# M I N U T E S

of the

# COUNCIL OF THE COUNTY OF MAUI

December 2, 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, DECEMBER 2, 2016, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui 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, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER MICHAEL P. VICTORINO.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members are present. You have a quorum to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, very appropriately, we have them from Gladys Baisa.

## OPENING REMARKS

The opening remarks were offered by Councilmember Gladys Baisa.

CHAIR WHITE: Thank you very much for those remarks.

And with that, will you all please rise and join me in the Pledge of Allegiance.

## PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And before we proceed, if we could all please turn our cellphones to silent mode.

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

COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on ceremonial resolutions. We have received five requests from individuals who have signed up to provide testimony in the Council chamber.

As a reminder, those providing testimony are allowed to provide testimony for up to three minutes, with an additional minute to conclude if requested.

The first individual who will provide testimony this morning is Mercer "Chubby" Vicens, to be followed by Dave DeLeon.

## PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. MERCER "CHUBBY" VICENS:

Good morning, Honorable Chair--

CHAIR WHITE: Good morning.

MR. VICENS: --Members of the County Council. It's with great pleasure and honor that I come before you this morning to speak of just the kind of thing that our Councilmember just talked about; about service. It doesn't matter what you're doing, but it really matters on how you do it, and that you give it the best shot that you have. Give it a hundred percent. And that's the message I'd like to leave with the Council.

Our retiring Councilmember, I've known for a long time, has held this office with integrity, with love, with wanting to share with this community the best that she could give it, and she has, and she has. And I think that the Councilmembers that remain need to keep that in mind.

Keep in mind why you're here, and what you're supposed to do, and who you represent, because it's important. It's important to you, as a person. It's important to the community, because we become better. And for the individuals involved in the community, we gain respect for your position. And that's what it should be. We should look at the Council in the highest degree. We should look at its Members as carrying forward the wishes of the people. And that's what you're charged to do. And that's what Ms. Gladys has done for the last 10 years.

We honor her today because she has given above and beyond what she possibly could, through illness, through good health, sharing time that should belong to her family with the community. She has given, and given, and given. And I know that the balance of the Councilmembers are doing exactly the same thing to make this community stronger.

We thank you. We mahalo Gladys, and we wish her good wish, good travels. May your, the good wind always be at your back, and the good Lord above continue to bless you, and love you, and hold you in his arms. Mahalo nui loa for all you have done. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Dave DeLeon, on behalf of the Realtor's Association, to be followed by Jacob Verkerke.

MR. DAVID DELEON:

Speaking on behalf of the 1500 realtors, the licensed realtors of Maui County, we're going to miss you and the seat, Gladys. We know what you've done for us. We know what a courageous fighter you were for the public good, and you will continue to be. So, now we're just waiting for what your next adventure is. We know you're not retiring. You're just going to go off on your next adventure. So, we'll wait and see and then we'll join you there.

And aloha, and thank you so much for your great service to the community.

CHAIR WHITE: Thank you, Mr. DeLeon.

Mr. Clerk.

COUNTY CLERK: Next testifier is Jacob Verkerke, to be followed by Sandy Baz.

MR. JACOB VERKERKE:

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. VERKERKE: Good morning, Members of the Council; especially good morning to you, Member Gladys Baisa. Thank you, thank you, thank you. I want to make sure that you know how much your support over the years has been to us, how wonderful it's been to be working with you.

I hope you have a wonderful retirement to be enjoyed, and the best of health. You'll be missed around here. And mahalo for all you've done for us.

COUNCILMEMBER BAISA: Thank you.

MR. VERKERKE: Thank you.

CHAIR WHITE: Thank you, Mr. Verkerke.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sandy Baz, to be followed by Tom Croly.

MR. SANDY BAZ:

Good morning, Chair, Members, Gladys. My name is Sandy Baz, and I'm testifying as an individual today. But, just wanted to really, you know, I started writing up what I was going to say. I was going to start writing, you know, a speech. Gladys taught me a lot of good speaking skills. One of the things she taught me was extemporaneous speaking, and so that's what I'm going to try to do this morning. But, I started writing it up and I'm thinking gosh this sounds a lot more like a eulogy than a celebration. So, I decided--

COUNCILMEMBER BAISA: Not yet, not yet.

MR. BAZ: Yea, no, no. That'll be a long time to come from now.

So, I decided to just come down here this morning, first of all to say thank you, Gladys. You've been a mother to me. You've been such a great person in this community. One of the first things she taught me was about service, was about service above self, which is the Rotary motto, right. It's really about giving until it hurts sometimes; sacrificing, but, for the dedication of this community. And that's what Gladys has done for many, many years. Not only the ten years that she's been a Councilmember here, but throughout her career at MEO, through many, many volunteer organizations that she participated in.

She's been a wonderful example, a wonderful mentor for me, and for many in our community, and just somebody that we will honor, and respect, and love for a very long time to come and forever in our hearts. And just wanted to say, again, thank you Gladys for your service, and your dedication, and your teaching, and your sharing. You shared a lot with this community.

Sherman, Anthony, Candy, you know, Al, Gay, they've all shared a lot with this community by allowing you to serve and supporting you in that.

So, mahalo nui.

(*Spoke in Hawaiian.*)

CHAIR WHITE: Thank you very much, Mr. Baz for those kind words.

Mr. Clerk.

COUNTY CLERK: Next testifier is Tom Croly, to be followed by Zandra Amaral Crouse.

MR. TOM CROLY:

I saw Sandy losing it a little bit, and I hope that I can keep it together here.

I'm Thomas Croly, and I want to thank the Chair for allowing me this time to express my sincerest gratitude to Gladys Baisa for her, the ten years that she has spent serving the people of Maui as our Council representative from the Upcountry.

I was so fortunate to have the opportunity to work closely with Gladys during the promulgation of the bed and breakfast ordinance. Gladys displayed such leadership and grace in tackling an issue that prior to her involvement seemed impossible for the public to solve. But, with the, with her hard work and the work of this Council, it created a law that has tremendously benefitted Maui by providing opportunities for Maui island residents, connecting visitors directly to their island host where aloha is genuinely created, and has helped many Maui residents afford their own housing, and allowing them to work from their homes.

I was also very fortunate to have participated with Gladys on the formulation of the Maui Island Plan. And in doing so, learned just how broad our island challenges are. And again, under Gladys's leadership, we all came together and came to a consensus to address all the concerns of the people of Maui. And that's something that I don't know we could have done under anyone else but Gladys.

I'm most grateful to have known Gladys personally. As Chubby said, Gladys is perhaps the most caring person we could have known. Gladys truly embodies what it is to be a public servant. She has the drive and the compassion to do everything in her power to help others, and the wisdom to know when to say no. While not everyone on Maui will have had the opportunity as all of us have to have known Gladys personally, there is not a single person on Maui who has not benefited directly from what Gladys has done for them.

Like our current President, I truly wish that our laws would allow Gladys to continue to serve us in her current capacity. But, it would be selfish of me to ask that because she has earned her retirement, and we know that. Mahalo, Gladys for all that you have done as a Councilmember.

And I'd like to offer this advice to the remaining Councilmembers. When faced with the difficult decisions that your job puts you in, ask yourself what would Gladys do. In that, you will find your answer. Thank you.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, next testifier is Zandra Amaral Crouse, to be followed by Keith Regan.

MS. ZANDRA AMARAL CROUSE:

Aloha kakahiaka . . . Zandra Amaral Crouse. Gladys, I want to thank you first of all on behalf of the family. You've done much, not only for our family, but every child in Maui nui. You've done it through your service in providing jobs for those less fortunate that moved into our community. You are a great part of the Hispanic movement. While they were working at HC&S, I had the privilege of meeting some of them and going to their lodgings in Haliimaile as well as down here.

I know there is not one of them that are not beholden to you. I'd like to also thank you, like my friend Dave DeLeon did on behalf of, as a realtor, as broker, who strives daily to put our children in homes.

I thank you for champion housing, affordable housing. I know that you yourself suffer for lack of housing for your own family, your own children, your own mo`opuna. And I think this passion is what took you to, and continue to drive you towards looking through and to providing housing for our children.

Gladys, there is not, I don't think, an individual in Maui nui whose lives have not been touched by you through your efforts through MEO and your ten years on the Council. I appreciate you as does everyone.

And on that note, Council Chair and Councilmembers, I humbly ask all of you to know that every decision you make, and I champion housing simply because I see people who are in dire need, your children, my children, my mo`opuna and yours, I humbly ask you, like my predecessor speaker said, follow the Council that Gladys has given. I know, get close to the Administration and work with them. We don't have to agree, but we need to humbly agree to disagree. And I think that's always been Gladys Baisa's mantra. Mahalo, Gladys. Mahalo.

CHAIR WHITE: Thank you, Ms. Amaral.

COUNTY CLERK: Mr. Chair, the next individual to provide testimony is Keith Regan, followed by Mahina Martin.

MR. KEITH REGAN:

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. REGAN: Good morning, Members. Good morning, Councilmember Gladys Baisa. You know, I, I felt compelled to come up here this morning to say a few words, and to very importantly say thank you, Gladys. Thank you for all that you've done. You've served this community incredibly as a Councilmember, fairly with compassion, with dedication, with love in your heart. You've served this community working with MEO, working with our non-profits. You have put yourself out there, day in and day out. You have sacrificed for us, and we're grateful, we are extremely grateful.

And I just wanted to say thank you to your family, to Sherman, and Candy and Sherman, thank you so much for allowing yourselves to share your mom and your wife with this community, because it takes a lot. For ten years, she's been here in this chamber working tirelessly, spending long late nights going through the budget. But, everything in her heart has been geared towards making this community a better place, as every speaker before me has said.

I know that there's so much more to come. This is not the end for you. You will never cease what you are doing to help move this community forward, and for that we're grateful, Gladys. Thank you for all that you've done. And thank you for being an incredible part of our community.

On behalf of the 2500 County employees, we also want to say thank you for being there, and supporting us as well. Mahalo for everything. Aloha.

CHAIR WHITE: Thank you, Mr. Regan.

COUNTY CLERK: Next testifier is Mahina Martin, to be followed by Will Spence.

MS. MAHINA MARTIN:

I feel like I should bring Kleenex. Yea, I know. Aloha, Chair, Councilmembers. My name is Mahina Martin. I'm here in my personal capacity. You know, respect is so hard to earn, it really is.

And, I've been doing community work for Maui for over 30 years. And I first met Gladys about, I think I was in my 20's, so that was a while ago. And I was a struggling non-profit director, and she took me under her wing and said, you know, she still tells me this, right. You know, Mahina, come, I'll show you how it's, how you can look at it and do it. So she took me to one of her huge board meetings, cause I had never seen a board that big before, and pretty much walked me through, and let me observe, and let me learn from that. And was very open to my questions, and

was not shy to, to scold me, or guide me and coach me, and I have been forever grateful.

And then when you took the leap from community work to politics, I thought wow, courage; courage, and bravery, and guts. And till today, I still see that continuous love and aloha for our community and the commitment. I also see the reality and difficulties that politics can have, and I understand that, you know, from both ends.

