 9-0, and the previous resolution, a scoring differential of 70 runs to 13. These are awesome scores, and it just shows that we have the talent, and dedication, and coaching that is really superb. So, I congratulate all the teams, and all the coaches, and parents, and those that provide the support that's so necessary to make things like this happen.

So with that, Members, 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. Victorino.

COUNCILMEMBER VICTORINO: With your permission, Mr. Chair, I'd like to call the team and their coaches up to receive their resolution and their leis.

CHAIR WHITE: So ordered. Thank you.

If you could all join us on this side.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. Again, ladies and gentlemen, it takes great pride to present the Maui All-Stars for winning the Western Zone and advancing to the championship game of the Pony World Series. I want to present the team, their coaches, of course, I want to thank the families that are out there today, for all your diligence and all your hard work.

And again, I'll say, you know, you mentioned about coaches that coached. We coached, they coached, they coached Shane, they coached Mikey, they've been a part of the coaching through this County for, for many years, and that's why I say we have world class coaches that have contributed for years, not just one or two years, I'm talking years; decades, right, Dean, decades.

At this time, Mr. Okita, I would like to call you, call up on, call you up. Oh, Dean the Manager, okay. You're just, you're really shy. You just like hide, yea.

Mr. Dean Yamashita, would you accept this on behalf of your team--

MR. DEAN YAMASHITA: Yes, thank you very much.

COUNCILMEMBER VICTORINO: And say a few words.

MR. YAMASHITA: Good morning, Council Chair, Councilmembers. Like again, thank you for having us. It's an honor to be here, for you guys to recognize these young men here.

Trevor, thank you for that beautiful speech. I'm not going to say too much cause it's pretty much you said everything. And awesome, great job.

No, I just want to say, you know, one of the most important things about being a coach here on Maui, you know, coming from a small island, you have a lot of pride as far as who you are. And you know, when we travel it's very important to how we carry ourselves on and off the field. And I think that's one of the most important things as coaches. We have an obligation to these young men here in how to, to learn about their future, and how to, how to carry themselves, and how to be respected.

I think above all, you know, we were one game short, but I'm definitely most proud of them. And through this long journey we had a lot of compliments from different teams, coaches, parents, and just the officials, you know, up there.

Guys, you guys did a great job on the field, but you guys got a lot of respect off the field. And to me, that really sticks out the most. You know, winning and losing, you know, it's going to happen. It's just a game. And to the game of baseball, it does allow these young guys to grow as people, not only as players, but as people as well.

And the game of baseball is awesome, and it's, any sport, you know, through sports we can learn life lessons that we cannot learn in the classroom. And I think it's all worth it that the, that the hard work these guys put in after school and during the summer. And I know you guys have an obligation to all these young men, and as well as all to the people, and that we, just to let you know how important sports are in this community. And it's very essential to have fields, quality fields as well. And I think Maui has probably the best quality fields in any sport. And so, just want to have you guys keep supporting our sports in our community. And again, thank you very much.

COUNCILMEMBER VICTORINO: Again Chair, thank you for that opportunity. And again, let's give the Pony League All-Stars another large Maui applause. And thank you, good luck boys.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-120.

RESOLUTION
NO. 16-121

CONGRATULATING THE
CENTRAL EAST MAUI SENIOR ALL-STARS FOR
WINNING THE 2016 SENIOR LEAGUE
BASEBALL DIVISION WEST REGIONAL
CHAMPIONSHIP

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO CONGRATULATE THE CENTRAL EAST MAUI SENIOR ALL-STARS FOR WINNING THE 2016 SENIOR LITTLE LEAGUE DIVISION WESTERN REGIONAL CHAMPIONSHIP.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. With your permission, may I ask that the resolution be read in its entirety?

CHAIR WHITE: So ordered.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. As mentioned earlier, a banner summer for Maui County. One more example of dedication and hard work. One more example of the community coming together and supporting this team in its efforts to get where they got.

Another example of great coaching, again, names you've heard earlier. But more importantly, this is now getting where you're talking into high school. Like some of these young men, they are going to be potential, and with the good Lord's will, college players, and maybe even further. The path is there for them. We know that continued success for them based upon what they have achieved in the past, will help them understand the game.

As mentioned earlier by Dean Yamashita, what they learn on the field and what they do off the field really makes Maui stand out. And these young men have contributed greatly.

Again, I would like to thank the parents. I know it sounds, you know, redundant, but it is a fact. Your parents have been a big part of it. Your supporters, your grandparents, aunties, uncles, all your boosters, and the community of Maui County have been big, big supporters of you financially. And like mentioned earlier, we send our mana`o, we send our mana to you wherever you go, no matter where you travel.

It is my hope that in the future, these young men will be back before all of you as champions in another division. But let us stay and savor the day today. Let us congratulate them, and ask them to continue their dedication and hard work.

Sports is very important, yes, but it's what we do off the field that's even more important. The lessons you learn, you know, the friendships you make, the ability to understand when you lose and when you win, what it means to all of us is so important.

These young men will be great leaders one day in our community. All of these teams, all of these young men will be productive citizens one day in our community. So, I wish all of them continued success. I say mahalo, and God bless all of them. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further comments on this resolution?

I'll just add that I think the comments that were just made by the previous coach regarding the way you all have carried yourselves and represented Maui, I think

that's something that we can be very, very proud of. It's not just the, the activities that you perform so well on the field, but to represent Maui and to represent Hawaii with the aloha.

And I know some of you got the charm. And it's not just the, not just being great on the baseball field, but being great people, and representing us well is something that I think all of our Members truly appreciate. And I hope you carry that through, throughout your lives, because that's what makes this State very, very unique, and very special.

So, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. On behalf of Maui County and more especially our island of Molokai, I'd like to take this opportunity to actually say thank you; mahalo, mahalo nui.

You know, we know, I'm just a spectator of sports. You know, I bury my face in front of the tube during playoff times. So, Major League Baseball, I think, is in the period of playoffs. But nothing, nothing excited me, as well as all of Maui County, to just watch the performance of these young people.

And I have to say thank you, cause you've ignited a spark of pride and, and hope. And I want to thank you because you are contributing for us to build a healthy community. And to have young people, like you, express that through your hard work and the embracing support from parents, family, and businesses. You know, we say Maui No Ka Oi, and we even say Maui No Ka Heke. So thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further comments, Members? 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. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. With your permission, I'd like to ask the coaches and the team to come up, receive their leis and their resolution, please.

CHAIR WHITE: Certainly. If you would all join us in the front.

COUNCILMEMBER VICTORINO: Again, ladies and gentlemen, let us congratulate the Central East Maui Senior All-Star Team, again, for advancing and winning the Western Regional Championship for Maui County and the Little League. Let's give them a big round of applause.

Coach, I'll call you up and present you with the resolution. And, he's not like Mr. Okita, he will say a few words, cause he had nobody else. They was all pointing at each other, so I said, okay, come on--

MR. SHANE AWAI: First of all, I'd like to say thank you to the Chair and the County Council, you know, for making this possible. It's been a long run for all these kids.

But, like you heard the other coaches say that, you know, it's lifelong lessons that baseball can teach. And I can guarantee you this, that all these teams represented Maui very well. I mean, their manners and, and everything were unbelievable. And you know, it all comes down from, from life lessons from home, from the way they were raised, and from the way they're coached, and from everything else that's surrounding them to make them, you know, make things positive in their lives.

Next, I'd like to thank you folks. You know, without fields and without, you know, facilities for us to perform in, or for have these young boys to practice in, then baseball goes nowhere, or any other sport goes nowhere. So, we thank you Council, again, for the support. We thank you from the top to the bottom for everything that you folks have done for these young gentlemen. And thank you very much again.

COUNCILMEMBER VICTORINO: Thank you, boys, and good luck.

Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Mr. Clerk, may we proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-121.

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

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff.

CHAIR WHITE: Mr. Clerk, let's, let's take a quick recess till the room clears.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:15 A.M., AND WAS RECONVENED AT 10:23 A.M., WITH ALL MEMBERS PRESENT).

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

Mr. Clerk, may we proceed.

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

MS. TINA THOMPSON: This is Tina Thompson from the Molokai Office. And the testifier here with me today is Hoala Davis, who will be testifying on Committee Report 16-144.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. HOALA DAVIS (testifying on Committee Report 16-144):

Good morning from Molokai. I kind of feel like the bearer of bad news after all that morning, you know, celebration. Congratulations to all of our athletes there.

My name is Hoala Davis, and I am the Executive Director of the Molokai Humane Society. And I just wanted to take a moment to thank you for your support of the Molokai Humane Society, and to ask for your continued support of Committee Number 16-144. This is for the appropriation of additional funds for the purchase of much needed surgical equipment through the Animal Management Revolving Fund. This is an opportunity for the animals of Molokai to receive equipment that will make spaying and neutering much more efficient.

We've done great work with the equipment available to us, and as well as the opportunity to update and upgrade our facility. With the small population such as ours, the sterilization, prevention, and wellness care we provide is critical to keeping unwanted animals off our streets, and limiting the spread of disease and parasites.

We would not have this opportunity without the support of both the Mayor's Office and the County Councilmembers. So, on behalf of the Molokai Humane Society, I thank each and every one of you, and we look forward to another productive year. Mahalo.

CHAIR WHITE: Thank you, Ms. Davis.

Members, any need for clarification of Ms. Davis's testimony? Seeing none, thank you very much for your testimony.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have five individuals who have signed up to testify in the Council chamber. The first person to testify in the Council chamber is Jim Smith, testifying on Committee Report 16-152 and Committee Report 16-156. Mr. Smith will be followed by Flora Wong.

MR. JIM SMITH (testifying on Committee Reports 16-152 and 16-156):

Aloha--

CHAIR WHITE: Aloha.

MR. SMITH: --Chair White, Members of the Council. This is a meeting that's so important, because it's, it's really understated. There are two very, very significant reports before you. One has to do with water, and the other has to do with the urban design guidelines.

And I, I'd like to say that what we're looking at, both Directors, okay, of Water and Planning have come from different places in the same way. So we have, I'll talk first about this, the Director of Water and the 16-156. So, in the meeting he comes to you and he tells you that there's a Plumbing Code, okay, and that backflow valves are a part of that. And then he tells you that we're doing it also, we're forcing people to have backflow valves as we see fit, okay.

So, you've already, so what we want you to do is give us some teeth. So they've been enforcing a power. They've been applying their authority without a policy, and now they want teeth, okay. But their office brings the teeth. So, what is that about? That's insulting to our Council, okay. That, that should be dismissed. If you don't need it, don't come. You don't have the power, you need it, come. But, don't enforce a power over time without the connection to you. And it's been abandoned, and that's what's happening, because the executive branch has vacated the responsibilities and duties of the executive branch. They feel good, and they say don't blame me, and that's it, period, done.

And what do you do? You pick up the slack, and you make all the decisions for them. But that's not our political system. They need to be held accountable for illegality. What is the consequence of this Water Director doing those illegal acts? No consequence, because this Council doesn't see itself as a guardian. It doesn't see itself as a column of goodness that restricts abusive power. Until you do, all right, what difference does it make? Why vote?

It's deep like that, and so you have to separate yourself, and you haven't done it. But, you're the only ones. You are the only Council in that position as people, because you've been under the gun. That's why I'm so glad that you're still receptive to these ideas. Another group would not even know what I'm talking about. So, thank you so much. And success for all of you. Aloha.

The next is a little more difficult, because this is about urban design guidelines and a Planning Director that comes to you and says the same thing. They've been enforcing these urban design guidelines, they failed in 1992 to make them law, point blank. Comes 26 years later, they come to you looking for a rubber stamp.

Corporation Counsel is out of town. He's not doing anything. The letter to him asked, and it was a, the letter to him, well the letter to him says, do you have any concerns? Well, hell you asked them is this right or wrong, whether or not enforcing an unadopted act is legal. You got to ask a question. You don't want to ask them for advice, and that's this system. That's what was brought in 1992, and called an entrepreneurial model or mold, and comes forward here, and now we have a Managing Director job coming up and we have a Chair who will be Mayor if it's changed without election.

And all of this work about setting up the separation of powers is gone without a change in Charter. And that's because your role is a protector, and you don't accept that because Corporation Counsel has a wonderful status, and intellect, and everything. And you'd rather have him make the judgments on the issues that you were voted in to make the judgements on, so that you can say, basically it's okay,

because our Corporation Counsel said it was. But we know that doesn't work. The courts are full of those events. And we've lost a Council. We've lost watch dogs. We've lost somebody who can make a difference. It's about accountability, and it's about consent. I consent, you hold them accountable; simple as that, very simple.