But after three decades of doing work on Maui and the community that we love and serve, and watching you as one of our leaders and our mentors, and our champions. And watching you maneuver the difficulties of politicking, and campaigning, and policymaking, I want to tell you, Councilmember Gladys Baisa, you have earned our respect, you keep our respect. And, as someone who adore people who walk the talk, and live and breathe what they say when they tell people of the community that I care for you, you have my aloha and my respect.

All the best to you. I know we'll see you again, anyway, in some other community thing. But, I just wanted to tell you in this capacity you have done well, and done so much. So, mahalo.

CHAIR WHITE: Thank you, Ms. Martin.

COUNTY CLERK: Next testifier is Will Spence, to be followed by Leslie Kuloloio.

MR. WILL SPENCE:

Good morning, Mr. Chairman--

CHAIR WHITE: Good morning.

MR. SPENCE: --Members. I wasn't planning on doing this, so I'm not horribly prepared. But, I thought it would be to honor someone I consider a friend. And I want you to know how much I have enjoyed working with you through some really difficult projects. And I, I just appreciate your wisdom. I appreciate the love and the, the passion that you have for our community. And I want to thank you for the, your kindness, really in everything we've been through, the six years that I've had honor to be able to work with you as Director. Just thank you.

You're such an example of how we can agree to disagree without getting all huhu, and still walk away with respect for each other. And I want to thank you publicly for doing that. And I look forward to working with you some, on whatever in the future.

And also, thank you to Sherman for all of his hanging out at long meetings. And it's, he's so much fun to hang out with. You know, you're up doing your thing, he's in the back, we talk story. So, anyway, thank you. Thank you, Sherman. I look forward to doing more with you in the future.

CHAIR WHITE: Thank you, Mr. Spence.

COUNTY CLERK: Next testifier is Leslie Kuloloio, to be followed by Darlene Ane.

MR. LESLIE KULOLOIO:

Aloha mai . . . Maui, and . . . Councilmembers. Thank you so much for, I just, time go by so fast sometime. I, I tend to forget, we tend to forget things that move fast in front of our eyes.

Councilwoman Gladys goes back when I was raised in Skill Camp, in the sugar company in Paia. The Skill Camp had all the Portuguese bosses, and we were the only Hawaiian family, with the Gouveia's, the Medeiros's, the. . . you talk about the Portagee's. Guava trees all over the place. We had two, two Portuguese stoves, and the Portuguese always came to the Hawaiian house for borrow butter that we picked up at the, by Kahului by the harbor with the train.

And so, I remember the days in Paia, Portuguese Camp, Filipino Camp, . . . Camp, Nashiwa Camp, Spanish Camp, and Hawaiian Camp across the gulch, . . . Camp, the Portagee remember? Yea, the old man Feiteira that ran the Alexander and Baldwin. My brother and I carried all the hundred-pound bag rice all the way from there, back home in Skill Camp.

You bring memories that, because I use to have a crush on you. Baisa, this is small kid kine time okay. But, the Gladys, Gladys always had that presence in the camps. She was the only Portuguese girl, among us Portuguese boys, Filipino, and Japanese boys from Paia that went to Holy Rosary and Paia School, and walked and played in the gym. She was the only one that was like this. Really MEO style, you know, what I mean.

And you deserve to be, and thank you for giving the butter to my mother. My mother just, Aunty Alice passed away, but she says thank you, go get the butter from MEO.

Congratulations. In closing, . . . Gladys. . . . Maui Skill Village. . . . This gift is for you from all of us. From the land of Paia and Maui County, take the salt from the sea and continue to taste. Mahalo.

COUNTY CLERK: Mr. Chair, the next individual to testify is Yuki Lei Sugimura, to be followed by Darlene Ane.

MS. YUKI LEI SUGIMURA:

Good morning, everyone.

CHAIR WHITE: Good morning.

MS. SUGIMURA: Chair White, Councilmember, Honorable Gladys Baisa we love you. I am Yuki Lei Sugimura, and I am testifying here today to honor someone who has really big shoes to fill.

As you know, on January 2, I will be the Upcountry Maui County Councilmember. And during this last year and a half, I have said over and over again that I am running for a seat to try to fill really big shoes. And hearing today all the testimonies from the community, I was so right. And I just want to tell you, Gladys, that I will work hard to represent the people of Maui County, and to work with and from my heart and soul as I've seen you do over these last ten years. I respect you so much, and treasure you.

I have for you a gift today, which is a print of HC&S. And it represents to me, I really thought hard what would I want to share with you as a departing gift. But, it's something that over the last year I've seen you work really hard with the Upcountry, not, with the Kula Community Association and work on agriculture. And I know your history, and especially what, you know, Les just talked about in terms of where you grew up. But, it's a beautiful print of HC&S. It's a night shot that I want to leave with you. And if you can look at it in terms of, can I give it to somebody? Thank you.

And I selected this, because to me it represented a lot of what you've done in the community, and really the footprint that you are leaving. And as you know, this is a historic month for us in the history of sugar for the whole State. And HC&S is that photo, if anybody can see it, you can see the smokestack, the smoke at night. And it really represents a time in history that by the ending of this month we'll no longer see HC&S in that, in that way. But, it will be, like you have in our lives, a footprint or memory of a life well-lived and well done.

By sometime this month, we will, we're going to miss the smokestack, we're going to miss you, Gladys. But, like that, it'll always be embedded in our memory, and you will forever give to us the things that you have planted. And we look forward to the life that, what you will do in the future. And I really do promise to work hard, and I hope I represent the kind of work that you do. Thank you, Gladys.

CHAIR WHITE: Thank you, Ms. Sugimura.

COUNTY CLERK: Mr. Chair, the next individual who have signed up to testify is Albert Perez.

MR. ALBERT PEREZ:

Good morning, Chair White, Councilmembers.

CHAIR WHITE: Good morning.

MR. PEREZ: Good morning, Gladys.

COUNCILMEMBER BAISA: Good morning.

MR. PEREZ: I just wanted to say I haven't had a very long time to interact with you, but our interactions have always been very positive; you're obviously a very compassionate person. And I think that, you know, we haven't agreed on everything, but I think you set an example. And I think that it would behoove all of us to follow Gladys's example, because when we can agree to disagree on things and move forward on the things that we do agree on, then we're all stronger as a community. So thank you, Gladys, for your service.

CHAIR WHITE: Thank you, Mr. Perez.

COUNTY CLERK: Mr. Chair, the final individual that have signed up to provide testimony in the chamber is Darlene Ane.

MS. DARLENE ANE:

Aloha, Council Chair White, Councilmembers, and Councilmember Baisa. I had to really contemplate coming up here to say my last words. But I would get scoldings if I couldn't make it through. But, I want you to know that I came prepared, but

everything that I wanted to say has been said. And that's because everybody knows you so well here, and knows that you're about service, and dedication, and diligence, and your perseverance.

But, you're also about Maui. I'm not from Maui, but I've learned a lot, not just in government and what's needed in my position, but I learned about Maui through Gladys. And how she talked about when someone in their family needed something, everybody came together. We couldn't give money, but we gave them fruits from our gardens, vegetables, shared meals with them, and that's what it's all about. And I think we all have to remember that. And she constantly reminds us about that.

In our office, it was very much stressed to us about our constituents, taking care of them, giving the service that they need and following through. And I want to thank you for being a mentor to me during this five years, well, five terms I should say. And thank you for taking a chance on somebody who was very green and new to this.

In fact, I sat in her office, it seemed like yesterday, interviewing for this position and thinking to myself what am I doing here. And I think I actually said out loud, you know, this is not a familiar arena for me. My father, but you know, I'm not really, I've never done anything in government.

And she told me in her wise words, she sat back and she looked at me and she said, well you know, Darlene, sometimes being scared or uncomfortable is the opportunity to grow. And she said, you know, customer service is something that you acquire and not everybody gets it. But, if you can read, you can always learn. And then she said maybe it's time that we've, you have come to a fork in your road, and it's time to decide if you want to change.

And with that said, I said okay, I just blurted it out. And I thought if anybody who has had meetings with her knows that by the end of a conversation you have said yes to her, and you've agreed to whatever she's asked you to do. Not, and leaving there and thinking, wow okay, I got to do all that.

But Gladys, it has been an honor and a privilege to work with you. I care very much for you. I will miss seeing you every day. From my heart to yours, mahalo for everything that you've done for us.

CHAIR WHITE: Thank you, Ms. Ane.

COUNTY CLERK: Mr. Chair, the next individual to provide testimony is Pat Borge.

MR. PAT BORGE:

I came here for testify on some other issues, but I didn't know this was about you leaving today. So, I just when sign up. Me and Gladys we go back about ten years ago. And, she took me under her wing. I ran against Mike Molina for Council at that time, and I didn't know anything. And she taught me how the game was played here.

And now I'm, I'm not afraid to come up here and testify on how I feel. So, I give all you new Council guys a warning that I will be here when I don't think things are going right. And that was through Gladys Baisa that taught me all of this. And I want to thank her for that. Thank you.

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Thank you, Mr. Borge.

COUNTY CLERK: Mr. Chair, the final individual who have signed up to provide testimony this morning is Sherman Anthony Baisa.

MR. SHERMAN ANTHONY BAISA:

How's it everybody? This is for honor my mother, who, and all of you folks in here, you know, you guys know me. Mom, we just, on behalf of the community and the family, thank you very much for all you did. And you know what, all you guys lucky that I when share my mother with you guys, okay.

I like you know this; mom has been involved in this always. She's encouraged me in everything I did, and told me, you know what, you got to walk before you can talk. You know, you have to put yourself in everybody else's shoes and see where you're at before you can judge any, pass any judgement on anything. So, she's been a major encouragement of inspiration. I mean, that's my origin.

And, mom, on behalf of the community, on behalf of the family, welcome home. You know, we, we've missed you. We haven't seen you forever. Nice to have you home for, at least for a while, because I know you going end up doing something else for somebody, because it's just how it is. You guys all know that.

But, you know, we love you and we just thank you for all you've done. I mean, everybody in here I can look at can tell you thank you for doing something for them, and if they don't, they lying. Because you have done so much for everybody, selfishly, selflessly.

You know, granny did a, did, not going to stop, no, granny did encourage all of us. Granny is my grandmother, folks. She's the origin. She always had something to say about something. I mean, mom always uses her quotes, even Chair knows that also right?

CHAIR WHITE: Even me.

MR. BAISA: I mean, granny always had a quote. But you know what, look at, look at where you at. I mean, I'm so proud to be your son, you know. I thank you folks for being supportive of my mom for, I mean, I know you guys disagreed and stuff like that at times, but you know what, mom, Maui County thanks you. You are the mother of Maui County. I hope you know that, and I love you.

CHAIR WHITE: Thank you very much.

COUNTY CLERK: Mr. Chair, there is no additional individuals who have signed up to provide testimony on the ceremonial resolution.

CHAIR WHITE: Thank you, Mr. Clerk.

Without, without objection, we'll close public testimony.

COUNCILMEMBER COUCH: Mr. Chair, District Offices. There's none. Okay.

CHAIR WHITE: And, we've been notified that there are no, no people waiting there. So without objection, we'll close public testimony on the ceremonial resolution.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

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

## CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-156

EXPRESSING APPRECIATION TO
COUNCILMEMBER GLADYS COELHO BAISA

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE THAT WE PASS THE CEREMONIAL RESOLUTION "EXPRESSING APPRECIATION TO COUNCILMEMBER GLADYS COELHO BAISA".

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER CRIVELLO: Second.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. With your permission, I would ask the Clerk to read the resolution in its entirety please.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

*(The resolution was read in its entirety.)*

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. After all that, I'm not sure that I can add very much more. But, I just want to say, you know, I've met Gladys in the early 2000's, late 90's, and I've always known her to be, as several of the testifiers said, really adhering to the Rotary motto of service above self.

And you know, what she's done here on the Council, it was mentioned in the reso, but I just wanted to reiterate a little bit. She took on, as the Planning Committee Chair, I believe, the very, very, very sticky and tough issue of bed and breakfast, and got some legislation. You know, as we all know, the legislation when it first comes out sometimes isn't as, as nice as we'd like it. And she stuck through that, got the legislation out, and you know, anytime we wanted to tweak it, she was very supportive of the good stuff, and very protective of messing it up. So, but she stuck through it. She did, she took something that nobody else would take, cause it had been around for a long time.

Then to top that off, she takes the General Plan Advisory Committee. She takes the General Plan Committee, a separate committee to handle the General Plan, and that took a solid two years, 50-some meetings, I don't remember what it was. I was happy to be her Vice-Chair on that. And we worked tirelessly in all the meetings prior to the, the meetings just to see where we, everything was and what we were ready to do. But, she took that huge task on and, and did a very good job. I don't know if you remember all the, you know, the two who weren't here, all the screens that were on the side of the wall, and we had stuff everywhere. It was, it was a very interesting two years.

And then not to be outdone, she then took on, when she became Chair of the Water Committee, she took on the Upcountry water meter list, and is starting to chip away at that. And she's done quite a lot and isn't afraid to take on the hard stuff.

You know, in working with her through all this time, you got to know certain body language pieces of Ms. Baisa. Sitting up there chairing a committee, you look down, you make a comment and you look down and you get the look. You know, you know you said something wrong. I'm sure you've received that look many a time.

CHAIR WHITE: The look and the eye roll.

COUNCILMEMBER COUCH: And the eye roll. I wasn't going to mention the eye roll, but you get the eye roll too.

And of course, the, my two favorite sayings of her mother that, and the book that she should write by the way, the sayings my mother told me. One, is "no ask, no get". I

use that all the time; tell the people, "no ask, no get". And I use that philosophy too. And the other one is, and it's very important, and a lot of the people in this room know that and a lot of people watching is, "if you're not at the table, you're on the menu". So, those are some of my two favorite quotes that she's given us to her, her mother.

I like what all of the testifiers said, but one of the things I kind of do is think, alright what would Gladys do in this situation.

And I also want to thank Sherman and the family. Sherman has been a trooper. You know he'll speak up, you know, to you afterward saying what the heck are you talking about there, or why you talking so long. And speaking of which, why am I talking so long?

I just want to say it's been a pleasure and an honor to have served with Gladys. So I request, respectfully ask that everybody approve this resolution. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Gladys is my Eveready battery that I hope she'll will me a few of her batteries. But, I'd like to say mahalo Gladys Coelho Baisa.

Mahalo Gladys for gracing us with your professionalism that's embodied with the true meaning of the aloha spirit. Like many have shared, you're a person or a woman with the substance of service. Like a beacon of light, your heart outstretches your hands to malama or to care for Maui County.

Before I even came onboard, you know, your fingerprints are all over my island Molokai. You know, people go, I know Gladys Baisa. I know her because she's, she never forgets her beginnings with MEO, and the island of Molokai. Mahalo Gladys.

And like your sharing of all your stories about your mom and your upbringing, I want to say you are of this land. Mahalo for reminding us of who we are. Mahalo for reminding us where we come from. I would like to outstretch this mahalo with a mahalo nui loa. And I ask that our good Lord will continue to guide your path as he's done for all these years, and that he will continue to surround you and your family, and you and Sherman, with peace, harmony, good health, and a continuing charging of your Eveready battery.

I want to extend a special thank you to Sherman and all of your ohana for sharing you with us, with all of Maui County. God bless you, Gladys. Thank you.

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

Members, any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, as Mr. Couch opened in his comments too, there's not a whole, whole lot more to be said. Gladys, I think you get the gist of everyone's sentiments of your service here to this County. And I too concur and agree.

I, I love the, what your son mentioned about welcome home mom, and they haven't seen you. And I was leaving the house this morning, and my husband, I go, you know I might be spending the night in town. He goes, you know what, it's been years, it took me a while to get used to, maybe you not coming home, but I understand, and I get that it's part of the work. And so, you know, those of us left behind are living that type of lifestyle at this time. But, thank you for your dedication.

But especially for the family that sits behind you, and has been supporting you throughout, you know, your professional life here serving this County. As we all know, it takes a lot, but it really, really takes the support and the guidance, and of the family behind you. Otherwise, it'd be a real tough road, and a difficult, yea, it'd be real difficult.

So, I just want to say thank you, but especially your family that supported you throughout all these years and will continue to. So, enjoy your time off. But I know you'll be keeping an eye on us, and we'll be hearing if we need to. So, thank you. Mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Nobody's left with much to say, yea? Gladys, I'll keep it short like I always do. Gladys, you hear everybody saying how respectful they are of you, and the true respect that comes from the heart. And I would like to say the true respect has always been, is now, and always will be only

given to those who are themselves respectful. And that's why Gladys has so much respect, because she herself is always respectful to others. Thank you, Gladys.

And now, you can come to Hana. Gladys has always, I've always invited her to Hana, a place to stay, everything, cooked meals. But, she's on the Council. Now she's off the Council, so finally we will have her and Sherman come and visit us. We look forward to it, Gladys. Thank you. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further comments, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I would like to share some comments this morning about a colleague of mine, and I hope it's a little bit lighter. You know, this should be a happy day for Gladys.

Someone who has given countless time and energy to our community. So, I'll give another perspective of my colleague, since most of you have talked about her as a Councilmember. And I'm going to share this because it made a difference in how I, some of my outlooks are on various programs.

I think my relationship with Gladys started in the late 70's, early 80's. I believe she was in charge of the fiscal department of MEO, where in the old Kahului office, I think there were people like Karen Ono, Myles Inokuma, Paul Pladera, Joe Souki was still the Executive Director. And then when Gladys, you know, had to deal with people like Annette and Kelly, people that are also fond of and I'm sure Gladys is very fond of with her experiences there.

And then of course, Joe decided to go to a different arena. And the Board that I was sitting on had to make a decision on who would be the next leader of MEO. And I can say probably that I was one of Gladys's advocates to become the new Executive Director, and have never regretted that decision. We have moved from that Old Kahului School, and she helped make it happen to go to a brand new operating facility that takes care more needs than ever.

We got to remember that during this time of the, you know, experiences from the Kennedy Administration, the Johnson Administration, the creation of the Office of Economic Opportunity. A lot of things was happening in America; Peace Corps, other great programs to help the disadvantaged and the war on poverty.

Now, Gladys took that task seriously and tried to find ways out of the box, including how a non-profit learning from other agencies she was close with on how to find a for-profit component to provide additional funding resources to allow certain programs to reach the greater good of the greater community. And I say that because Gladys was always concerned about the total County, not just what was happening here on Maui, but as my colleague next to me mentioned about the needs of Molokai and the needs of Lanai. She never forgot that we were a multi-island community. And I appreciated her, her desire, her energy to encompass the total community which she took very well in my perspective.

You know, I've met a lot of people that have been designated as great people. But one of them I can tell you, Joe Biden told me that there's no such things as great people. We're just ordinary people who are given an opportunity to take on great challenges that all of us have within us that ability to do great things, whether it's in your home, within your family, in your community, your church, all of us have that opportunity to do great things. And so I thank you, Gladys, for picking up that challenge and performing a level that is great. But you have shown that many others can achieve those great things also. And I want to thank you, because I think that's the teacher in you, or the mother in you.

And I come from an old school like her where I depended and learned a lot from my father. I definitely got that she learned a lot from her mother, that she has shared it, and I have shared mine. But this morning, Gladys, all I can tell you is I see another great opportunities for you to challenge, and I look forward for you to embrace it.

And the last thing I want to add, coming from a family that had a father that served also, I want to thank her family. People tend to forget, to allow ordinary people to achieve great things, there is a need to have support. And sometime that support comes in the sacrifice of time with that loved one. And so, to Sherman, your children, Gladys, your grandchildren, your neighbors, your sister; I thank them for allowing you to serve. Because, in their giving, they have shown me that they too are great people. They were given an opportunity and they have shown their greatness in allowing you to achieve some of your dreams. So, thank you very much to your family, blessings to you now and forever, and mahalo for being who you are. Thank you, Chairman.

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

Members, at the request of the honoree, we're going to take a very quick break. So please, recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:06 A.M., AND WAS RECONVENED AT 10:11 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order. And thank you for that short break.

COUNCILMEMBER BAISA: Thank you, Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I, I'm a little bit loss of words today. But, I'm just going to speak from the heart. And one thing is for sure, Gladys has, career is very distinguished. And the one thing that I will always remember is her Christian heart and her wisdom on the floor and in my personal life. She has always come from a perspective that has taken the technical language and technical issues, and put it forth in a simple and more understanding way, in a more basic common sense way.

And I've always appreciated her viewpoints on the floor, and it has made me step back and rethink a lot of my analysis on the issues. Because, one thing is for sure, Gladys has always, thinks from the, from the heart and then reanalyzes it through her, her knowledge and reasonability of what is right and what is good for the community first and foremost.

Taking that a step further, she not only gets involved in people's, in the community, but she gets involved in people's lives. She, she is concerned about your family. She is concerned about your health. And that's what makes her one of the most important persons that I know.

I eat humble pie today, because I always think of Gladys as a second mother. Her birthday is August 13, is the same birthday as my own mother. And so, when her birthday comes, I send out two cards and I know one goes to Gladys and one goes to my mom.

But just like a prodigal son that returns, during that time of chairmanship and things like that, mother's always have a tendency to tell you some advices. But sometimes you don't listen. But later on, you realize what those lessons were told to you. And for that, I deeply, deeply am apologetic about what has happened in the past and moving forward.

I definitely am inspired by the challenges that you faced as a Councilmember. Whatever it may have been, you took those challenges, and you went with it, and you accomplished it without fear or regret. So, those are the lessons I have learned. And I will fight the good fight, and will continue to do good work.

And one of the one things that I always would, would be very thankful for is your support and help when I was first running for office, as well as the great support in organizing the Ag Working Group, which we worked together on. And regardless of the consequences, and what I've will endure, that Ag Working Group will continue on and will work hard as well with or without me.

So thank you so much, Gladys. God bless you. And . . . from the bottom of my deep heart, I love you. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Gladys, I think that we can all agree that you have the most supportive of families. You know, Sherman is everywhere, your kids are everywhere. And, I think all of us recognize the, the challenges of holding office, and your family has been there for you every step of the way.

But, I'd like to also mention that I don't think any of us are as adept as you at understanding and being sensitive to both sides of any issue. And you have the ability to really feel for the people on each side, and come to a decision, sometimes very difficultly, that serves the best for Maui and its people.