But if you don't hold them accountable, what difference does it make if I consent. I'm still getting stuck. See, that's the beauty of our system, and it's going. And the vote is hinging upon your holding them accountable, and it may be uncomfortable. But that's the only reason why you're here, from my perspective.

So, I would ask you, dismiss taking up this urban review guides. Get a fiscal impact statement for the water bill. Get a fiscal impact statement so you know how much it's going to stick it to you. Get this, submit this urban review plan to the Planning Commission, or to the review board. At least get it back on track, because there have been changes.

You're changing a map, but it's not just a map. These are people's properties that have little numbers on them, have little letters on them. And they affect people, okay, because the Director of Planning is sitting in an office that is insolated, okay, from consent. He can do what he wants, cause he's the Planning Director, and how he feels and what he concerns on the day of it, that you come to him, is what he decides. So, we got to separate from that, and I'm hoping you will do that with both of these things.

Don't act. It's the only, it's the only choice you have, is not to act, and bring it out as law. They've left all the other options done. Return it to Committee, put it on the, on the Clerk's desk until you've got a financial impact statement, until it's been brought to the review board. But unless that is done--

DEPUTY COUNTY CLERK: Four minutes.

MR. SMITH: --you're part of the problem. I'm sorry. Thank you so much.

CHAIR WHITE: Thank you very much.

Members, any need for clarification of Mr. Smith's testimony. Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Flora Wong, testifying on County Communication 16-223. She will be followed by Sherri Dodson.

MS. FLORA WONG (testifying on County Communication No. 16-223):

Good morning.

CHAIR WHITE: Good morning.

MS. WONG: I'm Flora Wong. My family was one of the 20 Iao Valley families that was directly impacted by the catastrophic flooding that happened on September 13, 2016.

Thank you, Council Chair White and Councilmembers for the opportunity to testify in support of 16-223.

First of all, I want to thank Mayor Arakawa for his swift action in issuing a Disaster Proclamation. He and his Administration have been working tirelessly and admirably since day one. I'm sorry, it's just that it's still very emotional. I want to honor and commend the work of the Maui Fire Department, who evacuated my family from flood, from our flood damaged home. And commend the Maui Police Department, who transported us out of the valley, and waited for us until a friend driving from Haiku arrived to pick us up, to shelter us in their home.

I also want to thank you, Councilmembers and County Administration, Governor David Ige, Lieutenant Governor Shan Tsutsui, Congresswoman Tulsi Gabbard, and many others who surveyed the destruction and damage firsthand, and extended their heartfelt care and concern. All of your diligence resulted in the recent Presidential Disaster Declaration approval.

I wholeheartedly appreciate the County being proactive with the emergency cleanup of the debris in Wailuku River, especially in the face of navigating the jurisdiction challenges between the State and Federal agencies, such as the DLNR and U.S. Corps of Engineers.

After my family was safely evacuated by the Maui Fire Department the night of the flooding, it was almost three weeks before we were able to return living in our home. The first floor is still being mitigated of the four feet of flood damage. But, we're able to live upstairs with peace of mind, knowing the emergency cleanup of the river has made the County road safe, and us feel safe in our home.

However, not all the flood-affected families in the valley have the same peace of mind and security that I do. The initial cleanup work only concentrated on a small section of the river, where the flood water breached to the County road. Some of my

neighbors are still in harm's way, because of the debris in the river. And families all the way down to Paukukalo are in jeopardy if all the debris in the river is not removed.

Funding for a continued cleanup is desperately needed to ensure debris won't cause future flooding issues. I can attest firsthand the effectiveness of the cleanup efforts, and humbly request that additional funding be provided, to ensure the health and safety of all families in the valley and elsewhere. Thank you.

CHAIR WHITE: Thank you for your testimony, Ms. Wong.

Members, any need for clarification? Seeing none, thank you so much for being here.

MS. WONG: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Sherri Dodson, testifying on Committee Report 16-145. She will be followed by Cassandra Abdul.

MS. SHERRI DODSON, HABITAT FOR HUMANITY MAUI (testifying on Committee Report 16-145):

Hi, good morning. Sherri Dodson, Executive Director for Habitat for Humanity Maui.

I wanted to let you know that last time I testified we got into the issue of what our deed restriction was. And unfortunately I hadn't looked at it in a while, and I went back at your request. We put it on our agenda for our board meeting, and it turns out I was wrong.

Our deed restriction is actually 30 years, not 20 years, with the first 10 years of no appreciation. And then year 11 through 30 is a five percent shared appreciation. We also have a owner occupied clause in every deed that we do. It's required with our Deed Restriction Rule, and also a Right of First Refusal.

Our board did meet and discussed the issues that were brought up in Council. And as a result, did a position statement and addressed it to the Council. And I've attached that along with our Deed Restriction Policy.

So, we ask you for your continued support on the Affordable Housing Fund appropriation.

CHAIR WHITE: Thank you, Ms. Dodson.

Members, any need for clarification?

Did you, I'm sorry, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And good morning, thank you, Ms. Dodson for being here, and thank you for your report.

I did go through this, and I do recall, I know it was a request in our Committee Report on September 13 in regards to the possibility of perpetuity, affordable perpetuity, yet I don't believe that was brought up in the board minutes. And so it was not discussed?

MS. DODSON: It was discussed. The board discussed changing the policy to include provision for perpetuity. And the board decided that they wanted to continue the current deed restriction and not put in rules for perpetuity.

COUNCILMEMBER COCHRAN: Okay. Thank you for your update.

CHAIR WHITE: Any further need for clarification, Members? Seeing none, thank you for being here this morning.

MS. DODSON: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Cassandra Abdul, testifying on Committee Report 16-145. She will be followed by Lisa Higa.

MS. CASSANDRA ABDUL (testifying on Committee Report 16-145):

Aloha. Na Hale O Maui is a non-profit. We were organized to secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County.

Our community land trust model ensures that public funds used to subsidize affordable housing remains invested in our community in perpetuity. Each one-time public investment in a community land trust home endures as a permanent part of the

truly affordable pricing, generation after generation, given a 99-year renewable, sustainable ground lease.

We're all familiar with the statistics about the shortfall on affordable homes. I've read everything from 1400 to almost 6,000 per year.

I wanted to share with you one of our most recent transactions. We are in the process of reselling a small community land trust home that was originally purchased from the Coast Guard. It was considered surplus, and Na Hale was able to acquire three of them. We originally sold this particular home to a local family, who previously owned a Hawaiian Homes property. And then we re-purchased the home when the family was under a contract to buy a market-rate home. So, this is something that the community land trust hopes will happen, and now we know it does actually work. We renovated the home before notifying approximately 70 families on our Qualified Home-buyer list. These are people that have completed our four-step process, including taking an 8-hour homebuyer financial education workshop.

Twenty-two families of the 70 requested to tour the home. And of those, 14 families submitted a Statement of Interest, this is the first step in acquiring a home. We're currently in the process of reviewing those, and helping the families make a final decision on whether or not they are ready to acquire. But, what it shows is the high demand. We have one house, and we have 14 families that want to purchase it. If only we could provide houses for all of them.

We're respectfully requesting that you view the current bill for an ordinance favorably. Approving the 660,000 requested from the Affordable Housing Fund will assist us with soft costs, including but not limited to water meter and Board of Education fees. Your approval will help us take the next large step in being able to deliver 12 new community land trust homes to deserving Maui families who are income-qualified.

Thank you for your steadfast support of affordable housing, and of Na Hale O Maui's community land trust model. Mahalo.

CHAIR WHITE: Thank you very much.

Members, any need for clarification?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Did we hear correctly you want County of Maui money to give to the State of Hawaii for Department of Education requirements?

MS. ABDUL: Part of that, yes. It's an educational impact fee that's required--

COUNCILMEMBER HOKAMA: No, I understand it.

MS. ABDUL: --yes.

COUNCILMEMBER HOKAMA: I just find it interesting, asking this government to give to another level of government. Why wouldn't they, you guys didn't ask for waivers of this type of impacts?

MS. ABDUL: The subdivision was developed under a 201H, and there are waivers on some fees, but the Board of Education fees are not waivable.

COUNCILMEMBER HOKAMA: That wasn't clear in Committee. I wish that was made very specific, because that is disturbing to me. I'm not very happy about that at all. Thank you.

MS. ABDUL: You're welcome. We would like to avoid it also.

CHAIR WHITE: Any further need for clarification?

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, and good morning. Thank you for being here.

MS. ABDUL: Good morning.

COUNCILMEMBER COCHRAN: That brings up a good point that Mr. Hokama just spoke of. And so, do you have an idea of what the dollar amount equates to for that portion?

MS. ABDUL: It's about 7,000 per home. Water meter fees are about 13,000 per home.

COUNCILMEMBER COCHRAN: DOE would be 7,000 per home? Per home?

MS. ABDUL: Yes.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you.

CHAIR WHITE: It's interesting that they're not waivable, and yet we're the collection agency for the State. We should hold it in escrow until we get our share of the TAT.

COUNCILMEMBER VICTORINO: Oh, I knew that was coming.

CHAIR WHITE: Any, any further need for--

COUNCILMEMBER HOKAMA: We can do whatever we want, Chairman. We're government.

CHAIR WHITE: Any further need for clarification from Ms. Abdul? Seeing none, thank you very much for being here this morning and sharing your mana`o.

MS. ABDUL: Mahalo.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Lisa Higa, testifying on County Communication 16-223. She will be followed by Bruce U`u.

MS. LISA HIGA (testifying on County Communication No. 16-223):

Hi. Good morning, everyone. My name is Lisa Higa, and I am one of the residents at Iao Valley.

I'm here today to first of all thank the Administration for their extraordinary work so far. You know, you got to give kudos when kudos are due. So, I'd like to thank the Maui Fire Department, Fire Chief Jeff Murray for saving my two kids and my 78-year old mother. On the news I said she was 74, and then when I got home my mom said, I'm 78, I lie. So, I was like, okay, so we're going to get it straight; she's 78.

So, I'd like to thank Mayor Arakawa, Keith Regan, and Jock Yamaguchi. And not a lot of people know this, but, you know the night of the disaster, my husband was sitting in the middle of our house, and he was just devastated and lost. And here at midnight, we see three people walking through the mud, literally knee-deep, and it was our Mayor, and Keith Regan, and Jock Yamaguchi, just to see if we were okay and the neighborhood was okay. And that to me, in itself, it's a message in itself, you know. It shows their integrity, and that human kindness, you know. They just wanted to check and see if everybody was okay. And I got to give thanks for that.

I'd like to thank the Maui Fire Department. You know, they were there that night, keep everything in order. And they've been there every single day to make sure that we were safe. Even that night, people were coming into our neighborhood, 12:00 at

night, trying to loot the houses, you know. And the week after, when the County had granted us, you know, permission to, you know, keep our green waste out, and they would help us, you know, remove the debris, people were coming from other neighborhoods to dump their rubbish, you know. And as soon as you guys found out what was happening, I mean, trust me, you guys had the MPD out there, and you put a stop to it right away. And I thank you for that.

I'd like to thank all the Directors and every single person that was involved in this. They've worked night and day, tirelessly, to get this job, just get it done.

When I look at the Council, I don't just see the leaders of our community. You came to my house. You came to our houses. You shared your condolences, your stories. We laughed, we cried. The most important thing is we did it together. When I look at you, I see people. Your eyes show compassion, care, love, human kindness, something all of us has lost over time when we get caught up in this busy and crazy world. This tragedy has brought every single one of us back to our roots, back to our family, back down to earth. It's a constant reminder that we are at the mercy of Mother Nature. It's a humbling experience.

And I just want to say I'm very, very proud of each and every one of you in this community, in this great and wonderful State we call Hawaii. Somebody once said that world peace is going to start from Hawaii, because we are the State of aloha, which means we are the State of love. We help one another. We're just born with it, that's just our lifestyle.

So, I humbly ask the Council to please help my neighbors, help our community. If there was ever a time we desperately need your help, it's now. Now is the time. Thank you.

CHAIR WHITE: Thank you, Ms. Higa.

Members, any need for clarification? I wouldn't think so. Thank you very much for being here, Ms. Higa.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Bruce U`u, testifying on Committee Report 16-145. He is the last individual who has signed up to testify.

MR. BRUCE U`U (testifying on Committee Report 16-145):

Good morning, everyone.

CHAIR WHITE: Good morning.

MR. U`U: I'd just like to add that, we got to take care our own neighbors, Iao. And thank you guys for all the ongoing help and, and all the help you give our neighbors. You know how small Maui is. We know, I know both the residents there and, you know, heartwarming, sore the heart. But, heartwarming to see how the public steps up. So, wish you guys the best over there. And, you guys need help, call me, I'm there, you know, whatever you guys need. I get plenty kids, they willing for help.

On another subject, good morning to all. Bruce U`u, I'm here testifying on the funding for Na Hale O Maui. I'm on the Board of Na Hale O Maui, affordable housing in perpetuity. I'm here to ask for your continued support.

And what Councilmember Hokama said, I agree. If you could waive any and all fees, anyway we can make it work to, you know, again discount the owners who brunt the cost, that would be, that would be awesome. And it is the cost that, and, and everything else that comes into play that makes it, at times, unaffordable; whether it be the water, whether it be the zoning.

So, I mahalo to Housing to getting this money, West Side affordable housing that we applied to get. And you know, cannot be anymore perfectly timed as we try to partner with a developer for 12 homes in West Maui. And, we basically almost shovel ready to move forward with a project, again, with your guy's support. Twelve lots in Lahaina, the 660,000 distribute equally among the 12 lots would equate to $55,000 deferred costs on homeowners. The property probably valued at about 180 to 200,000 per lot, but we're buying them at 130. And, and that's the discounted also that, again, the homeowner's share.

And I'm here testifying on behalf of my mom receiving one, and I in turn receiving one from her. So I am a beneficiary of housing in perpetuity for two generations, which I look forward to making to three without the, without signing the documentation saying it is in perpetuity. We're just making it happen like that. And I like the perpetuity. I think that's one, one that's needed in a bunch of tools that's already in the tool box, but we're one piece of the tool box that is needed for Maui County.

And again, I thank you guys for your time. I ask for your guys continued support. And mahalo for all your guys work. I appreciate it. Thank you.

CHAIR WHITE: Thank you, Mr. U`u.

Any need for clarification, Members? Seeing none, thank you for being here this morning.

MR. U`U: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

Okay, Members, we've received some written testimony this morning. Without objection, we'll enter it into the record.

MEMBERS VOICED NO OBJECTION.

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

1. Sherri K. Dodson, Habitat for Humanity Maui;
2. Cassandra Abdul, Na Hale O Maui;
3. Y. L. Wright; and
4. Thomas Croly.

CHAIR WHITE: And if there are no objections, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

(Councilmember Crivello was excused from the meeting at 10:53 a.m.)

MINUTES

The minutes of the Council of the County of Maui's regular meetings of August 5, 2016, and August 23, 2016, were presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE MINUTES OF AUGUST 5 AND AUGUST 23, 2016.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused", zero "noes".

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-144 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 95 (2016), entitled "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, ANIMAL MANAGEMENT REVOLVING FUND" be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-182, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would, from the Members and yourself, I would like to have 145, 145 to be also brought up at this time.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-145 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 96 (2016), entitled "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," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 97 (2016), entitled "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," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

3. That County Communication 16-125, from the Budget Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-144 AND 145, EXCUSE ME, ALONG 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, today I will say a few comments, especially as it regards to 145. I find it interesting upon hearing from testimony, the request to use County tax money to satisfy a State requirement on education assessment fees per lot. I find that, in a sense, from the State very distasteful. And let me just share my experience and rationale for this.

These people will become residential homeowners. Unlike other residential homeowners under our property tax system, they will be assisting us in those revenue sources which also helps to pay for parks and recreational facilities throughout our County.

(Councilmember Crivello returned to the meeting at 10:56 a.m.)

COUNCILMEMBER HOKAMA: One of the biggest beneficiaries of our parks and recreational facilities, besides residential use, is the State DOE, Department of Education's need to use our facilities to do their curriculum requirements. So, they using County assets to take care of State requirements.

So these people are, in a way, already paying from one portion, in my perspective, to the State through our property taxation, for the State to use their facilities. Whether it be Wells Park, the park above Wailuku Elementary, War Memorial Football Stadium, Iron Maehara Baseball Stadium, or Lanai's County facilities, DOE and the State has been negligent in taking care of their recreational requirements for their own curriculum needs.

We don't charge them to use County facilities. And yet, now they're telling us to use our money to take care of their educational requirements, cause they from their State side, whether it be from the Legislature or Board of Education, cannot anti up the appropriate revenue requirements for their purposes. And now in asking the County now to help pay their needs. I think they need to take their responsibilities more responsibly. If they need money, go and explain to the tax base why they need to increase revenue sources for the benefit of the community and our general public.

Do not go, and for me in this roundabout manner now where the County's going to have to pay for this. We're already allowing them the use of our facilities, Chairman. You know, for the Senator Kim and others who think the Counties do not provide or support State activities, this County couldn't, to the State activities in my view, couldn't survive. We already fund at least seven State departments through this County budget.

You know, Chairman, maybe we need that constitutional convention sooner than later, cause this has to be really straightened out structurally. And those that are given the obligations, responsibility to perform, need to perform or get out of the way and let others who can do it, do the job for us. Thank you very much.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on these items?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I appreciate Mr. Hokama's remarks. And you know, when we saw that in the, in the bill that they couldn't exempt education fees, you know, that's one of the things that our Temporary Investigative Group saw was the fees were part of the problem with the affordable homes. So, for the State to preempt us from waiving those fees just doesn't make sense if they really want affordable homes.

So, I'm, I'm in full support of this, but since the testifier brought it up, I just wanted to shake my head at some of the stuff that they're requiring us to do. Mahalo.

CHAIR WHITE: Thank you, Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And I will echo our same sentiments, and put yours in that, you know, if they want us to continue to assist them in what their responsibilities are, then by God, why don't they be fair and give us the fair share of our TAT, so we can do more? I don't mind giving, if you give back; it's sharing. And they seem to be one-sided in this, all this. We give you unfunded mandates, you figure it out. And when we say what is our fair share of the TAT and other sources of revenue, oh, you get this and that's it. I'm sorry, that's all you're going to get.

And recently, we met with the Governor, and that was still his, still his same statement. This is what you're going to get, and I see no reason that we need to give you anymore. We need to take care of our schools, our air conditioning, and he went on, and on, and on. No offense to the Governor, so what. It's our schools, I realize that. But, I also realize that you're obligated, it was contractually agreed upon years ago, and you've slowly but surely changed that contract in your favor.

And then when it's come to collective bargaining, you and I both know, we're stuck with the bills because your four votes can lean one way or the other, and we have no say. And I just received communication I will share with others later, that from the Attorney General's Office and Corporation Counsel in regards to these matters. But I cannot share it today, but I will share it with you, because I just received it today, and I'd like to make sure everyone of you get a copy of that.

But anyhow, Mr. Chair, I agree with Mr. Hokama. This is very frustrating. This is affordable housing. Hey, help us out. We want to get our people in housing. And then we'll help you, because these taxes not only in real property, but there's other taxes they pay; governance, and conveyant taxes, and other. You know, these

people are going to help you too. Let's get off the stake of trying to tax and fee, put fees on everything we do. And let's try to help these people get a start. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further comments?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And I want to thank Mr. Hokama for once again raising the flag about the way that we're treated by the State. I think it's really sad. We're all here for the same reason. We're here to help our people, and we're dealing with a housing crisis. That's what we're dealing with. And we should all be working together to get it done. And this doesn't look like that's what we're trying to do, to me.

You know, I think that for the longest time we have sat here bemoaning what the State does or does not do for us. And I think it's time to stand up and say, excuse me, we are the State of Hawaii; the four Counties make up the State of Hawaii. There is no other group of people. We are the people of the State of Hawaii. It bothers me that we seem to see these things separately. There is no State of Hawaii without us. And I think it's time we step up and be heard.

And I'm really excited, because I see that that attitude is being grown at HSAC. And I think we need to grow it throughout the community. And we need to hold the State accountable. Every day you read the paper, and there's another thing on the front page that makes you angry about how we should be working together, and we're not working together.

And so, I do not want anything to hold up this affordable housing, because I think it's important that we get going. Twelve homes is 12 homes, it's better than nothing. But, I do think that we need to get very active, politically, about this dichotomy between this State and the Counties. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I completely concur with my fellow colleague's comments, thus far. I want to just speak in reference to the Habitat for Humanity versus the Na Hale O Maui concepts in, in order to get, garner the affordable housing that is truly needed. I am in the support, definitely, of the I, you know, the concept of affordable.

I am more, more so in support of the perpetuity aspect, and that's why I brought up that point during deliberations with the Habitat for Humanity's ask for the funds. And then, the comments this morning, I guess they're standing fast on, continue to keep the 30-year deed restriction.

You know, the Na Hale O Maui concept works very well, and it leads to what Mr. U`u mentioned, you know, from mom, down to son, down to kids. The Habitat model does not encourage that in the end. So, I definitely want to see more of the homes built in perpetuity as we progress.

But I also hear the frustration in all of us in regards to the different levels of government, and not truly working together; the State and us the County. You know, I just came from sitting at a table up at the White House with your Federal level, and yes, I was there via the County's voice and we had a State official there. And we were talking like we don't even know each other, because they're Oahu, I'm Maui County, and that is the reality up there.

And when we come to the table to make decisions, it's just, the people in the mainland from a single State look at us and go well, aren't you just this little old rocks in the middle of the Pacific? Don't you talk to, talk to each other? And it's like, uh no, no we don't. But then hearing the same, you know, frustration on their behalf where I had to bring up the points with EPA and DOH and what have you, and they too have that same issue with Federal level entities.

But you know, and overall, I think that the comments of our Iao residents hit it home, and also our baseball teams hit it home, that we truly do come together when, when it's called. And that is the aloha spirit, and what we are as Hawaiians here. And it's inbred in us to do the right thing.

So with that, definitely support affordable, but I think Mr. Hokama hit the nail on the head once again for all of us in the bigger picture that some other things really need some changing. So thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, I will ditto my colleagues as far as who's who, who should be taking care of what when it comes to the requirements for, for the builder to provide affordable homes. And I, I thank Mr. Hokama for allowing us to address that. And hopefully our HSAC team will continue.

I think we have different compartments or different needs in providing affordable homes. We have where the 30 restricted, deed restriction, as well as what would be forever into that. So to me, whatever will work so we can provide the shelter so our, our Maui residents can, can call continuously and forever, this is their home.

With the Habitat for Humanity of Maui, I, just the fact that they're providing homes for families earning 80 percent and below area median income, it is to me, a most, the most valuable thing that the Habitat entity brings forth. So, we can say we support, of course, Na Hale O Maui. And then, I support both, because we have different provisions and we cannot put it, one-size does not fit all.

And, and I believe as people who keep pounding the drum that we're going to provide affordable homes, affordable homes, but we find every crevice why we cannot. I think we got to pay attention to how we can provide the affordable homes. Thank you.

CHAIR WHITE: Thank you very much, Ms. Crivello.

And I think, well, Mr. Guzman, did you want to make comments?

VICE-CHAIR GUZMAN: Yes. I, I wish, actually, this topic would have been brought up earlier in terms of the non-exempting the educational assessment in Committee.

I do have questions that came up in my head, while we're discussing it. And I realize we've, we've in the past exempted those and some of the projects, the 201H projects. And why, why couldn't we in the future pro-rata certain housing units, you know, and exempt those had we had known during the time of making those decisions on that 201H project? If we had known that 12 of those units, houses were going to be used for Na Hale, we could've, you know, we have the power, we have the authority to just go ahead and make a decision and say look, those 12 will exempt straight out. And the rest of the units at market-value could've gone, you know, not having the exemption. We could have done that.

So, my, I just, a ton of other questions pop up in my head. And so, maybe in the future we need to look at it more steadfast. And if there's any way to retroactively change, I'd like to have known that too, or an opinion. Thank you.

CHAIR WHITE: Is that a question for Corp. Counsel?

VICE-CHAIR GUZMAN: Yea. It could be, if they're ready and willing to answer that.

CHAIR WHITE: Mr. Wong.

VICE-CHAIR GUZMAN: If we could retroactively change that 201H, I guess conditions and, and waiving these certain pro-rata assessments.

CORPORATION COUNSEL PATRICK WONG: Chair, that's a very good question. I'm not at the moment prepared to respond to that. But we can, I can assign someone to research that, and get back to the Council.

CHAIR WHITE: Thank you.

Anything further, Mr. Guzman?

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

CHAIR WHITE: Thank you.

You know, Members, it's, it's just a reminder that, you know, the focus of these projects is to provide housing at a low, as low a cost as possible to people who are in the lower levels of the income, income percentages. And if the County is willing to waive the fees that would go to upgrading our parks. To Mr. Hokama's comment, the State should be willing to waive the fees that go to them, because they're using our parks.