But I think, and some have alluded to it, but I think it's important for us all to point out that through your work at MEO, and everyone in this room knows that before you became a Councilperson, you were one hell of a lobbyist on behalf of MEO and social services. And when we look at the size of our County social services budget, it dwarfs the Big Island, it's dwarfs Kauai. I don't know exactly how it compares to Oahu, but I wouldn't be surprised that we, we spend more than Oahu on social services.

And in my view, the level of our budget is due to your years of lobbying this body before you became a Member, because we all know how effective you were at convincing people of the need for the various services that we now fund through a variety of different means through various departments.

And I don't think this budget would have been anywhere near the size it is today if you hadn't begun your lobbying work when you did. Had you not been as effective with all your pink shirts, and your troops of pink shirted supporters, coming down and making the case that we are a better Maui if we take care of our kids, our kupuna, and those who have made unfortunate decisions with drugs or alcohol or whatever else might have happened to them.

So, I think this island, not only have you touched a few lives personally, but through your lobbying and through your work here, and convincing the Council before us and the Councils that you served on to do the right thing, and to support these social services, I think it's very safe to say you have touched through all these organizations, every life on Maui.

So, I take my hat off to you, and I thank you for your years of service. And I think we all know we have not seen the last of Gladys Baisa. And we will cherish the times that we get to spend with you as you come back to lobby for other things that I, and I know you will be. And Sherman will be right at your side still. But, but your kids will see more of you. We may see less of you, but we know we'll still be in contact. So, we thank you so much for all your work, and God bless.

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

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

CHAIR WHITE: All those opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

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

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, can we have Ms. Baisa come up and present her with our certificate?

CHAIR WHITE: Yes. Gladys, if you don't mind, and your family can join behind you.

COUNCILMEMBER COUCH: Mr. Chair, on behalf of you and the Members, I want to present this actual copy of this resolution to Ms. Baisa and say, Gladys, well deserved. And we will miss you on floor, you know, but we will also see you, I'm sure.

COUNCILMEMBER BAISA: You know; it isn't often that I'm speechless. I'm really not speechless, but I am so touched. My heart is full.

You know, you do things and you don't really do them because you hope somebody will notice, but you really think nobody's paying attention. You just do your job, it's your job. I am serious about when you take on a elected office. My idea of it is that it is a public trust, that the public votes for you and they trust you to do the right thing and to work hard for them. That's why they vote for you. And I think if you don't do it well, you violate that, and you make it look bad for all of us.

I am sick and tired of being ashamed when people ask me what I do, to say I'm a politician. It shouldn't be that way. We should be very proud to say I hold elected office. And it's sad that this is going throughout our entire country. And I always took it really, really seriously that it was important for me not to add to that, but to try to change the perception of elected officials.

I could go on and on, but I think there's more than enough talk that's gone on this morning. I want to thank every single one of you and everybody who has spoken today, and all this resolution and all that stuff. But, I really want to thank, you know, what do you say to the Councilmembers, and your friends at your last Council meeting? I want to thank my colleagues. It's a pleasure to work with you. I'm going to miss all of you in this context, working with you shoulder to shoulder, dealing with really tough issues that seem to be getting tougher every week.

And I don't envy those of you that are going to be here next term. There are difficult things to deal with, and it's not going to be easy. But, I promise you I will be watching. And I will not hesitate, if I need to come here and say what I have to say. So count on that, as long as the good Lord lets me be here.

I want to thank your staff, all of you. And I especially want to thank my staff. I must have had the most patient people in the world. Amanda and Dar have been absolutely wonderful, and we worked really hard together. They make me look good. You know how proud I am when people tell me, they meet me somewhere and say you got the best staff in the world. They're so helpful. They look up things, they call

back, you know, they respond, they listen to complaints and don't say shut up. I mean, you know, they're patient and they call back, and they take care of those things. So staff, thank you very much. Love you guys a lot.

I want to thank the staff in your offices, cause they too provide me with a lot of support. Council Services staff has just been fabulous. One of the nicest things I ever did was, as Chair, work with that Council staff very closely, and I am so impressed. They are wonderful people who know their jobs, and work really, really hard; really unsung, because a lot goes on in the back and you folks don't see it. You see us here, but you don't see what these folks are doing behind to get us ready to do it.

I want to thank the voters, all the people who have supported me over the years. I was able to win all five elections, and to do very well. And, I want to say mahalo, I appreciate that. I never take your vote lightly. What you tell me when you vote for me is you trust me, and you believe that I'll do something good. And I don't think that's funny at all.

I want to thank the donors. All the people who have helped me by supporting my campaign and giving me door prizes and all kinds of wonderful things. You folks know how these parties are; they're endless. And I want to thank all the volunteers that came out to help me, and donated, and cleaned, and cooked, and you know, did all these wonderful things. You can't do this without them.

My campaign team. I want to thank my chairs and my members. They were wonderful, always there for me. I want to thank all of my friends who have been really patient with me. I have friends that I see less than once a year, and that's because I don't have time to visit them. I don't have time to have people over to my home. We rented a little house during the whole time I was in office, I didn't have the opportunity to really have a home where we could have folks. And now, we're going to be able to pick up all those relationships, and barbecues, and fun again, which will be really, really nice. And I look forward to that. I miss my friends.

I want to thank my family. God bless them. These are the folks that have made the sacrifices. I don't babysit, I have no time. I don't do a lot of housework; my husband takes care of that for me. My son and his wife, and their family, my daughter and her family, and my oldest son, they get the time that I, that is left. And it's very hard to carve time out for family when you have to do what you do. And I believe, again, to be there. You heard it said earlier, you either at the table or on the menu. So, I try to go to every community meeting wherever I can, and to participate as much as I can, and be accessible to the public. I think it's really important.

And lastly, because I'm going to have to shut up here, I want to say, I send my best wishes and aloha to the new Councilmembers. I want to wish Ms. Sugimura, who is stepping into my, only size 8 shoes, no worry, you'll do just fine. You'll be wonderful. You'll make your own mark. And I feel that she'll be a great Councilmember. And to the new Councilmembers, I want to also thank them and welcome them, and wish them well. I want to wish all of you the best. All I can say, when people tell me thank you, my standard answer is, I tried my best.

And I want to thank God for giving me the health and strength and the opportunity to do what I did. And I promise you, I will continue to serve the County of Maui and its people in whatever opportunity comes along. I am not retiring officially. I am pausing. So, standby to see the next chapter. And thank you again, I love all of you and I love Maui.

CHAIR WHITE: Thank you so much for those wonderful words, Gladys. And thank you all for coming and sharing this moment with us.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-156.

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

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

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

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

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

But, I would like to give my aloha to Gladys. She made me cry, and we're going to miss you, and appreciate everything you've done. Mahalo.

COUNTY CLERK: Thank you, Hana.

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

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have sixteen individuals who have signed up to provide testimony in the Council chamber. The first person to provide testimony this morning is Mr. Jim Smith, testifying on Committee Report 16-168 *[sic]*, Committee Report 16-167 *[sic]*, Committee Report 16-189; to be followed by Dave DeLeon.

CHAIR WHITE: Good morning, Mr. Smith.

## PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JIM SMITH (testifying on Committee Reports 16-187, 16-188, and 16-189):

Aloha, aloha Chairperson White, Members of the Council.

Gladys, more than once I've glanced in this direction and cut my testimony short.

COUNCILMEMBER BAISA: Thank you, Jim.

MR. SMITH: And I defer to you more than once.

This is kind of interesting. Words are so vital here. They don't seem to be vital in Washington DC with our President. He says what he wants to say and how he feels, he says it and that's the way he goes from . . . But here, what is written is so important, it's very, very important.

So, I would ask to testify to PC 16-189, which is an affordable accessory dwelling ordinance, okay. Now, you got to know that the bed and breakfast, short-term rental, all of the ordinances that you adopted took away rental units, alright. So, they are the cause in a small portion, okay. You've got a free market; you've got prices going that way. But when you take away because it feels good and give it to a bed and breakfast, what do you expect? And that's what's missing, is this kind of thinking that says I feel good, but you know what, tomorrow is going to come, the next day is going to come, and then what?

Okay, so this ordinance does the same thing. It forces people who might have a dwelling to rent, an accessory dwelling to rent, to go through loops and bells that a developer never goes through. It's more onerous than any ordinance I've ever seen, because it's directed to a specific topic. And our ordinances have to be different than that, they have to be. You can't change the law that when the person changes, and that's what's happening in this chamber.

So, I'd ask you to recognize that this ordinance is worse, because it follows on the heels of bed and breakfast and small term, and it says you've learned nothing. And I would say file the ordinance; simple as that. File the affordable dwelling ordinance, because the very fact that you've eliminated rental units with a creation of all this nonsense is not solved by more nonsense. That ends my testimony on that particular topic.

The item I want to testify next is the Waele *[sic]*, and that's committee report 16, I think it's 188, okay. I'm so grateful to the communication link. So, I got to watch the video of this meeting. It's amazing. Member Couch was very specific with questions. It was really a good thing, okay, from my perspective.

But what happened, I think, was that the subject was brought up by a Member, and then Corporation Counsel actually seemed to scold her and tell her that she didn't give him a context for him to give his legal opinion. And that's absolutely ridiculous, because that's not what happens, because you ask questions of law. You don't have to have facts. And he actually, okay, shamed her, from my perspective. And that's unacceptable. And if that's going to be the new tactic for the next two years, I'd ask for a resignation, okay. Because you can do that anywhere, but in this chamber, you respect the Members because they're voted for and they're in a different position. So, I would say that was bad, that was really bad.

And I honor, I know this guy, Grant Chun, respectable, he was treated disrespect. He's honorable, he doesn't buy off deputy attorneys. None of that is relevant, okay. Attorneys talk to you, it's not official advice, but it's good advice if they're Deputy Corporation Counsel, and you seek it. I've sought it, and got it. Okay, probably

others have. If I needed information about development, I'd go to Grant Chun and ask his advice, especially if I was a Deputy Corporation Counsel, cause he's been there and he knows it.

So, I would ask you please, on this Waele *[sic]* thing, there is a question, okay, and that has to do with and it had to do with this business of, of in the ordinance, it says this, okay. So the question, the legal question then becomes common language trumped by administrative discretion. When can an administrator, through its own discretion, change the law, or apply the law in a way that defies common language? And that's what happened. They defied the common meaning of the law, common meaning of the words of the law. And to me, that's where their power goes. If you can take any common law and just, just interpret it the way you want and do what you want, then you don't have law. You've got a different political system and that's where we are.

So, I would ask that you form a question, you get a Corporation Counsel opinion in writing, which I have not seen, which I was told would be available. But I haven't seen it. I want to see it, okay, regarding that specific issue, okay, whether I can bring to my own banker's qualification to a developer. Very simple. Please. Thank you.

My final testimony has to do with the improvement district, okay. We never, ever, ever need an improvement district provision, but we have one, okay. And it's a good one. And we haven't used it, and that's even better, but we try to use in 1991 with the Upper Ulumalu Improvement District. In 1992, the budget had $400,000 for the Upper Ulumalu Improvement District, and it wasn't even approved, okay. We went forward. The developer built the road. It was fine. Access to the property, didn't have to go around to another developer, we got water, okay. The Rural Development Corporation funded a bond. The association went and did it, and it's done.