If you look at the added fact that the State has made, made it clear that they have a one-billion-dollar surplus this year. It's difficult for me, and I know for all of you, to be comfortable with them continuing to ask for those of us in the community who have the lowest income to reach into their pockets and pay the same that we expect out of somebody who is building a second home here.

So, I, you know, I hope that we can, I hope that the testifier is wrong that it's not, that it could be waived if we decide to. I don't think that's the case, but we'll check that out. And, I know Mr. Carroll and Ms. Crivello will be on top of that.

So, Mr. Hokama.

COUNCILMEMBER HOKAMA: Excuse me, Chairman. My request to you, as it regards to Mr. Guzman's request is hopefully Corporation Counsel, Mr. Wong, may be able to give us at least a verbal response before second and final. I would request that consideration please. Thank you.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Yes, Chair, we'll be able to accommodate that.

CHAIR WHITE: Thank you very much.

Any further discussion?

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I just want to, I guess, paint a little picture here. Na Hale O Maui 660,000, they're shovel-ready, you know, we can just call it as good as built. Habitat for, and in perpetuity.

Habitat for Humanity were given 1.5 mil. And you know, it just reminded me my church had recently got a letter, you know, highlighting the affordables that are to be built via the entity, which is awesome, but also asking for that sweat equity from our parishioners and our members to come and help, and which is all good.

But you know, I'm looking at a congregation of 50, 60, 70, 80's and up year olds. You know, so they're coming into the community, which is good, to try and garner work and support, and that sweat equity to get these homes built. And you know, that's kind of a burden on our congregation to ask of our people. So, but, I guess that's what they need in order to get them built. And again, in 30 years, they can be flipped over to the market rate. And that's where I do have difficulty.

But again, yes it serves a need for the time that it's needed which is now and the next 30 years for that family, what have you, that's awesome. But you know, the way it, I guess the concept, and the program, and the way they go about it, for me, I tend to wish we could put our, all our eggs in the Na Hale O Maui basket. Thank you, Chair.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And again, I will support, not only Na Hale, but Habitat for Humanity. It is a proven program throughout the United States. It is a proven program that works. Even the sweat equity. They come to our church, they come to all the community groups in all the areas. So this is not unusual.

They also, if you look at the way it's designed, the first 10 years, you get no equity, no change. And the next 20 years, five percent shared. Again, I use the word "shared" equity. So, when that person walks out, they don't flip the home, they sell it. But, Habitat for Humanity gets some of that back, cause it's a shared equity. So, I want that to be pointed out today.

Yes, I agree perpetuity is really nice, and I'd like to see that done, but not in every program. It doesn't fit. This is not one size fits all. And we better get it in our head that we got to look at a multiple facets, because we need immediacy, we need things done now. If we stay and chuckle about this, that, and everything else, we're not going to get it.

I believe it's time to do what we need to do, stop talking about it, and let's start doing it. And let's, let's see what happens in the future. Thirty years is quite a substantial number of years, that I'll say. Ten years, I've never liked that, cause that's quickly turned around and sold. But 30 years, that's a generation plus.

So, I will support Habitat for Humanity. I know of the program. I've been a part of the program. I'm not afraid. I've put some sweat equity in other people's homes, and you know what, those people today have not only a home to live in, but they also pay real property tax and are productive citizens, and contribute to our society here in Maui County.

Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, I'd just like to make one more comment about the Habitat for Humanity. And I understand what we're discussing here, and I understand the importance of perpetuity. I was a big help and founder of Na Hale O Maui, because I think it's a wonderful model.

But, I think having both is good. And one of the reasons is Habitat for Humanity's clientele is very special. They take people who essentially have very, very tiny amounts of money. And when they're willing to help with sweat equity, and get them in a home at zero percent interest, they're serving a special clientele, people who would never qualify for anything conventional. So, I think that we can be, knowing where we're going, and definitely not wanting flippers. Flippers, I think are responsible for a lot of what we're dealing with today.

But, for approving this money, I think we should approve it, and then maybe we want to spend more time in our Housing Committee debating conditions, and looking at things like having to pay for the educational assessments, and looking at other things.

But for today, I am in full support of this money. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

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.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-144, is BILL 95 (2016). Relative to Committee Report 16-145, is BILLS 96 and 97 (2016), respectively.

COMMITTEE REPORT
NO. 16-146 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

1. Recommending that Resolution 16-122, entitled "AUTHORIZING THE FIRST AMENDMENT TO LEASE GRANTING AN EXTENSION OF TIME AND REDUCTION IN RENT FOR THE VETERANS OF FOREIGN WARS VETERANS CENTER AND COMMUNITY ACTIVITIES SITE LEASE," be ADOPTED; and

2. That County Communication 16-169, from the Mayor, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-146.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on September 13, 2006 *[sic]* to consider the proposed resolution before this body.

It, it also authorizes the Mayor, or the Director of Finance, or the representative to execute a first amendment to the lease of 2.278 acres to the non-profit Veterans of Foreign Wars of the United States for the Wah Hu Tom Post 3850. Chair this, the first amendment would actually extend the lease term to an additional 30 years, for a new term to expire June 30, 2056; and reduce the annual rent from $100 to $1.

I ask the Members for their full support in this recommendation. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

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.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-122.

COMMITTEE REPORT
NO. 16-147 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. That Bill 98 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-185, from Councilmember Don Couch, be FILED; and

3. That County Communication 16-186, from Council Vice-Chair Don S. Guzman, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE REPORT 16-147.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Committee met on September 20, 2016, to consider a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS".

The proposed bill incorporates the definition for a service dog, and exception for dogs utilized for farming, agricultural purposes, and herding. And an exception for service dogs, where being under restraint interferes with the service dog work.

While it's difficult to define farming, agriculture, and ranching activity in a way to satisfy all, animal control officers should use their best judgment in determining whether the dog is actively engaged in a proper activity, allowing it to not be restrained.

Section 6.04.090, Maui County Code, requires that dogs be "under restraint" applies to all dogs. And as such, if a dog causes severe problems, it may be deemed a dangerous dog and Section 6.06.046 *[sic]* of the Code shall apply.

Your Committee voted 5-1 to recommend the passage of the revised proposed bill on first reading. I ask for the Members support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

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".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 98 (2016).

COMMITTEE REPORT
NO. 16-148 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending that County Communication 16-175, from the Director of Finance, informing of the acquisition of Curb Ramp Easement R-1, on `Oma`oma`o Street, Kehalani Mauka (Large-Lot) Subdivision No. 3-B, TMK: (2) 3-5-001:090, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

I MOVE TO ADOPT RECOMMENDATION IN COMMITTEE REPORT 16-148.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, with a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on September 12, 2016, to discuss the acquisition of a curb ramp easement totaling two square feet, on `Oma`oma`o Street, for Kehalani Mauka (Large-Lot) Subdivision 3-B, Wailuku, Maui, Hawaii.

The Director of Public Works said the easement was acquired to complete an ADA-compliant curb ramp that encroached onto private property.

Sections of 3.44.015 of the Maui County Code, as amended this year by Ordinance 4274, authorizes the Director of Finance to accept easements to the County, without Council approval, if the conveyance is approved by the Director of Public Works, the easement complies with Title 18, and the purchase price of the real property does not exceed $250,000.

Furthermore, Section 3.44.015 requires the Department of Finance to notify the Council in writing of any acquisition under this section that does not require Council approval, including a map of the easement submitted no later than five days after the date of acquisition.

The Committee observed and confirmed, through Department of Finance and Department of Public Works, that the new reporting procedures are working.

I know it sounded like a manini thing, Chair, but I wanted to check in to see how our new ordinance was working out. And as I'm stating, it's working out well. And therefore, I respectfully ask for this Council's support of the motion. Thank you, Chair.

CHAIR WHITE: 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".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-149 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 99 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MIKIOI PLACE AND AKALA DRIVE, KIHEI, MAUI, HAWAII; AND LIMAHANA PLACE AND HINAU STREET, LAHAINA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-107, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-149.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Ms. Cochran, would you like the Clerk to bring up Committee Report 16-50 *[sic]*, 16-150.

COUNCILMEMBER COCHRAN: Yea that, sure. Yea, that'll expedite things. Thank you very much, Chair, yes.

CHAIR WHITE: Okay. Thank you.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-150 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 100 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-187, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on September 12, 2016, to discuss a proposed bill to: 1) delete the stop.

Sorry, Chair.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: We need a motion, first.

COUNCILMEMBER COCHRAN: Oh, I thought I did. Oh, yea, sorry, sorry.

CHAIR WHITE: You confused me here.

COUNCILMEMBER COCHRAN:

AND I MOVE, I ADOPT, I MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 16-150.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And I shall now speak on 16-149, which we met September 12, and to: 1) delete the stop requirement of Mikioi Place for vehicles traveling along Akala Drive, Kihei, Maui, Hawaii; and 2) establish a stop requirement on Limahana Place for vehicles entering from Hinau Street, Lahaina, Maui, Hawaii.

After receiving complaints about the Akala, Mikioi intersections citing issues with site distances and navigating through oncoming traffic, the Department conducted a site inspection and recommended a four-way stop.

The Department of Public Works implemented the four-way stop in January of 2014. This was a matter of updating the Code to reflect the traffic configuration already made two-years prior.

And regarding Hinau, Limahana Place intersection, the State Department of Transportation expressed concerns with traffic on Hinau backing up into Honoapiilani Highway because there is currently no stop requirement on Limahana in the northbound direction.

So, the Department conducted a site inspection, recommended removal of the stop requirement on Hinau and addition of a stop requirement in the northbound direction on Limahana to ease traffic concerns.

The Director also said future plans will also call for curb extensions and crosswalks, since the increase in surrounding businesses has resulted in more vehicular and foot traffic.

So if approved, Department anticipates the new configuration will implement in about six months.

And the Public Works Commission unanimously did approve this proposed bill at its meeting on November 19, 2014.

Moving onto description of Committee Report 16-150. This was also discussed September 12, and we discussed to establish a mid-block crosswalk fronting Kihei Holiday Resort, located on 483 South Kihei Road, approximately 1,525 feet south of Ohukai Road, Kihei, Maui, Hawaii.

And the request for this crosswalk was prompted by residents and visitors of Kihei Holiday Resort and other neighboring condominiums who use the beach access across the street. The beach access is located on State property, where sand fencing was installed, approximately five years ago, by a volunteer group in South Maui who helps with sand dune restoration.

A crosswalk in this area would provide a safe means to cross busy South Kihei Road, because the nearest crosswalks are located approximately seven hundred feet away from either side of Kihei Holiday Resort.

The Public Works Commission also unanimously recommended approval of this proposed bill on its meeting, December 16, 2015. And with that, Chair, I look for this Council's support of the two recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on these items? 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"'.

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-149, that's BILL 99 (2016). Relative to Committee Report 16-150, BILL 100 (2016).

COMMITTEE REPORT
NO. 16-151 - PLANNING COMMITTEE:

Recommending that County Communication 11-220, from Council Chair Danny A. Mateo, transmitting a letter from Isaac D. Hall, regarding Makena Resort's failure to comply with Condition No. 32 of Ordinance No. 3613, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, short recess, please.

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

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:31 A.M., AND WAS RECONVENED AT 11:33 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED).

CHAIR WHITE: This meeting shall come back to order.

And we'll proceed with Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Without objection, if the Clerk can bring up number 16-152 and 16-153 as well, I'd appreciate it.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT
NO. 16-152 - PLANNING COMMITTEE:

Recommending the following:

1. That Resolution 16-123, entitled "ADOPTING COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI-KULA AREA," be ADOPTED; and

2. That County Communication 15-253, from the Planning Director, be FILED.

COMMITTEE REPORT
NO. 16-153 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill 101 (2016), entitled "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-220, from Councilmember Don Couch, be FILED.

(Vice-Chair Guzman returned to the meeting at 11:34 a.m.)

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE THAT THE RECOMMENDATIONS OF PLANNING COMMITTEE REPORT NO. 16-151, 16-152, AND 16-153, BE ADOPTED.

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. Regarding Committee Report No. 16-151, it recommends the filing of County Communication 11-220, regarding Makena Resort's compliance with Condition 32 of Ordinance 16, I'm sorry, 3613 (2009), which relates to the expansion of the beach park at the south end of Maluaka Beach.

Your Committee met on September 20, 2016 to discuss the issue of compliance by the landowner. Your Committee heard from Attorney Isaac Hall, who represents the public interest group Hui Alanui O Makena, that had asked the Council to review the compliance with parks requirement in 2011. Mr. Hall informed your Committee that the group worked with the landowner to expand the park to the south and no longer has concerns it raised in 2011. The current landowner, ATC Makena Holdings, Inc., confirmed in writing the park expansion area.

Both the Planning Director and the Director of Parks and Recreation expressed their support for the location of the expansion area.

Your Committee was satisfied that Makena Resort is complying with the parks condition of zoning. Note, we still have an item in PC, Planning Committee, regarding the status of the change in zoning. So, we still have that report open, and that item ready for review whenever we get those reports.

I respectfully ask that the Members full support of the Committee's recommendation to file County Communication 11-220.

Regarding Committee Report 16-152, that recommends that the resolution entitled "ADOPTING COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI-KULA AND AREA", be adopted, and that County Communication 16-253, be filed. Please note, Members, that the first recommendation paragraph on page 3 of the Committee Report incorrectly cites the title of the resolution by omitting the words "business district". It's a small enough change that we don't have to amend the committee report.

Your Committee met on June 16, 2016, and August 30, 2016, to discuss the proposed resolution.

The design guidelines are meant to insure that all buildings and structures shall be constructed with a similar and compatible architectural design character that retains the "country town" atmosphere of these communities.

The Code requires adoption of design guidelines by Council resolution. The Code also requires review of the design guidelines by the Urban Design Review Board, the Maui Planning Commission, and that a meeting be held on the respective country town.

The Planning Director informed your Committee that the design guidelines were properly reviewed in 1991 and 1992, but inadvertently were not fully executed as rules, which was the requirement at the time.

In addition to recommending the design guidelines be adopted by resolution, the Planning Director recommended that the reference maps in Volume I be updated to show the properties with B-CT Country Town Business District, and other business zoning.

Your Committee recommended adoption of the resolution entitled "ADOPTING COUNTRY TOWN BUSINESS DISTRICT DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI-KULA AREA", and filing of the communication.

Now on Committee Report 16-153. This Committee Report relates to a proposed bill referred by the Council to the Planning Commissions by Resolution 15-139.

Following the receipt of the Planning Commission's comments, your Committee met on September 20, 2016, to review the proposed bill. The purpose of the proposed bill is to allow transient vacation rental use in planned developments with residential zoning containing a combination of single-family and multifamily dwelling units, but not allow the use in planned developments containing exclusively single-family dwelling units.

The Planning Director informed your Committee that the proposed bill will apply only to the Alaeloa development on the island of Maui. Alaeloa is a planned development containing a combination of single-family and multifamily dwelling units.

The Maui Planning Commission and the Planning Department recommended approval of the proposed bill.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading, and filing of the communications. I respectfully ask for the Council's support of all three of these committee reports. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Members, is there any further discussion on these items?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. And I want to thank Committee Chair Couch for bringing these items forward. I am unable to support the motion this morning, Chairman. . . . regarding 152 and 153.

Quickly on 153, in my total years of service, I have been very consistent how I look at TVR's in residential areas. So, I'm not planning to change my philosophy or position this morning.

Regarding 152, part of my concern, again, is the language because in my opinion, Lanai has gotten the short end by the Departments regarding the term guidelines. And so, if you notice, I was very adamant. Previous Council had support it. For Lanai, we use the term guidelines and standards. Because it's interesting someone in the Department will say a guideline is a guideline, it's not a standard. So, we have made it, and I have asked Council to support, especially for Lanai, the words standards. Because, standard is what you have to make your decision on.

It disturbs me that the Department is saying guidelines is a standard. Cause if they're going to use it as standards, . . . supposed to be doing illegally for 20 something years since they never followed through on a Planning Commission's previous action. And again, it was not the current Planning Director for the Planning Department.

And again, in Mr. Couch's report, it goes back to 1991. That was during the era of Mayor Lingle. So, it's interesting, here we are 20 what six years later dealing with this? I find it, again, very distasteful that we are asked to now verify and confirm Planning Commission decisions over the last 26 years on policy that was never authorized. Interesting point for me. I have issues with that.

I think the Department needs to be a little bit smarter. I think we should be a little bit more akamai about whether or not we should consider the term standards. Or now, why would the Department inform our Chairman and our Committee that if we do significant revisions to Chapter 19.15, then we are going to get proposed amending ordinances to change guidelines for more specific standards. I'm not into doing our work twice, Chairman.

So for me, that is part of my issue, rules versus guidelines from the 90's, and then now trying to substitute or use the word guidelines and make it a standard. I just have philosophical issues with this, Chairman. And my experience as how it's been interpreted for Lanai, as I said, I have always felt we got the short end, because at the end of the day, the employer has always ruled that that wasn't required cause it is only a guideline. Thank you very much.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members?

I'll, the Chair will just add that I thought the testimony this morning from Mr. Smith was, was appropriate and pointed. I'm going to support the measures before us. But, I think his, his comments were, were quite accurate in that, in saying that we've had these, these proposed guidelines on the books for 26 years, and they've been implemented without authority.

It just reminded me of some issues that, I think, many people in the public have had with Planning and DSA, where they have interpreted our ordinances or Planning Department rules in their own way. And in some cases I'm very familiar with, there was no basis in any ordinance or any rule for them to interpret the law the way they did.

This is just a reminder to me that we still have, in the Planning Department, very large three ring binders of interpretations, none of which had been turned into either rules or ordinances. And it's something that I brought up early in my time here on the Council. And I, and listening to Mr. Smith this morning, I was feeling like I've, I've not done my job to hold the Department's feet to the fire and either take these interpretations that they have and put them into ordinance, or take those interpretations and put them into rule-making. And I think that's something that is something that they need to do because it's another one of those vague ways that they're able to use, as Mr. Hokama says, guidelines not standards.

And interpretations are really difficult for the public to deal with when there is no validation, either in a rule or in an ordinance. And it was told to me when I questioned one about how it's been a long, long time, I can't remember, in the neighborhood of 15 years. That's our interpretation and we're not changing. It's been our interpretation for 10 years and we're not changing it for anything, even though they could not point to anything in ordinance or in rules that gave them the justification for enforcing it the way they did.

So, I think, I think it may be a, while I support this measure, I think this is an appropriate time for us to bring up the interpretation issue once again.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS CRIVELLO AND HOKAMA.

CHAIR WHITE: I believe I heard two "noes". Is that correct? Mr. Hokama and Ms. Crivello. Okay, the measure passes with seven "ayes", and two "noes"; Mr. Hokama and Ms. Crivello. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-152, RESOLUTION 16-123. Relative to Committee Report 16-153, BILL 101 (2016).

COMMITTEE REPORT
NO. 16-154 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 16-124, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT," be ADOPTED;

2. That Resolution 16-125, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS," be ADOPTED;

3. That Resolution 16-126, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTIES TO PETITION THE STATE LAND USE COMMISSION FOR REGIONAL DISTRICT BOUNDARY AMENDMENTS AFTER ADOPTION OF GENERAL PLAN UPDATES," be ADOPTED; and

4. That Resolution 16-127, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-154.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of September 22, 2016, your Policy and Intergovernmental Affairs Committee recommended the adoption of the four resolutions approving the proposed State bills listed on the Council agenda for inclusion in the 2017 HSAC Legislative Package.

With regard to the proposed State bill relating to bargaining units, we have received responses from the Attorney General's Office, and the Department of Corporation Counsel stating, I hope you have had a chance to read it. So, I believe it was supposed to have been passed out. Did you all receive it? It was, it was, okay. I just wanted to make sure Councilmembers had received it. I mentioned it earlier, but I could not say anything at that time.

It is very clear in their response our position in this matter. So, I respectfully request the Council consider, consideration on this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-124 up to and including 16-127, respectively.

COMMITTEE REPORT
NO. 16-155 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 16-128, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY," be ADOPTED;

2. That Resolution 16-129, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT," be ADOPTED;

3. That Resolution 16-130, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX," be ADOPTED;

4. That Resolution 16-131, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS," be ADOPTED;

5. That Resolution 16-132, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS," be ADOPTED;

6. That Resolution 16-133, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTIES TO PETITION THE STATE LAND USE COMMISSION FOR REGIONAL DISTRICT BOUNDARY AMENDMENTS AFTER ADOPTION OF GENERAL PLAN UPDATES," be ADOPTED;

7. That Resolution 16-134, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO EXTEND THE TIME FOR THE COUNTY COUNCILS TO DECIDE ON AN AFFORDABLE HOUSING PROJECT, PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;

8. That Resolution 16-135, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY'S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX," be ADOPTED; and

9. That Resolution 16-136, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-155.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of September 22, 2016, your Policy and Intergovernmental Affairs Committee recommended the adoption of these nine resolutions approving proposed State bills listed on the Council's agenda for inclusion in the 2017 Maui County Legislative Package.

All the proposed State bills have been included in the 2017 HSAC Legislative Package, except the State bills extending the time for County Councils to decide on affordable housing project, pursuant in Section 201H-38, Hawaii Revised Statute.

I respectfully request the Councilmembers to consider, give consideration to this motion.

And Mr. Chair, I will close by thanking everyone for their due diligence, yourself included, and Mr. Hokama and all the Councilmembers in the hard work they've put together; not only putting the Maui Package together, but HSAC Package. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-128 up to and including 16-136, respectively.

COMMITTEE REPORT
NO. 16-156 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Bill _____ (2016), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, ARTICLE 1, MAUI COUNTY CODE, RELATING TO CROSS-CONNECTION AND BACKFLOW CONTROL AND WATER FOR FIRE SERVICE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-40, from the Director of Water Supply, be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I'D LIKE TO MOVE TO RECOMMIT THE REPORT BACK TO THE WATER RESOURCES COMMITTEE.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Since the report was issued, we have, as Chair, I received some suggestions that might improve the bill and will require further amendments. And I felt that it was best that we take it back to Committee to do Committee work in Committee in light of us having a very large agenda today. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further comment? 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".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATION

NO. 16-219 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 7, 2016)

Transmitting a Notice of Grant Award Amendment from the Federal Corporation for National and Community Service for the Retired & Senior Volunteer Program in the amount of $3,500.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request 16-220 to be brought up at this time also.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 16-220 - RICHARD MINATOYA FOR JOHN KIM, PROSECUTING ATTORNEY, (dated September 9, 2016)

Transmitting a notice of grant award from the Department of the Attorney General, Crime Prevention and Justice Assistance Division, for the Special Needs Advocacy Project (SNAP) in the amount of $389,500.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMUNICATION 16-219 AND 220, BE FILED.

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, this is just required notification to Council of grant awards to the County of Maui. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? 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".

Members, it's the Chair's hope that we can get through, I think we can get through everything by 12:30. If you don't mind, unless you have a requirement at 12, I'd like to just push through, and that would give us an hour to, hour's lunch break. Okay, thank you.

Mr. Clerk.

NO. 16-221 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated September 8, 2016)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2016.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, without objections, may I request that the Clerk also be able to bring up 16-222?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections, so ordered.

Mr. Clerk.

NO. 16-222 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated September 12, 2016)

Transmitting water use reports for June and July 2016 received from the State of Hawaii Commission on Water Resources Management for all registered well reporters for Maui County.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE THAT THE REPORTS BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Ms. Baisa.

COUNCILMEMBER BAISA: These are routine reports, Chair. And I would just ask that they be filed like we normally do. And they will be available for any Member who would like to take a look at them.

CHAIR WHITE: Thank you.

Members, 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".

Mr. Clerk.

NO. 16-223 - ALAN M. ARAKAWA, MAYOR,
(dated September 30, 2016)

Transmitting the following:

1. A proposed bill entitled "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, EMERGENCY FUND";

2. The Disaster Proclamation signed by the Mayor on September 14, 2016;

3. The Disaster Proclamation signed by Governor David Ige on September 16, 2016; and

4. Governor Ige's request for a Presidential Disaster Declaration dated September 27, 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. Chairman, Members, we are going to go through a process, so let us, we'll take it one step at a time to take care of this emergency consideration this morning.

SO AT THIS TIME, MR. CHAIRMAN, I MOVE TO WAIVE COMMITTEE REFERRAL AS REQUIRED BY COUNCIL RULES REGARDING COUNTY COMMUNICATION 16-223, AND ITS PROPOSED BILL FOR AN ORDINANCE.

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, under the guidelines of our Charter, under Emergency Proclamation, we're able to expedite consideration and approval regarding financial requests, which this is supposed to be for, to address the needs of the community under the emergency declaration as proclaimed by Mayor Arakawa, Governor Ige, and as well as President Obama Declaration. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members, on the waiver? 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".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIRMAN, I MOVE TO PASS ON FIRST READING, BE ORDERED TO PRINT, THE PROPOSED BILL ENTITLED "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, EMERGENCY FUND".