So, this improvement district ordinance, okay, it's nice to look at but we don't need to change it, and we don't need to, to add another special improvement district to our code when we've got two others; the civic improvement and then we have Article 3, Chapter 14, so that would be three improvement districts. We don't need, but one, it's been there since 19, what 70, 64, something like that.

So I'd say recognize, okay, that this new improvement district qualifies 25 percent of the access, assessed value, okay, of the total property assessed value. Twenty-five percent of the assessed value gets to initiate that, alright. Is that ridiculous? The existing one says, owners of not less than 60 percent of the acreage of land, that's a big difference. Twenty-five percent of the assessed value get to start it under the new ordinance. Under the old ordinance, it took 60 percent, owners of 60 percent of

the acreage of land, and that just shows you how ridiculous this is. And we never used it, and we never needed it, cause we've got a budget process and we've got you.

So, it would seem to me, the wise thing to do, okay, with this particular bill is file it. Just thank you very much. Aloha.

CHAIR WHITE: Thank you, Mr. Smith.

MR. SMITH: You're welcome.

CHAIR WHITE: Members, is there any need for clarification? Seeing none, thank you for being here this morning.

MR. SMITH: Aloha. Thank you guys for being here.

COUNTY CLERK: Next individual to testify is Dave DeLeon, on behalf of the Realtors Association, testifying on Committee Report 16-189 and County Communication 16-301 and County Communication 16-302.

MR. DAVID DELEON, REALTORS ASSOCIATION OF MAUI, INC. (testifying on Committee Report 16-189 and County Communication Nos. 16-301 and 16-302):

Good morning, aloha. Jim's always a hard act to follow. I'm Dave DeLeon, speaking on behalf of the Realtors Association of Maui, commenting on a laudable if confused proposal to make opportunities available for homeowners to build more affordable ohana units.

RAM concurs with the statements made by the Planning Department during the Council's Planning Committee's discussion on this matter that although this proposal is well-intended, it does not, it is not likely to succeed in regards to the smaller properties, because 1) it is too restrictive; and 2) it is not enforceable.

The stated purpose of the bill is to encourage development of affordable dwellings. To succeed at that purpose, the homeowners need to actually be encouraged to invest in building these units. The bill takes, what we believe to be, the correct path by allowing secondary dwelling units on lots greater than 15,000 square feet without any additional restrictions. But, it takes the opposite approach with lots smaller than 7,500 square feet by severely restricting the property owners' options.

For the smaller lots, think older Wailuku, Sixth Increment of Kahului, Kelawea Mauka, North Kihei, the owner must place a permanent deed restriction on the property that declares the owner will follow a complex HUD formula, a formula that could change over time, which oddly encourages the owner to pick wealthier renters over poorer ones and requires the owner to issue an annual compliance report with the Housing Division forever. As the Planning Director pointed out, it seems unlikely that such a restrictive formula will attract many takers.

We encourage the Council to take this same approach to both type of properties. Allow them to build with the sole additional restriction that the new units will not be used as vacation rentals. Small units on small lots in working class neighborhoods are not going to attract the higher rents. The more units built, will create more competition, which will drive down prices. With inventory, competition works.

On the question of disallowing the future use of ohanas as vacation rentals, there has been little to no public discussion on this subject. The proposed amendment appeared out of the blue at the November 3 Planning Committee meeting. And it proposes taking a property right and a major shift in Chapter 19 policy. It seems odd coming from, coming up at the end of an election where "transparency" was the by-word and the theme. There was nothing transparent on how this was brought to the table.

On the 305, 301, RAM wants to state that it prefers that the, that 16-189 be sent back to Committee. If that does not happen, then RAM supports the proposed requirement that the Planning Department and the Housing Department issue a joint report on the outcome of the, the affordable accessory dwelling measure in two years.

We support this proposal with a great deal of skepticism. We note that the planning, Planning Committee ignored the Department's clear declaration that the, the proposal would not achieve its stated purposes. And we also note that 10 years earlier, the Council refused to listen to the best economist in the State and bank officials when they warned that the then Workforce Housing Ordinance was going to be a train, train wreck.

That skepticism notwithstanding, perhaps when the departments tell you that there have been few takers on the small lots, the Council will take the necessary, make the necessary adjustments and ultimately we, we will, ultimately we need to control prices, we need more units.

On, on 302, RAM wants to make it clear that our association does not support rent control in any form. But again, when compared to the rent control formula now in 16-189, RAM does support this proposal to simplify the rent control pricing to one HUD level, and dropping all renter income certifications. The simpler, the more straightforward, the better. This proposal would also lessen the possibility that an owner will favor those who are better able to pay over those who cannot pay as much.

That said, please keep in mind that your Planning Enforcement Division has already told you that there is no way to enforce to this pricing scheme. You can set all the pricing rules you want, but ultimately the market will control what is actually charged.

Given that, RAM recommends that the Council return these measures to the Planning Committee for further review. Mahalo.

CHAIR WHITE: Thank you, Mr. DeLeon.

Members, any need for clarification?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. DeLeon, for your testimony. So, you're saying that RAM prefers a single price without any income restrictions so that pretty much anybody with a higher income can go and get a lower rent?

MR. DELEON: Yes. Again, we're talking about small units in working class neighborhoods that aren't going to really attract, you know, people with high-end. You know, it's not going to be competing with North Beach.

COUNCILMEMBER COUCH: I understand that. But, if there's nothing there available.

MR. DELEON: Well, Councilmember, it's your choice. Again, we believe the simpler, the better in these, in this case.

COUNCILMEMBER COUCH: Okay.

MR. DELEON: And we believe that, that the way this thing is written right now, it's going to encourage the landlord to take people at the 140-range because they're going to make almost twice as much if they take somebody at the 60-percent range.

COUNCILMEMBER COUCH: Okay. Thank you.

MR. DELEON: I mean, that's, that's the way it was written.

COUNCILMEMBER COUCH: Thank you. Thank you, Chair.

CHAIR WHITE: Any further need for clarification? Seeing none--

MR. DELEON: Mahalo.

CHAIR WHITE: --thank you for being here, Mr. DeLeon.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Paul Laub, testifying on Committee Report 16-189; to be followed by Kapua Sproat.

MR. PAUL LAUB (testifying on Committee Report 16-189):

Aloha mai kakou. Paul Laub, ko`u inoa, speaking on 19.35.110.B.1, affordable in perpetuity. That is longer than the world has been in existence and will outlive the sun expanding and turning the earth into a burnt crisp. This could mean that if times change and easing, and housing ease occurs the homeowner cannot participate in the market rates for rents, and cannot adjust the rent to cover inevitable repairs, maintenance, and costs.

It's, under "C. Occupied by immediate family members". That means that this excludes property caretakers and home caretakers. So, if we get sick and we have to put somebody into our ohana to take care of us 24 hours, you can't do that. Now, right now, if you go down to Roselani or Kalama Heights, you're going to find cost being six to $7,000 per month. And so, how are we going to do that.

"F. dwelling improvements to be removed at the property owner's expense". Honestly, listen, think about this, if you were a bank and I came down and I asked you I want you to lend me money on this property for me to put a ohana in here. And I don't have legal control, and it could be torn down due to some unforeseen future violation. Are you going to give me that money? I'm really, I mean, if you are I'm kind of interested.

So, if you want to have housing development, you have to, you have to really offer a carrot, not a stick. We had a great developer in Spencer Homes, excellent homes

everyone's loved. We lost them by not supporting his endeavors. We could have traded him land for other land, so that they could have built it.

If you want to, if you want to ease this crisis, there are four things that you can do. The County has determined that you, they could say the County has determined that you may now build these accessory dwellings on these properties as stated regarding lot sizes. Go build them.

Since the County feels that low rental properties are important, if you rent to people in the criterion, you the citizen will pay no property taxes on this property for the length of the time that this low-rent feature continues.

Next, if, if the house is not specifically built to be low rent, the crisis will be eased by these new homes absorbing other rental seekers. A greater supplier will reduce the demand and cause a reduction in rental costs.

And I don't think I have time for lastly, but I made a copy of this for all of you. So, thank you very much.

CHAIR WHITE: Thank you, Mr. Laub.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Kapua Sproat, testifying on Committee Report 16-192, representing Ka Huli Ao - University of Hawaii Manoa.

MS. KAPUA SPROAT, KA HULI AO – UNIVERSITY OF HAWAII MANOA (testifying on Committee Report 16-192):

Aloha mai kakou--

CHAIR WHITE: Aloha.

MS. SPROAT: --Chair, Members. Mahalo for the opportunity to be here with all of you today. It's always an honor to be with you on Maui.

So for the record, I'm Kapua Sproat, and I am an Associate Professor and the Associate Director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. We are an academic center within the University of Hawaii at Manoa's William S.

Richardson School of Law. And Ka Huli Ao promotes education, scholarship, community outreach and collaboration on issues of law, culture, and justice for Native Hawaiians and other Pacific and Indigenous People.

I'm here today to testify in strong support of CR 16-192. Yesterday, Ka Huli Ao submitted written testimony, and so you folks should have a copy of that as well.

Since 2013, we have partnered with the Office of Hawaiian Affairs to provide annual training courses in Native Hawaiian Law, with the focus on the public land trust, freshwater resources, traditional and customary Native Hawaiian rights and practices, and iwi kupuna or ancestral remains. So far, over 500 people have attended our training courses. And many attendees from state and county boards, commissions or their staff members, although we've had a lot of participation from State Legislators and County Councilmembers, including several of you folks.

The response to our training so far has been overwhelmingly positive. Evaluations indicate that between 75 to 80 percent of those responding believe that the training improved their knowledge about their trust duties and responsibilities in each of the training's vital subject areas. And actually, in July of 2015, actually June of 2015, Governor Ige signed Act 169, which makes our training course mandatory for members of various state and county boards and commissions.

So, we are deeply grateful to you folks here in Maui County in taking the initiative to require this training course for your Planning Commissions. We are, however, sensitive to some of the concerns, especially the logistical and other challenges that have been raised, including travel costs for members of your neighbor island commissions, and the Hana Advisory Council as well.

And given these issues, we encourage the committee to incorporate language that will enable the requirement to be satisfied creatively, while also being responsive to the changing needs and resources, including things like remote participation in the training courses, which is something that Ka Huli Ao is actively pursuing now for the courses that we now have on Oahu.

Ka Huli Ao is happy to work with the County to coordinate a training here on Maui in 2017. And because our funding for these courses is provided on an annual basis, we can't commit to providing trainings beyond our current budget, but we would be honored to work with you folks to make, to ensure that these trainings can continue. And, if we have the resources to facilitate future trainings, we would do so with you folks, and your participation would be most welcomed.

Unfortunately, I have to head back to Oahu cause I have to pick up my son early from school today. And so, I don't think I'll be here when you folks actually get to the agenda items. But, if folks have any questions, I'm happy to address them. Our contact information is also included in our written testimony. And we would welcome any questions that you may have to be able to clarify our position.

And finally, I just also want to say a special mahalo to Councilmember Baisa. I think, like so many others here, it's really been an honor to be able to work with you over the years. And I'm deeply grateful for your service and aloha. Mahalo.

CHAIR WHITE: Thank you for taking the time to come over and share that with us this morning, Ms. Sproat.

Members, any need for clarification?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Sproat for your testimony. So, you mentioned remote participation. You don't have that now, but you are looking to do that, because that's some of the things that we would like to, I mean, there's a, there's a amendment too to add that capability and be happy to do that.