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: At this time, Mr. Chairman, I am going to ask the Clerk to assist me. I will be handing out a new communication from Mayor Arakawa, as well as a proposed bill for substitution at this time.

CHAIR WHITE: And Members, just a reminder that on expenditures that are requested out of the Emergency Fund requires seven votes, not the, not the six that we need for waiver.

COUNCILMEMBER HOKAMA: Mr. Clerk, can you also have someone assist us with the substitute bill, please, proposal?

Members, the Clerk has just handed to you the cover transmittal correspondence from Mayor Arakawa, requesting the consideration that we split the proposed original funding request into two parts. This substitution is supposed to be for $5 million of cash at this time.

So, when the Clerk has completed the handout, I will ask the Chairman for a very short one-minute recess for you to look at it. It is a very specific and precise proposal, as well as some of his supporting documentation as it pertains to the monies.

Chairman, again, that's for expedite, expeditious processing. We have presented the proposed bill on the reverse side of the Mayor's transmittal letter, my apologies, Members.

CHAIR WHITE: Thank you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Also, Chairman--

CHAIR WHITE: I was looking for it too.

COUNCILMEMBER HOKAMA: No, yea, we're doing everything in, in openness, Chair. So, I would ask for a short one-minute recess to allow the Members to review the documents I have asked the Clerk to hand out at this time, Chairman.

CHAIR WHITE: So ordered. We'll be in recess for one minute.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:02 P.M., AND WAS RECONVENED AT 12:04 P.M., WITH ALL MEMBERS PRESENT).

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, AT THIS TIME, I MOVE TO SUBSTITUTE WITH THE, WITH A REVISED PROPOSED BILL AS ATTACHED TO CORRESPONDENCE DATED OCTOBER 5, 2016, FROM MAYOR ALAN ARAKAWA.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. In coordination, and I appreciate Ms. Higa's comments, this is a very coordinated and effort of teamwork at this time, Chairman, to expedite the consideration to assist those in need, great need.

So, you can see as the Mayor has proposed, and I thank the Mayor for his assistance in today's procedure. Budget Director Baz is present if there are questions from the Members regarding the substitution. The Mayor has asked that we revise it from 10.3 million to $5 million. The $5 million, basically as I've been reviewed and you have been able to see in the attachment provided, Members, basically show that most of the money, the great majority of the money has been expended as you see in the attachments. We still have operating Departments that has not turned in all of their documentation yet.

As you notice, even in testimony, two Departments was mentioned consistently; Fire and Police. You will notice in the handout there is no funds expended under Fire and Police. Part of that, Mr. Chairman and Members, is of course, the Administration's great efforts to do proper documentation so that we do qualify for FEMA consideration of reimbursement of County resources. That is one of the requirements that I appreciate the Administration doing to help us recapture operational funds that impact our Departments from operating outside of the emergency or a disaster.

Members, for those that may have concern regarding the clock of the 90-days expenditure deadline or cap by the Charter, I'm happy to tell you today the majority, and for me if it's not, it has been, these monies are basically expended. Departments have been operating on their cash from their "A", "B", "C" accounts to respond in this time of need to the greater community.

I ask you to support this motion at this time. You have been part of a fiscal discipline that allows this Council that great ability to perform this morning with cash. So, I thank you for supporting a fiscal philosophy that, again, unfortunately during times of need, shows that our philosophy is sound, it's disciplined, and it can respond quickly to the emergency needs of our people.

So, if there are questions, I am happy to respond to them. Again, Mr. Baz is present to give additional clarification if need be from the Administration. I would ask you that part of this is also, eventually, the Mayor will be sending out a second consideration for future monies in the amount of another 5.3 million that he will be able to help support with additional documentation to justify the request.

So at this time, Members, I leave the floor to you and the Chairman, for any questions that you may have. Thank you, Chair.

CHAIR WHITE: Yea, thank you, Mr. Hokama. And, I want to thank Mr. Hokama for his diligence on this. And, I want to thank Sandy and the Mayor for working with us to parse this in a way that we can cover the immediate expense, and then provide a further due diligence on the remaining $5.3 million. So, I really appreciate the ability for us to work together with the Administration, and keep this ball rolling towards, you know, fixing what we need to fix in the short-term, and still be able to provide the, provide the resources for further work to be done.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And I want to also thank Mr. Hokama for bringing, not only the data that really supports what's being asked instead of just coming in with a lump sum I should say. I'm very thankful for that. I know many of you have had an opportunity to tour the area and see the damage and destruction. And I'm glad that, you know, the old saying, a picture is worth a thousand words, then I don't have to cover a lot.

But, I think Mr. Hokama and Ms. Higa hit something that I've heard time in and time out lately. From the various Departments, the teamwork, working together in this emergency has been very gratifying. I have heard this from Department of Water, Parks, Public Works, other, other agencies, who are out there working together, and none of this, it's your responsibility, it's your responsibility, it's your responsibility. They're just getting the job done.

I want to thank, also, the National Guard through the Governor's Emergency Proclamation for getting their equipment and manpower up there, not only helping us in our public areas, but also assisting some of the residents in the cleanup. Also, Environmental Management for putting bins up there. And I also want to, if I take just a little credit in all of this, is I want to thank the Mayor. Cause when we were on Molokai, I met with the Mayor; Ka`ala Buenconsejo, the Parks Director; and Planning, I mean Public Works, and insisted I asked to get Police up there stopping traffic from going into Iao Valley. They did it the first two days, and then they stopped.

And I saw a mount, a huge amount of people going in there, and like was said earlier, with their own rubbish, going into areas where they're not supposed to go into. Endangering not only the residents, but themselves and our people, our employees. And since then, since that Monday, there has been police 24 hours, 7 days a week, right there on Alu and Iao Road intersection. And they have stopped many people.

In fact, I stop almost every day, see who, whichever police officer is there, and ask them how's things going. And they keep on telling me, you'd be surprised how many tourists are still coming. I just wonder if the hospitality industry could have helped us a little bit by announcing that that park is closed, and not, and encourage the visitors not to go up there.

I'm not sure and I, I have not had chance to check into it, but I will be calling both the Visitor's Bureau and the hospitality industry, and see if that has been done. And if not, I would encourage it, because it's going to be months before those parks are open; both Iao and Kepaniwai will be closed for months. And I, in fact, I don't know how long. You know, I like the use the word indefinitely, because there's going to be

a lot of repairs. And that was what the next segment will come into, the next budget amendment, is to help expedite those repairs that are needed.

But, I want to thank all of those who have made this possible. And to assure the residents in the Iao Valley area that we are doing the best we can. I know there's been a lot of jammering about, oh, they shouldn't move this, they shouldn't do this about the river, and all that. Right now, we're in the point, or trying to resolve and preventing any further damage. And if we have anymore rains, we don't want anybody else to get hurt and/or damaged in Wailuku River and Iao Valley.

So, I say those who have been putting things on the emails and saying that we're doing this wrong, that wrong, let's wait a little bit. Let's give us a chance to get things mitigated, and then we can engage a little bit more with the public as far as what the future long-term, will be. This is for immediate mitigation.

So, again, I want to thank the Administration. I want to thank Mr. Hokama and yourself, and Ms. Baisa and others who went up there, because again, a picture is worth a thousand words. I don't have to get into what needs to be done. You've seen it firsthand.

To the residents up there, and to our visitors, please be patient. We're going to do it, and we want to do it right. And we want to make sure no one's in harm's way; our personnel, or our visitors, or our residents. So, if you don't need to be up there, residents, stay away. And the visitors, please, please stay away from that area until we're completed with much of the mitigation and repairs that are necessary. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

I would encourage you all to remember that we have, when the next, the next item comes up, we'll have time for a much more in-depth discussion about what needs to be, because we'll have a lot of the facts and figures in front of us. So, today is just to pass out this emergency measure and get it moving, so that the, we can have our second reading on it.

Any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: I'd just like to make a quick remark, because I think Member Victorino covered it very well. But, I had the opportunity to visit, and I really appreciate that I was given the tour by Managing Director. It brought it home to me.

I had seen all the pictures on Facebook, and I had seen the paper and heard it all, but seeing it really makes you aware that this is our community, and we have to do what we have to do to help these people. We can't think about it, we just have to do it, and then we can figure out the paperwork later.

I had the opportunity to go to the homes of the Higa's and the Wong's, and to hug them and pray with them, because they went through some really, and are still going through tough times. And I think that it's something that this community and this Council can step forward to, to alleviate some of that pain and suffering. And I know others were affected. And it's our job.

And like Mr. Hokama says, we've saved money for a rainy day. Well, unfortunately it rained really bad.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further comments? 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".

COUNCILMEMBER HOKAMA: Mr. Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA:

NOW, I WOULD ASK SINCE THE BILL HAS BEEN SUBSTITUTED THAT I MAKE A MOTION TO MOVE FORWARD THE REVISED PROPOSED "BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE, 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, EMERGENCY FUND", AND THAT THE MATTER BE REFERRED TO YOUR BUDGET AND FINANCE COMMITTEE.

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, as you appropriately advised the Council, for this to move forward, Members, by Charter requirements, we need a minimum of seven affirmative votes. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, point of, point of order. We have a motion open already. Do we, we had a motion to pass, then a motion to substitute, so that first motion that passed, we need to withdraw I guess.

DEPUTY COUNTY CLERK: Mr. Chair, I believe what Councilmember Hokama had just requested was that referral of the matter to Budget and Finance Committee, and we can return back to the main motion following that discussion.

COUNCILMEMBER COUCH: Okay, I thought I heard him say pass as well.

CHAIR WHITE: Okay, any further discussion? 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".

CHAIR WHITE: We're back to the main motion. 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, Members, I would like to make it known that we will need to do a second reading on this measure. And after today's meeting, now that we know that it's passed, we will be posting for an emergency meeting on Tuesday, this coming Tuesday, where we will take this measure up again for second reading. And again, we need seven votes. So we need every, all hands on deck as long as you're on island.

So, and, we are able to do that based on the emergency provisions in the Sunshine Law, we can shorten the posting time. I'm trying to do as much as we can to be transparent, and this allows us to do so.

So with that, we will move on to our next measure. Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 102 (2016).

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 16-224 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 20, 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 A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (SECTION 8 HOUSING PROGRAM)".

The recommended action is that County Communication No. 16-224 be referred to the Budget and Finance Committee.

NO. 16-225 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 20, 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 ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION)"; and

3. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S CLEAN WATER STATE REVOLVING FUND FOR THE CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION, FISCAL YEAR 2017 BUDGET ORDINANCE".

The recommended action is that County Communication No. 16-225 be referred to the Budget and Finance Committee.

NO. 16-226 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 2016)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A DISASTER AND EMERGENCY MANAGEMENT FUND";

2. 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)";

3. A proposed bill entitled "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, DISASTER AND EMERGENCY MANAGEMENT FUND"; and

4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 16-226 be referred to the Budget and Finance Committee.

NO. 16-227 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, KA HALE A KE OLA HOMELESS RESOURCE CENTER – EMERGENCY HOUSING UNITS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KA HALE A KE OLA HOMELESS RESOURCE CENTER – EMERGENCY HOUSING UNITS)"; and

3. "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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, KA HALE A KE OLA HOMELESS RESOURCE CENTER – EMERGENCY HOUSING UNITS".

The recommended action is that County Communication No. 16-227 be referred to the Budget and Finance Committee.

NO. 16-228 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, ACQUISITION OF REAL PROPERTY AT 1325 LOWER MAIN STREET; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (ACQUISITION OF REAL PROPERTY AT 1325 LOWER MAIN STREET)"; and

3. "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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF REAL PROPERTY AT 1325 LOWER MAIN STREET".

The recommended action is that County Communication No. 16-228 be referred to the Budget and Finance Committee.

NO. 16-229 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 28, 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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, ACQUISITION OF REAL PROPERTY AT 95 KANE STREET; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (ACQUISITION OF REAL PROPERTY AT 95 KANE STREET)"; and

3. "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 HOUSING AND HUMAN CONCERNS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF REAL PROPERTY AT 95 KANE STREET".

The recommended action is that County Communication No. 16-229 be referred to the Budget and Finance Committee.

NO. 16-230 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 30, 2016)

Transmitting the following:

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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, 2154 KAOHU STREET BUILDING IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, 2154 KAOHU STREET BUILDING IMPROVEMENTS"; and

3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 16-230 be referred to the Budget and Finance Committee.