MS. SPROAT: Right.

COUNCILMEMBER COUCH: Cause then, if you have any way of doing that or, it sounds like you're planning to get something going?

MS. SPROAT: Yes, so we are, we have not yet been able to do remote participation for any of the seven trainings that we've done so far. But, we are actively exploring it, because we have a lot of participation from folks on the neighbor islands. And so, we're working on it. The issue, we just haven't figured it out logistically, but we are actively exploring it, yes. And we would welcome an amendment on that, and support it.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Ms. Sproat for coming all this way. Really, really appreciate your time and efforts here today. So, I'm just, there is a amendment, and I don't know if, and you've, in your testimony you've been speaking towards it in a sense. And I, and I thank Mr. Couch for asking about the remote participation, cause that's kind of the, the amendment I'm looking to put into this to assist with our neighbor islands as you stated in your testimony. And you did state in reference to your current budget, so right now, your, you go on the June 31, *[sic]* fiscal type budget setup?

MS. SPROAT: We're on a State budget, yes.

COUNCILMEMBER COCHRAN: Okay. And so if we were to implement this coming up, and we wanted to institute the remote testimonies, or sorry, training, then you could possibly seek budget amendments, or see if it does fit into your current budget of sorts. But at this time, you can't obviously promise anything.

MS. SPROAT: Right. I, I can't promise, but we are actively pursuing it, because we have had a lot of interest. But in addition, so we usually do two trainings a year; one in January and one in the summertime. Ka Huli Ao is open to working with the County and actually having a training in, in the summer. We know, it's usually in July, but we're open on the dates here on Maui. So that would help to alleviate, to address the issue in 2017.

But for future trainings, we certainly would be willing to explore remote participation, yes.

COUNCILMEMBER COCHRAN: Okay.

MS. SPROAT: And we would support an amendment on that.

COUNCILMEMBER COCHRAN: Excellent. Okay, again, thank you so much for your time and efforts. Mahalo for being here.

MS. SPROAT: Mahalo.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR WHITE: Members, any further need for clarification?

Seeing none, yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: The training, is there such a thing as failing the training?

MS. SPROAT: Not yet. I suppose there's always a first, but no, we haven't. We, the training course is provided, well, we've done them in different locations, but largely at the law school. And we offer, we do them in different ways, but comprehensive courses in the areas that I mentioned. And then we also usually have, try to have time for smaller breakout groups so that we can address and grapple with the issues that the various folks are, are dealing with in the islands and communities. We don't, as people, you get recognition and great appreciation for participating, but that's all. So, no failing so far.

COUNCILMEMBER HOKAMA: I just ask that because I don't know if it exists, or it's something. But you got to remember, the commissioners that are going to go are already appointed.

MS. SPROAT: Right.

COUNCILMEMBER HOKAMA: So, if they fail for whatever, then do they get removed from the commission?

MS. SPROAT: Right. No that's a, that's a good question. But the way that the trainings are right now is you don't, you don't get a pass or fail. You get credit for attending, and lots of good food. But besides that, no, it's how we entice people to come to our trainings. But so far, yea, we haven't, we aren't giving people pass or fail for attending.

COUNCILMEMBER HOKAMA: Last one, Chairman. Have you put in a request to, what is it called, the Hawaii Congress of Planning Officials events and conferences, where maybe at one event you can talk to a lot of planning people from a statewide basis, and maybe approach it from that perspective?

MS. SPROAT: We have not. And that's an excellent suggestion. Right now, the funding for our trainings has been provided by the Office of Hawaiian Affairs. And basically, it covers food and materials. And so, we're definitely looking for opportunities to be able to reach as many people as possible, and I appreciate that suggestion. I'll definitely follow up with our . . . fellow who is helping to coordinate. Thank you.

COUNCILMEMBER HOKAMA: Yea, I just ask you to consider that cause I think the Office of State Planning and the four Planning Directors or Departments participate. So that might be a venue that you might be interested in. Thank you.

MS. SPROAT: Thank you very much.

CHAIR WHITE: Any more need for clarification? Seeing none.

COUNCILMEMBER COCHRAN: Sorry, Chair. If you don't mind, sorry.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I know but, I think, I know for myself and Ms. Baisa had done the training. I'm not sure if I'm overlooking any other Members that are here today. But, I just, it was a good question Mr. Hokama that asked about the pass or fail thing. It's really not that.

And Chair, you I believe have done the training.

CHAIR WHITE: No, not yet.

COUNCILMEMBER COCHRAN: Oh. And, it's educational. I mean, thoroughly, incredibly educational and eye-opening. Even as born and raised person, I really learned quite a bit of things here of Hawaiian. And so, that's where I, I'm urging this to move forward in essence to just broaden all of our, you know, capabilities of knowledge, the `ike of our culture and our, the law and things of that nature, which plays a big part in decision-making on commissions and on this level of government and what have you. So, that's what it's about.

And I'm just really excited to see if we can go ahead and broaden the participation on our behalf as Maui County. Thank you, and thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you, Chair. And thank you, Ms. Sproat for being here this morning. I had the opportunity to attend the training, and I'm glad I went. And I've been an advocate of what Ms. Cochran is trying to pass, because you know, I had heard many, many things about Hawaiian sovereignty, and I'd had many people visit me about it. And they were very concerned, but I really couldn't relate to it, because I didn't understand where they were coming from.

But, having attended the training, and listening, and learning about all of that, you know, I grew up in a time in Hawaii when we were not taught Hawaiian history. And we didn't know anything. We knew all about American history, world history, but we knew nothing about Hawaii's history.

And so, I think it's a good opportunity, and I encourage you, I thank you for trying to bring it. I think it will be very useful and essential to elected officials, or really anybody in a position of making land decisions. So, thank you very much.

And go home and get your son. Don't be like me.

MS. SPROAT: Mahalo. Mahalo. And just to clarify, you know, these, these areas of Native Hawaiian law, exactly as Councilmember Baisa pointed out, are not just important historical or Hawaiian history, but because all of you, as elected and or appointed officials are, you know, you folks have public trust responsibilities and so these help to explain what the specific fiduciary responsibilities are with respect to water, iwi kupuna, traditional customary Native Hawaiian rights, and the public land trust. So, mahalo.

CHAIR WHITE: Thank you very much for being here this morning.

MS. SPROAT: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Gary Passon, testifying on Committee Report 16-189; to be followed by Terry Epstein.

MR. GARY PASSON (testifying on Committee Report 16-189):

Aloha, Chair and Councilmembers. My name is Gary Passon, and I'm here to share comments, three comments on the affordable accessory dwelling bill.

First, as President of Hawaii Habitat for Humanity statewide, I want to share with you that our organization is in support of a Maui affordable accessory dwelling bill and let you know that we are active throughout the State of Hawaii in supporting these valuable extensions to the accessory dwelling opportunities in Hawaii. I can tell you, and you probably are aware of this, that most islands are looking at some variation of this idea to create additional accessible affordable housing.

The, we support this bill, particularly in Maui, we support the focus of this bill on sustainable affordability and its, and in particular support of its improving the overcrowding in many low-income family situations.

We do believe that fixing the rent rate at a, at a specific level, proposal of 80 percent of the HUD rate, and maintaining income certification is appropriate, though, to

minimize homeowner selecting higher income, 140 percent, 120 percent renters, because they can get higher rent from those people based just on a formula. So, we feel that it would be important to level the playing field for the low-income families that are looking to rent these particular dwellings.

Second, I had, I feel and now more on a personal citizen level, I feel the removal of the ADU's from the bed and breakfast and the short-term rental housing ordinances is, maybe not as, as well-founded as it may look on the surface. And I would like to have you think about that a little bit more. It's going to make it much more difficult for many small homeowners who are now small business people to be able to make legal and successful operations possible.

Personally, I think it's not really going to improve access to more affordable housing, because many of those units are in higher, higher cost communities. And, and basically, taking them out of the pool will be a negative effect. And I think we also have to remember that many low-income people make their livings from supporting bed and breakfasts and short-term rentals.

Last thing, I'd like to put forth a proposed change to the short-term rental housing ordinance in light of the proposed removal of ADU's from the B&B's and, and short-term rental ordinance. Basically, the change I'd like to propose would allow owners to rent to more than one family in a short-term rental if the, if an owner or manager resides on the property or adjacent to the property. It's a minor extension to the bill as it exists today. And it would create a little more flexibility for the owner, but more importantly would create, would reduce neighbor and renter complaints, because the renter needs and behaviors are directly monitored and addressed in the moment.

I have provided a proposed five-word change to 16.65.030.B.2 *[sic]*, and that was handed out, I think to everybody today.

CHAIR WHITE: Mr. Passon. Excuse me. Mr. Passon, you have exceeded your time. And it's actually a bill that's not on the agenda this morning. So, we, we do have your testimony in writing.

MR. PASSON: Okay. Right.

CHAIR WHITE: Thank you very much for being here this morning.

MR. PASSON: Thank you.

CHAIR WHITE: Members, any need for clarification? Thank you again.

MR. PASSON: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Terry Epstein, testifying on Committee Report 16-189; to be followed by Kay Fukumoto.

MR. TERRY EPSTEIN (testifying on Committee Report 16-189):

Good morning, Chair, Councilmembers.

CHAIR WHITE: Good morning.

MR. EPSTEIN: My name is Terry Epstein. My wife Kay and I own a--

COUNCILMEMBER COUCH: Mr. Chair, can he bring the microphone closer to him? Thanks.

MR. EPSTEIN: --own a home in Kaimanu Estates, and operate it as an STRH business.

In 2012, the STRH ordinance was passed. We applied in August of that year. After a three-and-a-half-year challenge, we earned our license in February of this year. The 2012 STRH and 2008 B&B ordinances were well thought out with rules, regulations, and guidelines. There was a number cap set for both.

The industry was given 783 possible B&B's and STRH abilities to rent. An industry developing with the ability to generate revenue similar to the Grand Wailea, if allowed to fulfill the number of caps, and develop its potential. The ordinance being discussed today eliminates any potential for this industry as all future accessory buildings will not be able to be used as legal B&B's or STR's after June 30, 2017.

To date, we presently have 320 approximately legal STR's and B&B's on Maui, which is only about 50 percent of the cap. What this ordinance needs to do is encourage and allow more property owners to use their accessory buildings as B&B's or STR's. Help them get permitted. We were permitted after a long arduous process, and then we started paying appropriate taxes; that's revenue for the State and the County.

If we can fill the cap to 783 B&B's and STR's, we will eliminate 363 illegal rentals that will begin paying appropriate taxes to our State and County. And remember, this industry puts back into our community the lion's share of every dollar generated from rentals by maintaining their properties.

The B&B folks and the STR's employ people for doing all kinds of services; carpenters, electricians, maintenance, tile layers, plumbers, chefs, butlers, tour guides, florists; essentially providing a livelihood for a multitude of our permanent residences.

And remember, the B&B's fulfill a part of our tourism industry, the desire of thousands of guests to our island who want to experience living in a home while vacationing in paradise, Maui our island.

CHAIR WHITE: Thank you, Mr. Epstein.

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

Mr. Clerk.

COUNTY CLERK: Next testifier, Mr. Chair, is Kay Fukumoto, testifying on Committee Report 16-188; to be followed by Francine Aarona.