NO. 16-231 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated September 30, 2016)

Transmitting the following proposed bill 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 PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, PARKS AND RECREATION, UPCOUNTRY SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (UPCOUNTRY SKATE PARK)"; and

3. "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 PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, UPCOUNTRY SKATE PARK".

The recommended action is that County Communication No. 16-231 be referred to the Budget and Finance Committee.

NO. 16-232 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated September 12, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2016 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE".

The recommended action is that County Communication No. 16-232 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-233 - DON S. GUZMAN, COUNCIL VICE-CHAIR, (dated September 22, 2016)

Relating to an update of the administrative rules of the Department of Parks and Recreation.

The recommended action is that County Communication No. 16-233 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-234 - STACY HELM CRIVELLO, COUNCILMEMBER, (dated September 29, 2016)

Relating to the Molokai Enterprise Zone.

The recommended action is that County Communication No. 16-234 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-235 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 16, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A NON-EXCLUSIVE EASEMENT TO OCEANIC TIME WARNER CABLE FOR THE KULAMALU AFFORDABLE HOUSING PROJECT".

The recommended action is that County Communication No. 16-235 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-236 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated September 20, 2016)

Transmitting the Fiscal Year 2016 Annual Report for the Maui Redevelopment Agency.

The recommended action is that County Communication No. 16-236 be referred to the Planning Committee.

NO. 16-237 - MIKE WHITE, COUNCIL CHAIR,
(dated September 30, 2016)

Transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".

The recommended action is that County Communication No. 16-237 be referred to the Policy and Intergovernmental Affairs Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 16-237 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 16-137. COUNTY COMMUNICATION NO. 16-237 WAS THEN FILED. See pages 88 through 92 for discussion.)

CHAIR WHITE: Thank you, Mr. Clerk.

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

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Okay, thank you.

Yes, Mr. Victorino.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 16-237

COUNCILMEMBER VICTORINO: Mr. Chair, for County Communication 16-37 *[sic]*, I would like that it, to be brought up today. It needs to be brought up cause it's time-sensitive, 16-237.

CHAIR WHITE: 16-237.

COUNCILMEMBER VICTORINO: Yes.

CHAIR WHITE: Okay. Please proceed.

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chair.

I MOVE TO ADOPT RESOLUTION ENTITLED "APPROVING PROPOSE FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE", AND THE FILING OF COUNTY COMMUNICATION 16-237.

COUNCILMEMBER BAISA:

SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. The purpose of the, these resolution is to endorse the three State bills submitted by Kauai County Council, and one bill submitted by Honolulu City and, City, County, City and County of Honolulu Council for inclusion in the 2017 HSAC Legislative Package.

The three Kauai County proposed, proposals would achieve the following objective: 1) Provide permanent liability protection for our County lifeguards; 2) Provide the Counties with revenues from uncontested traffic infractions; and 3) Provide 24-hour ambulance service for the County of Kauai and the County of Hawaii. The City and County of Honolulu proposal would relate, would regulate, excuse me, operating, operators of unmanned aircraft, better known as drones.

Timely, the timing of these are critical because the HSAC Executive Committee is seeking to have the 2017 HSAC Legislative Package approved by the end of this month, in concurrence with, by all four Councils as required.

I would also like to note that the four resolutions adopted by this, this morning, number 16-124 through 16-127, will be transmitted to the HSAC Executive Committee. I ask for your approval to grant the staff the authority to make additional references to these approved proposals, to the resolutions before us at this time. I know that's a lot, but please our time, our time is running out real quickly to get these proposals together for the upcoming legislative, 2018 Legislative Session. So, I respectfully request the Council to consider these motions. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Members, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I am happy to support the intent of Mr. Victorino. My question to you is, is for ruling that we do not need to waive referral and committee report.

CHAIR WHITE: On the resolution.

COUNCILMEMBER HOKAMA: So, if you would make that ruling. And, cause I understand what Mr. Victorino is asking for, I'm in support of it. But I just don't want a cloud of procedure hanging over the consideration, please.

CHAIR WHITE: Yea. Short recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:29 P.M., AND WAS RECONVENED AT 12:30 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER CARROLL, EXCUSED).

CHAIR WHITE: This meeting shall come back to order.

The Chair's ruling is that since this doesn't have the force and effect of law, there is no need to waive Committee referral. I do not use this lightly. I think, you know, when there are things, I am a little uncomfortable with us not having a little more time to, to take a look at what the effect of these measures might be. But, I do understand the issue with timeliness.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you hit it on the head. So, I rather be cautious, still do the work right now, and I would just ask Mr. Victorino that we start off with the waiver so there is no question about whether or not procedure will be questioned.

And regarding "effect of law", that wasn't the intent of the Rule by Council, okay, when we first implemented it. I was at that Council that required that implementation of that rule. So, I know it's purpose and intent. And I would rather we honor that. And if we can just quickly do it by a quick motion, and let the Members vote, and then there is no cloud of procedure on this body.

CHAIR WHITE: Mr. Victorino, if you're comfortable with that, the Chair is willing to entertain that.

COUNCILMEMBER VICTORINO: I have no problem with that, Mr. Chair. I, again, that was what I was advised like you, and so. But, I don't have the exact wording in front of me, so I cannot. So, let's take a quick recess.

CHAIR WHITE: Well, Mr. Hokama, you can make the motion.

COUNCILMEMBER VICTORINO: Okay, would you make the motion, make the motion, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask Mr. Victorino to withdraw the original motion, so we can clear the floor please?

COUNCILMEMBER VICTORINO:

I WILL WITHDRAW THE ORIGINAL MOTION.

CHAIR WHITE: Okay. Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I WOULD MOVE AT THIS TIME TO WAIVE THE RULES OF THE COUNCIL AS IT RELATES TO COMMITTEE REFERRAL AND REPORT REGARDING COUNTY COMMUNICATION 16-237.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; and that would be Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Chair.

I MOVE TO ADOPT RESOLUTION ENTITLED "APPROVING FOR PROPOSE FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTY PACKAGES", AND FILING OF COUNTY COMMUNICATION 16-37 *[SIC]*.

COUNCILMEMBER HOKAMA:

SECOND.

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

Any further discussion?

COUNCILMEMBER VICTORINO: I think I've put the, the purpose of it all out there. So, unless anybody has specific questions.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; that would be Mr. Carroll.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-137 up to and including 16-140 *[sic]*.

Just for clarification, if we could receive any, if there's any objections to the referrals as read by the Clerk for the previous county communications.

CHAIR WHITE: There were no objections. It was just the request from Mr. Victorino. Thank you.

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

ORDINANCES

ORDINANCE NO._____
BILL NO.___89___(2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
(KUPUNA CARE PROGRAM)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from you or the Members, I would ask that the Clerk bring up all bills for second and final, up to and including 92.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___90___(2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(STATE E911 WIRELESS COMMISSION)

ORDINANCE NO._____
BILL NO.___91___(2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(STATE AND FEDERAL ASSETS FORFEITURE PROGRAM)

ORDINANCE NO._____
BILL NO.___92___(2016)

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 POLICE, COUNTYWIDE,
COUNTYWIDE POLICE FACILITIES

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT BILLS NOS. 89 UP TO AND INCLUDING BILL 92 PASS SECOND AND FINAL READING.

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: No further discussion, Chairman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Carroll.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___93___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And may I also request that the Clerk bring up the next Bill 94, with no objections?

CHAIR WHITE: Objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Mr. Clerk.

ORDINANCE NO._____
BILL NO.___94___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON PILI STREET, WAILUKU, MAUI, HAWAII, AND NAHONO PLACE, LAHAINA, MAUI, HAWAII

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILLS 93 (2016) AND BILL 94 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, with a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. The purpose of Bill, let's see, 93 is to update Maui County Code to include a mid-block crosswalk installed on Hanawai Street, Lahaina, Maui, Hawaii.

And that request for the crosswalk was prompted by a concerned citizen, resident who was seeking a safe way to cross the street using a wheelchair.

And so, to address the visibility of the crosswalk for motorists, the Department said it would determine whether Flashing Beacons would be appropriate after evaluating site specific data to justify its installation.

This has been unanimously recommended by Public Works Commission on April 27, 2016.

And moving to the discussion on Bill 94. This one was to delete list of streets where parking is prohibited in the Wailuku District, Pili Street, located between Market Street and Church Street, since Pili Street has been consolidated into the Wailuku Municipal Parking Lot parcel.

And to prohibit parking on all times on south side of Nahono Place, from Lower Honoapiilani Road, Lahaina, Maui, as prohibited by signs to improve safety on that street.

And, Public Works also unanimously recommended approval of both bills at its meeting, April 27, 2016.

The Director said the updates, Public Works Director, said the updates for Maui County Code were necessary after title issues concerning road remnants, such as Pili Street, were resolved and incorporated into that Wailuku Municipal Parking Lot.

Committee agreed once parking lot is established, the designation of Pili Street would not be necessary, and therefore, deletion of this street from the Maui County Code was appropriate.

Director said safety concerns arose when cars parked on the south side of Nahono Place forced motorists turning onto the street to enter the outgoing left hand turn lane onto Lower Honoapiilani. And Director confirmed appropriate street signage would be installed. Police have no concerns with this either.

And, the proposed amendments for Pili and Nahono were consolidated into one bill, as both amend parking prohibitions notated in Section 10.48.040 of the Maui County Code.

So, that's my explanation for all those bills. Thank you, Chair. And would like full Council support.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Carroll.

Mr. Clerk.

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

But, I would just note to accurately reflect in the record, County Communication 16-237, that's RESOLUTION 16-137. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, I want to thank you for your diligence this morning. And just a reminder that we have a shortened lunch break. And the Committee of the Whole meeting will still proceed at 1:30. With that, we are adjourned.

ADJOURNMENT

The regular meeting of October 7, 2016 was adjourned by the Chair at 12:39 p.m.

Dennis A. Mateo

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

161007/lks:jm

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www.habitat-maui.org

October 6, 2016

Council Chair White and Members of the Maui County Council,

Re: Habitat for Humanity Maui's Deed Restriction Policy

At the Budget hearing held on September 13, 2016 Habitat for Humanity Maui through its Executive Director, testified on behalf of BF-13(2), the appropriation to Habitat for Humanity Maui from the Affordable Housing Fund. During the testimony the issue of Habitat's policy on keeping our homes affordable in perpetuity. It was declared that the board had a Deed Restriction Policy and that the deed restriction was 20 years.

Upon returning to the office the Executive Director pulled the policy so that the Board could review it as requested by the Council at its monthly meeting. The current policy is not a 20 year restriction but a 30 year restriction with no appreciation for the first 10 years and then a 5% shared appreciation starting on the 11th year. There is a owner occupied restriction as well as a Right of First Refusal clause. Attached is the current Deed Restriction Policy that was adopted in 2008 by our Board of Directors.

The Board of Directors met on September 21st and as requested the issue of the current Deed Restriction Policy was on the agenda.

After a discussion it is the board's decision not to change its current policy at this time for the following reasons:

Habitat for Humanity Maui is modeled after a very successful and proven method of providing housing to the very low income. These low income families would never qualify for a conventional loan and without Habitat these homes would not be built. Habitat acts as the builder, lender and services the loan. The program in not a hand out but families but in hundreds of hours of sweat equity to help build their home.

Habitat believes that housing is essential to providing families with stability and strength. A house provides independence to a family and deed restrictions, although necessary should not act to reduce a families feeling of independence and stability.

A Habitat partner family must put in at least 500 hours of sweat equity. The sweat equity alone is worth at least $11,535.00. The community commits at least another 2000 hours totaling another $46,140 in labor. (Based upon the determined volunteer labor value of $23.07 per hour) This is very unique to Habitat and no other for profit or nonprofit uses the community and the family as the sole source of labor.

Habitat serves families that make between 25% to 80% of median income. This income group would not qualify for a conventional loan and are typically living pay check to pay check. This income group have typically been marginalized because they live in low income housing, live pay check to pay check and they are assumed to not be hard workers. The truth is that these are hardworking families that want the same things as anyone else, the stability and security of owning their own home.

When they finally realize their dream of homeownership, that home becomes their sole source of wealth. They don't have savings accounts, pensions, retirement accounts or other large assets. If the families don't believe that all their sweat equity will create any real value or wealth then what is the incentive to work hard towards homeownership. There is also no incentive to maintain and protect their home if it isn't "really" their own home.