MS. KAY FUKUMOTO (testifying on Committee Report 16-188):

Good morning, Council Chair and Councilmembers.

CHAIR WHITE: Good morning.

MS. FUKUMOTO: My name is Kay Fukumoto, and I'm testifying on behalf of myself as a personal resident. I'm here today to testify in favor for A&B Properties, Waiale Project. I've been a resident in Kahului for over 50 years, lived in Dream City Eighth Increment for 20 years, and then now live in the Eleventh Increment for over 30 years.

When A&B first thought about this project, they put an ad in the paper, and they asked residents to come in and, you know, try to give their two cents in terms of what they would like a community to look like. And I was part of that ten years ago. And I was excited, because I thought I could put in my two cents for the last Dream City Project.

What I appreciated about the development is that there were different ranges in housing that was being offered, from townhomes to single-family. And what I found was that there was a community of us Kahului residents that came together to create

what we felt was going to be the last Dream City. It was all about housing for our kids.

Fast forward to now, it has been a long time to get this project to become reality. And like the closing of HC&S, this is the final chapter, the final increment of Dream City. I loved the process. Waiale truly embodies the hopes that so many of us have for our families. I am a mom with a grown son who is living and working, and thriving on the mainland. But, I know that one day he'd love to come and return to Maui. And when he does, I think that the Waiale would present the ideal opportunity for him to raise a family in the community in which he was raised.

To our Councilmembers here and incoming, many of you have talked about supporting affordable housing during your campaigns and in your speeches in the community. If you truly meant what you said, let your actions speak louder than your words, and please help move this project along. Thank you very much.

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

Members, any need for clarification? Seeing none, thanks for your thoughts.

Mr. Clerk.

COUNTY CLERK: Next testifier is Francine Aarona, PTA member, testifying on Committee Report 16-187, on behalf of the Paia Town Association.

CHAIR WHITE: Good morning.

MS. FRANCINE AARONA, PAIA TOWN ASSOCIATION (testifying on Committee Report 16-187):

Good morning. Aloha, Chairman Mike and Councilmembers. Mahalo again for allowing me to ask that you consider moving 16-187 forward for our community.

Protecting Paia means a lot to our old time residents like myself. It takes a lot for merchants to convince the community that SID would benefit the town, and the community who live there. I'm sure that many of the residents don't have the time or pleasure to walk the main street of Hana Highway and Baldwin.

Many visitors of ethnic backgrounds come to visit this historical town. As a member of the Paia Town Association, it has given me awareness of how we and the

community can keep our town safe, clean, and hang on to some of its old time flavor of why people live here, and others come to visit.

There is one item that I would like to call attention to the Council that disturbs me. Our testimonies are made public and in reading the testimonies that oppose this bill made me wonder how every testimony quoted word for word, the qualifications of the PTA Board members. As a resident of Paia, I see, I hear, I taste, and I have the heart to accomplish the beautification of this town.

Please vote yes to carry this bill to the next reading. Mahalo.

CHAIR WHITE: Thank you very much.

Members, any need for clarification? Seeing none, thank you for sharing your thoughts this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Noelani Sugata, Executive Director, the Paia Town Association, testifying on Committee Report 16-187.

MS. NOELANI SUGATA (testifying on Committee Report 16-187):

Hello. Good morning, Chair White, Councilmembers. And mahalo Councilmember Baisa for all your service.

My name is Noelani Sugata, and I'm the Executive Director for the Paia Town Association. First of all, thank you to the EAR Committee Members for moving the Special Improvement District bill forward, and for the opportunity to give testimony in front of full Council. We are in strong support to enable the ordinance to allow for Special Improvement Districts for Maui County.

Special Improvement Districts, commonly known as SIDs, are a self-funding mechanism where businesses are assessed to pay for services they all use. It is a formal structure for creating a clean, safe, and vibrant town that is attractive to visitors and residents.

I have been working as a part-time ED for a little over a year, and we do what we can with the funds we are allotted. The majority of our funds come from a small town county grant and membership dues. In Fiscal Year 2016, our funds paid for a rubbish removal program, supplies for the Paia mural, a community meeting with

public officials, and marketing materials such as mail outs to, such as mail outs to creating an effective digital marketing strategy. We would like to provide more services to the district, but we need more funding to do so. A SID would hold accountable that all businesses in the district pay for these services.

Since 2014, the PTA has discussed the idea of the creation of a SID for the town during the strategic planning sessions. When I was hired in 2015, I put our materials online, including the proposed budget, distributed informational brochures, talked to merchants and landowners, and notified anyone with a 96779 zip code of our Annual Meeting 2016 where our President did a SID presentation. I understand that not everyone is going to like this idea of an assessment or extra tax. However, with the support of the Board, I am committed to having those conversations in hopes that we can come to an understanding. We need long-term funding if we want to make improvements for Paia.

I have been to every hearing, read through the testimony that has been submitted, and most of the testimonies submitted are in favor of moving this forward. I humbly ask the Council to support enabling the ordinance to allow SIDs for Maui County. Thank you.

CHAIR WHITE: Thank you, Ms. Sugata.

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

Mr. Clerk.

COUNTY CLERK: Next person to testify is Zandra Amaral-Crouse, to be followed by Pat Borge. And Zandra will be testifying on Committee Report 16-189 and 16-188.

MS. ZANDRA AMARAL-CROUSE (testifying on Committee Reports 16-188 and 16-189):

Aloha kakou. . . . My name is Zandra Amaral-Crouse, as in house. I love you Danny.

And I'm here to testify, I'd like to start on 188. I think housing is really difficult. And you hear me in the Committees, and you know how I feel. A&B has been an advocate for housing for as long as I know, probably even before I was born. And I was born a long time ago in the Territory of Hawaii.

I stand in support of Waiale. I am mostly touched by the diversification in the project. It provides for our communities. As a realtor and a broker who deals with our youth and our families day in and day out, which is what my firm deals with, local people, I am in support and I have supported vacation rentals because there is a need. And I was a part of that dialogue. I am in favor of short-term rentals. But, this is a project that provides for our community, our young men, and our young ladies; their families.

Housing is something that Councilmembers like Gladys Baisa and many before you have struggled with. In the 65 years that I've been alive, I have heard it year after year after year. I think right now what we have to do, we need truly, to appreciate our visitors. However, Councilmembers, there need to be a separation; a separation from and between our visitors and our local people. If we do not take care of the young men and women who are growing in this community, and trying to provide for them, they will continue to move away.

In closing with Waiale, I ask you to support simply because without the visitors, we cannot survive. Without our children being here and expanding the aloha, we have no tourism. Our people, our children are our tourism. Thank you.

On bill, I love this little red light. We should've had one for the presidential election, oh they ignored it yea, never mind.

Okay, on Bill 189, on the accessory dwellings. And again, I appreciate and as a realtor and a resident, as a mother, grandmother, and a great-grandmother, I do appreciate the tourism. I, myself, have been a manager in the 70's of properties in Kaanapali. So, I'm very grateful, because they helped me raise my children. My daughter has been a manager at the old Maui Prince Hotel, where she works now, but with the developing side. My son has been blessed with the Hyatt Regency, being there for more years than I'd like to count. And I am very grateful for tourism.

Vacation rentals is in need. There's a place and there's a time. My grandmother used to say that; place and time for everything. The time and the place right now is for us to look at accessory dwellings through the eyes of our children; not excluding vacation rentals, not excluding short-term rentals, but realizing that the priority right now needs to be on our children.

And through the years I have lived, through the minority vocal who had money, who had power, and because of that, we, my generation suffered because of it. And many of my friends now reside on the mainland after some 50 years of leaving school. My dear friends, you are tasked with the jurisdiction of what happens to our land. Be prudent. And when you think about housing, no matter what form it takes,

think of residents first. Because if you take care of your family, the rest will happen. The tourism will be okay. But, if you do not take care of your children, brothers and sisters, I promise you there will be no aloha in Hawaii. Our children need a place to call home.

And I humbly ask you to know also, it takes the wealthy condominiums to provide the money for our people or people who are not as blessed. So there is a dire need for the diversification. And I do believe, in closing, A&B provides that, this accessible dwellings provides this. Mahalo.

CHAIR WHITE: Thank you, Ms. Amaral.

MS. AMARAL-CROUSE: You're welcome.

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

MS. AMARAL-CROUSE: Thank you, Chair White.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Pat Borge, testifying on Committee Report 16-189.

MR. PAT BORGE (testifying on Committee Report 16-189):

My name is Pat Borge. Good morning everybody.

CHAIR WHITE: Good morning.

MR. BORGE: This is the longest I've been in the County building, but who, but I got things to do here. But, I just want to say that I support 16-301 and 16-302, and the way the amendments. You know, what it is it's something, at least it's something that's going to help put local people in rental, in a rental.

When I grew up, I grew up in Puunene, then my parents when move to Kahului Sixth Increment. My parents lived in a house in the back, I lived in a garage. Me and my brother lived in a garage, and my sister had her kids in the big house. And that's how we lived, and we were happy. But we had a place, we had a roof over our head, that's number one. And we had a place to come home and eat. Then after a while, I went in the service, got back, I had no place to stay. I rented a place in Kahului, got married. Me and my wife lived in a little cottage behind this guy's house. And that's

how I, then eventually, you know, as life goes on you learn how to save money and all of that. Now I got my own place.

But the biggest obstacle for local people is their down payment on a house. And somehow we got to figure out a way that we can help these people that need that down payment. Even though they have a good job, they working seven days a week, and they have money to go to Costco, but they don't have that down payment to pay for their mortgage. And I think that's where the County, somehow, has got to figure out a way to help these people out. Because, you getting people coming from the mainland. They got money in their pocket, bang, they can get a house. And the local guy, suffering. I mean, that's life.

And, and to me, right now, the County also maybe can look into buying some of this land, put in the infrastructure, and do something like Sixth Increment. When somebody mentioned about the Arisumi Brothers, Hicks Homes, that kind of thing where the locals can afford. But these two bills, at least it's a step forward. You know what I mean? It's going to help.

And all you guys know, I'm against B&B's and TVR's. I don't believe in those things. Years ago, I testified and I said, you know, that short-term rental is going to come back to this County Council and going to bite you in the butt, and that's what it's doing. Because that short-term rental took out all these rentals where the local people could rent. Not every, not all B&B's are in Wailea, you know.

And the taxes on this people, there's a miniature hotels. And like I said before, I testified before many times before, these are hotels. Once you service your food, you're considered a hotel. Look in the Webster Dictionary, it will tell you that. So the taxes, how can a long-term rental pay more taxes than a B&B and a, and a short-term rental? That's my question. Get the tax bracket up to par where it's supposed to be. And take care the local people.

And this amendments, it's a start. Maybe it's not perfect, but at least it's a start. And I hope you guys support this. Thank you very much for your time. And Merry Christmas. And that's my wish list. Thank you.

CHAIR WHITE: Thank you, Mr. Borge.

I'm sorry.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Mr. Borge, hold on a second.

COUNCILMEMBER COCHRAN: Mr. Borge, wait, wait. The horses can wait a few more minutes here.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. Borge, for being here. And so, you, and that's a good point you brought up about the down payment. And so in your, your timeline of your life. You moved out, rented a little cottage, I assume it was affordable?