In 1967, there was a movement away from leaseholds which were viewed as oppressive and a relic of the feudal system of land ownership. The legislature enacted Act 307 codifying Chapter 516 of the Hawaii Revised Statutes which allows lessees of long term leasehold interest in single family residential developments to purchase the fee interest of their residential lot. The law was later upheld by the Supreme Court in *Hawaii Housing Authority v. Midkiff*. 467 U.S. 229 (1984). What lead up to this was that in many of the cases where leases were being renegotiated by landowners at exorbitant rates, it involved poor lessees that ended up losing their homes because they couldn't pay the higher lease rates. In essence the lower income families were being forced out of the home.

Habitat for Humanity is the lender and lends at a 0% interest rate. The funds are paid back to Habitat and Habitat uses that money to build more homes. Any investment that a donor or funder makes to Habitat continues to provide housing for generations. The money is recycled to build more homes. Donors can be assured with Habitat's ratio of 12% for administrative costs, over 80% of all funds are used for building or renovating homes.

The subsidies that Habitat requests are never 100% subsidies. A typical Habitat house has a market value of over $350,000.00 without land costs. There is approximately $50,000 to $75,000 worth of volunteer labor, $5,000 to $10,000 for donated materials and negotiated discounts for materials and other services. What Habitat ends up selling the home to a family is at least half of the market value. We leverage all our funds for at least a 50% gain on the subsidy and often a 1:1 for every dollar raised.

Habitat has a proven method of building affordable housing with over 1,400 affiliates nationwide, many of whom operate in areas with high costs for land and/or limited availability of land. Since 1976 6.9 million people have fond strength, stability and independence through safe, decent and affordable shelter.

It is Habitat's theory that with all the sweat equity put in by the family and with a 30 year deed restriction, this is adequate to assure that the home will not be "flipped". The Owner occupied

and Right of First Refusal clauses are additional assurances that the families will remain in the home.

The restriction also includes any refinance of the house. Even to pull money out of the house, the family must consult with Habitat and Habitat has the ultimate say if they can refinance. Typically we would deny the request and work with them to save for whatever home improvement project they may want to do.

With this as their only source of wealth, it is the only thing that they can pass onto their children. To restrict what that asset is worth after all the sweat equity they put into it just because they are low income seems over burdensome.

Habitat for Humanity Maui has never had a family try to sell their home. In fact, there have been more instances of families passing the home on to their children. It is the only thing of real value that they can pass onto their children.

The board of directors feels that there are adequate systems in place to avoid any speculation by Habitat partner families. Habitat works with all the partner families with homeowner education which includes the Habitat philosophy and why homeownership is so important. We continue to work with all our families even after they pay of their mortgages and can attest to the fact that they are proud to be homeowners and look forward to being able to provide for their next generation with the pride of homeownership.

As discussed by the Board of Directors at the monthly meeting on September 21, 2016.

Habitat for Humanity®
Maui

Deed Restriction Policy

Because Habitat homes are built with volunteer labor and Habitat for Humanity Maui (HfHM) seeks no profit, the purchase price (the First Mortgage amount) of a Habitat home generally falls well below its fair market value (FMV). Without something to secure this difference, an opportunistic homeowner could sell the home immediately after closing and realize a substantial profit on the difference. This would very likely alienate the donors and volunteers who contributed to the construction of the house.

Another risk is that predatory or sub-prime lenders may target Habitat homeowners because the sub-prime lender can lend a large sum of money for a very low investment. For example, if a homeowner has a $60,000, 0% interest mortgage and the FMV of the house is $100,000, then the sub-prime lender could lend $100,000 to the homeowner at a very high interest rate by paying off only the remaining balance of the First Mortgage. This would be very tempting to the homeowner as well, although it would be potentially disastrous, as the homeowner may be unable to make the higher monthly payments. Therefore, it is in the best interest of both HfHM and the homeowner to have some form of equity sharing arrangement.

In today's real estate market, the affordability of land is one of HfHM's principal concerns. Using Deed Restrictions HfHM can safeguard its investment in affordable housing, and also ward off predatory lenders.

HfHM serves very low and low income families. In order for these families to be able to afford homeownership, HfHM can provide a no interest long term mortgage. HfHM will issue a 30 year mortgage in order that very low income families will be able to afford homeownership. There will be no restrictions or penalties on pre-payment so that a Partner Family may pay off the mortgage earlier and be debt free.

HfHM will issue a First Mortgage to equal the amount of cash to be paid by the homeowner. The First Mortgage will be the cost to build the home plus no more than 10% of direct costs to cover indirect expenses incurred in the building process.

Recognizing the high cost of land and the high cost of building in Hawaii, HfHM will attempt to keep the cost of each unit affordable through subsidies. This will enable the homebuyer's initial monthly payment to not exceed 30% of the family's gross income at the time of closing.

A Second Mortgage will also be issued equaling the difference between the purchase price and the Fair Market Value of the property. The Fair Market Value will be determined by an appraisal done at the time of sale. The first 10 years of the mortgage

there will be no shared equity. The affiliate would then forgive 5% each year, reflecting the increasing equity interest the homeowner has in the house and providing an added dimension to the partnership between Habitat and the homeowner. This gradual vesting of equity in the homeowner not only allows HfHM to control the resale or refinancing of the house in the early years of the partnership, but also illustrates that the homeowner is a "stakeholder" in the house. The realization of more equity with each year can be an incentive for the homeowner to make monthly payments on time and take care of the house.

Habitat's mission is to provide an opportunity for homeownership to those deserving families who would not be able to afford to purchase a home on their own. As such, HfHM will require all units sold to be owner-occupied.

A Right of First Refusal (ROFR) will allow HFHM to keep the property affordable to repurchase the property if the low income buyer chooses to sell it. The ROFR will contain a requirement that the homeowner must notify HfHM and give the HfHM a certain amount of time to repurchase the property. The repurchase price would be the FMV of the property or a bona fide offer, which would then be adjusted by the amount owed to the affiliate under the First and Second Mortgage. This allows the affiliate to bring the property back into its stock of affordable housing to be sold to another low-income buyer. The ROFR will be used in conjunction with the Second Mortgage. This allows HfHM to repurchase the property at an affordable price by offsetting the repurchase price by the amounts due under the Second Mortgage.

This policy will not affect any home built in partnership with the Department of Hawaiian Home Lands. These homes and any restrictions are governed by the Memorandum Of Understanding between the Department of Hawaiian Home Lands and Hawaii Habitat for Humanity.

Conclusion

In Summary Habitat for Humanity Maui has the following policy for Deed Restrictions:

- 30 Year Mortgage
- No Prepayment Penalty
- Owner Occupied
- No appreciation in the first 10 years
- From year 11 through 30, a 5% shared equity each year
- Right of first Refusal

Reply all | Delete Junk | •••

Testimony - October 7, 2016 Maui County Council

N Na Hale O Maui (NHOM) <cassandra@nahaleomaui.org>

Reply all |

Today, 8:35 AM
County Clerk

2016-10-07 Council Tes...
1 MB

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Aloha, Chair White! Thank you for bringing our bill forward for first reading.
Attached please find testimony from Na Hale O Maui.
Mahalo for your kokua,
Cassandra

Cassandra J Leolani Abdul, RB-10162, CCIM, CPM
Executive Director
Na Hale O Maui Community Land Trust
190 N. Church Street
Wailuku, HI 96793
Office: (808) 244-6110
Direct: (808) 304-3533
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www.nahaleomaui.org

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Changing lives, one home at a time.

Mission Statement: *"To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County."*

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Nā Hale O Maui
A COMMUNITY LAND TRUST

October 7, 2016

Honorable Mike White
Chairman, Maui County Council
200 High Street
Wailuku, Hawaii 96793

via: county.clerk@mauicounty.us

Subject: 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

Dear Chair White,

Housing and Land Enterprise of Maui, dba Na Hale O Maui is a nonprofit 501(c) 3 organization formed "To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County."

The Na Hale O Maui Community Land Trust (CLT) model ensures that public funds used to subsidize affordable housing remain invested in our community in perpetuity. Each one-time public investment in a CLT home endures as a permanent part of the truly affordable pricing, generation after generation, given a 99-year renewable, sustainable ground lease.

We are all familiar with the statistics about the significant shortfall of affordable housing we face. Demand far outpaces supply with estimates running anywhere from 3,500 to 6,000 rental- and for sale-units per year. Na Hale O Maui (NHOM) is re-selling a small CLT home, originally purchased from the Coast Guard. NHOM originally sold the home to a local family, who previously owned a Hawaiian Homes property. We re-purchased the home when the family was under contract to buy a market-rate home! We renovated the home before notifying approximately 70 families on our Qualified Homebuyer list, who have completed our 4-step process, including an 8-hour homebuyer financial education workshop. Twenty-two families toured the home; 14 submitted a Statement of Interest – the first step in purchasing a home. We are currently in the process of meeting, reviewing pre-approval letters and financial records, and making sure they are income-qualified, helping the families finalize their decision to buy. This is an example of the high demand we experience for our CLT sustainable leasehold homes that will remain affordable in perpetuity. If only we could provide enough homes for all of our families!

We respectfully request that the Council view the 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 favorably. Approving the $660,000 requested from the Affordable Housing Fund will assist Na Hale O Maui with soft costs, including but not limited to water meter and Board of Education fees. Your approval will help Na Hale O Maui take the next large step toward being able to deliver 12 new CLT homes to deserving, income-qualified families who work and/or live on

190 N. Church Street, P.O. Box 1829, Wailuku, HI 96793 • Ph. 808.244.6110 • Fax 808.244.6115 • www.nahaleomaui.org

the West Side. With your help and support, Na Hale O Maui will continue to be an active, contributing member of Maui County's affordable housing solution.

Mahalo for you steadfast support of affordable housing and Na Hale O Maui's CLT model that provides affordability in perpetuity.

Me ke aloha pumehana,

Cassandra J Leolani Abdul,
It's Executive Director

To: Maui County Council
From: Y.L. Wright, M.A.
10/03/2016

Aloha Maui County Council,

Please support Maui's affordable housing program, Na Hale O Maui, by granting $660,000 to help with the vertical construction of the 12 Kahoma properties. This is a fantastic opportunity for Maui to act as a role model for the other Hawaiian Islands, as well as the nation and the world in helping families to escape living in crowded, unacceptable and overpriced rental properties by offering them decent housing that they can afford to buy.

Mahalo,
Y.L. Wright, M.A.

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Testimony for Maui County Council
CR-156
Submitted by Thomas Croly
October 7, 2016

I believe that the administration of the new requirements for the installation of backflow preventers set forth in Committee report 16-156 has not been properly vetted and I would suggest amendments be made before moving this bill on for second reading.

Specifically, in section 3 of newly added Chapter 14.04.070 G Building permits,

1. The department shall (emphasis on "SHALL") require the installation of backflow preventers during its review of any building permit application and during any other review by the department.

I believe that creating this requirement of ALL building permit reviews (of which there were 1934 in 2015) will significantly increase the complexity and review period for all building permits. Some of the questions that come to mind that I did not see vetted in committee would include:

1. How will the department determine whether a backflow device is already in place on existing water services?
2. Specifically what backflow devices will be acceptable to meet these requirements?
3. Will this requirement apply when the building permit includes no plumbing changes?

The code goes on to require an agreement be entered into with the department to install a backflow device if a building permit is to be issued prior to the issuance of a building permit. Who will follow up on the proper execution of these agreements?

What I would like to suggest would be for this bill to be amended to include a simple way for single-family residential water services to comply with the requirement of backflow prevention. For most single family residential uses the possibility of backflow contamination is very very small and the most common source of any possible contamination would be from a hose bib, where it is possible for a hose to be left running in a pool of water, like a pond or a swimming pool or water trough for animals. Many municipalities throughout the country address this possibility of backflow from these sources thru the requirement of a simple backflow preventer device on all hose bibs. By allowing consumers whose water service is only to a single family home or a single family home and a cottage, meet this requirement thru vacuum breaker devices on all hose bibs, greater protection of the water supply can be maintained at a lower cost to all.

The amendment would be to 14.04.070 G 1 by adding:

Non-commercial consumer's, whose water service is provided only to fewer than 2 single-family dwelling units, may meet the requirement of backflow prevention through the installation of backflow vacuum breaker devices on all hose bibs and on any irrigation systems.

The department could even make these devices that cost from $5 to $20, available free of charge and provide informational literature on best practices to prevent backflow contamination of water supply both in the public system and inside the home.

While double check backflow valves have their place when the threat of backflow contamination is significant, the requirement of such devices on all water users and the additional costs involved with licensed plumbing contractor installation by permit of such devices is an over complication that will cause more problems than it would solve.

Shown below is a picture of a hose bib vacuum breaker device that is self-installed.