MR. BORGE: It was like a, yes it was affordable.

COUNCILMEMBER COCHRAN: And that, and that thereby you were able to save up to get your down payment to get your loan to purchase your own?

MR. BORGE: Right.

COUNCILMEMBER COCHRAN: Okay.

MR. BORGE: Yea, that, that's, and that's what the kids need nowadays. They need a place where they can afford the rent, and say. But, but I think you need some professionals to come in to help this younger generation to, to help teach them how to save that money for the down payment. And that's, because some of these guys they make good money, but they don't have that, that 10,000 or 15,000 they need. Because they living from week to week, you know what I mean?

COUNCILMEMBER COCHRAN: Yea. Well, thank you. And thank you for sharing, yea, your story.

MR. BORGE: Yea, thank you guys, and aloha.

COUNCILMEMBER COCHRAN: I appreciate that. Happy Holidays.

CHAIR WHITE: Thank you, Mr. Borge.

Mr. Clerk.

COUNTY CLERK: Next testifier is Aliki Biniaris, testifying on Committee Report 16-189; to be followed by Rosemary Robbins.

MR. ALIKI BINIARIS (testifying on Committee Report 16-189):

Hi. My name is Aliki Biniaris. I have a Master's in--

CHAIR WHITE: Could you move the microphone a little closer to you.

MS. BINIARIS: Okay.

CHAIR WHITE: Thank you.

MS. BINIARIS: I have a Master's in Architecture and I work as a design professional in the community. And I just wanted to say that I fully support the new language in the 19.35.02, about the maximum gross floor area.

I think that revision will help make accessory dwellings a lot better places to live. I also really appreciate the open deck and the covered decks that are now being added. I do think that it's a little confusing, because they haven't clarified whether stairs will be considered similar structures and counted in the open deck or covered deck square footage calculations. That's all I have to say for that one.

And as far as the accessory dwellings on the 500-square-foot on lots less than 7,500, I do believe the regulations are a little strict. And this should probably be regulated as other accessory dwellings are. There's no telling what the property value implications are if we mandate them as affordable rentals in perpetuity.

And there are also enough obstacles for homeowners in building these, coming up with the financing, dealing with the sewer; especially Upcountry, because there's no infrastructure. So, some have to, they can't rely on the County sewer system, they have to have civil engineers. And also the water, the limited water, having to pay for additional fixtures. There's quite a few obstacles already in place for these affordable dwellings.

I also have a small problem with how you define hanai. We moved here, my family, when we were, I was just a year old. And I have a pretty big extended family, which I have no blood relation to, but they are my family. And a lot of people have rentals that are affordable to them because of this extended family, these connections that they formed. And it's hard to define what that family is on a government document.

I also think that making these affordable to people with varying income ranges, as long as they're long-term and for Hawaii residents, that maybe families that are just

starting out could move into them, even if they had a higher income and save money for a down payment to be able to afford a home later.

And yea, I think that's about it. Thank you.

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

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you for being here. By chance, have you had a chance to see amendments that will be presented later today to what you're speaking towards, at all?

MS. BINIARIS: I just read the one about the new language on that Chapter 19, and also the bid about the affordable accessory dwellings on the smaller lot sizes.

COUNCILMEMBER COCHRAN: Okay. So, all right.

MS. BINIARIS: Sorry.

COUNCILMEMBER COCHRAN: Thank you. No, no problem. There's--

CHAIR WHITE: Thank you very much.

Mr. Clerk.

COUNTY CLERK: Next testifier is Rosemary Robbins, testifying on Committee Report 16-192 and County Communication Nos. 16-299 and 16-300.

MS. ROSEMARY ROBBINS (testifying on Committee Report 16-192 and County Communication Nos. 16-299 and 16-300):

Good morning, everybody. Gladys.

CHAIR WHITE: Good morning.

MS. ROBBINS: In the tourist terminology of today's teenagers, it's all good. I can't say anything more than the fact that they're totally right. Thank you.

Okay, the first item that I have in here is coming from our missing Councilmember today. And that's on the idea of having education in Hawaiian tradition and language. I began teaching in Hawaii, Kaneohe 1962. So, I've been around a long time. And am currently helping out and substituting over at Kamehameha Maui. So, very much in favor of all this.

Just a quick take on this. When I got a hold of the Committee Report 16-192, and in the bottom paragraph it says, this is from Mike Victorino, "Your Committee agreed participation in a Native Hawaiian law training course had merit, and noted that the Office of Hawaiian Affairs would cover the cost of the training." I would love to think that concerned citizens who would also love to learn, especially this one who is dealing in a Hawaiian education school, would love to be able to do that.

And before this was ever brought up, I took a distance learning course in American sign language for two semesters over at the college. And at the time that the classes began, I was in Boston visiting an adopted grandson up there, so had arranged to come in, starting a little later. And so, I went to the front desk at the college and asked if I could have the records of what I had missed. And they gave me a disc, and I went upstairs to the . . . and put it on. And I could see everything and hear nothing. So, I went back downstairs and said I'm not too sure if I'm not using your machine very correctly, or what would the problem be. And this gentleman said to me, it's a course for the deaf.

Yea, okay, so managed to stagger through that. The person who taught it was over from Oahu. He was deaf. He had a lot of funny jokes about how you can find your hotel room. Because all you have to do is lean on the horn at night when you come in late, and all the lights go on wherever the motel is, excepting for yours, that's your room.

So, he had us totally in his signing communication. And I just know that if there are other people who would like to be able to do that too, who are concerned citizens; however, that could be arranged through long-distance learning, hooray for that. So thank you very much. Thank you for bringing that up, Elle.

Okay, and the second item today is coming from Carol Reimann, Director of the Department of Housing and Human Concerns. I was delighted to see how specific this was. It's talking in here about, I'm going to read this, "The applicant, through the Department of Housing and Human Concerns, shall up, shall update the Council on

the status of the project and the applicant's progress in complying with the modifications adopted by the Council's resolution on at least an annual basis." This is not going to go on forever. Tying it into that is wonderful, "commencing one year from the adoption of the Council's resolution. For modifications that contain specific due dates, the Department shall update the Council as to the status of each modification no later than two months prior to the date of the specified modification."

So, organizing that using the verb: shall, do, by, when, is a whole lot different from what was happening in history before. So, I'm delighted that that has come about, and I think the people who brought that up that was in view of the Kula Ridge Affordable Housing Subdivision. And being familiar with what happens Upcountry, water is always going to be a problem.

And in one of the items on our agenda today, on 16-1, oops sorry, 16-299. I did get a hold of that, and it talks about the fact that the amount outstanding on the water bonds that have been floated is 24,471,242. God spare us. None of us under this ceiling right now, I'm thinking, could write a check for that. And yet, it's a debt that our children, grandchildren, our later generations have already inherited, because the water stuff wasn't done. So timely as the recognizable increase in population would have said we've waited long enough. So, we need to get that done.

And I just want to thank the folks on the seventh floor who got these papers for me. When I went in yesterday where people usually do their research, everything was beautifully decorated. And one of the woman pulled a stool over in front of a countertop where I could work on there. So, just those, those women are just wonderful all the time. So, don't be shy about going in and asking.

We've got all this stuff that's coming out in the newspaper, that's coming out in Maui Time, where people who are at home, who can no longer drive, perhaps never did. The majority of those people are women who has stayed at home. And from what we heard this morning, they were the ones that were keeping the home fires burning while the men were out there. Now in order to have them listening and watching all in current time is just great. So, the processes that have come up in the time that I've been available to help out, and read, and talk, I mean, people walk up to me in the hardware store, thank you so much, I never knew what those initials meant. Things that we can do about getting an arm around everybody and leaving nobody out.

So, so thank you for all that good stuff. And I know that you heard a lot of soul-felt housing things. And I learned a lot from that this morning too. And one of the things that I'm glad to hear is that nobody is holding the feet to the fire, the people who worked with Senator Dan Inouye, and the man from Virginia Tech that we brought over here years ago to be able to deal with the Upcountry contaminated water.

Those records are around, and people who served on that have discs of all of that. So they really can't be find in, found in the records here, in this building, they do exist. So, feel free to ask. Thank you.

CHAIR WHITE: Thank you very much.

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Albert Perez, testifying on Committee Report 16-190; to be followed by Autumn Ness.

MR. ALBERT PEREZ (testifying on Committee Report 16-190):

Aloha and good morning, Chair White, Councilmembers. Generally, I'm Albert Perez, I'm Director of Maui Tomorrow, and we are generally in favor of looking at ways to provide affordable housing for, for local working families. Housing that's truly affordable.

Two of the proposals in the 16-190, the blanket rezoning and the blanket State Land Use redistricting, they would compress the review of what I believe would be hundreds of parcels into a single action. And it would be impossible to do the type of in-depth review that should be done when condition use parcels rezone appropriately. And the same thing would happen with State Land Use districting.

This, these changes would save developers an enormous amount of time and money. However, they would create infrastructure burdens that the State and County would have to meet. So, I think we need to be really careful.

One main effect that these changes would be to significantly accelerate development throughout the County. Since most people on Maui do not want us to become Oahu, these two proposals should be evaluated very cautiously. We already have an imbalance when comparing commercial development to truly affordable housing. That's why we have a shortage.

We should be prioritizing infrastructure availability for truly affordable housing for working families. And you know, our current housing policy just doesn't do that,

unfortunately. We've fallen really far behind. Some people think that we can just let the market cure the problem, and you know, it's not working. It's really not working.

We have seven and a half percent of any typical project that is affordable for people who earn the median income or less. So, if you take 25 percent and multiply that by the 30 percent requirement for truly affordable housing, for below the median, you get seven and a half percent. That means that 92 and a half percent of the homes that are being built are in unaffordable category.

We need to question and even refute the notion that just by increasing the overall supply of housing, that we'll be helping Maui's working families to afford homes. We can't even afford the so-called affordable units. Over half of housing sales are going to out of State buyers. The market solution has clearly failed. Opening the flood gates is not going to help. It's going to make it worse. So, before we reach the point where we create enough supply on Maui to satisfy the world, we will be, we'll run out of land and Maui will be changed forever into another Oahu. So, urging caution on those, and we'll be happy to work with you on those proposals going forward. Thank you.

CHAIR WHITE: Thank you, Mr. Perez.

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

COUNTY CLERK: Mr. Chair, next testifier is Autumn Ness, testifying on Committee Report 16-302; to be followed by Cheyenne Starbuck.

(Councilmember Baisa was excused from the meeting at 11:46 a.m.)

MS. AUTUMN NESS (testifying on Committee Report 16-302):

Good morning, Council. My name is Autumn Ness. I am testifying as an individual. I'm not on the County clock right now. And I'm testifying because of the accessory dwelling unit item because of my personal experience with this situation. I want to share some information coming from the real rental market of Maui.

Yes, a lot of people say that the accessory dwelling unit item and the amendments that Councilmember Cochran are going to propose will probably not create a sudden windfall of new accessory dwelling units being built. They're probably right. Yes, some will be built, and that's great. It will, however, create new housing by allowing

some structures that are currently in this weird gray area to be permitted and turned into real rentals. And that's a really, really big deal.

Right now, there are people all over Maui, myself and my friends and family included, who are living in sheds, garages, lofts, things like that that are substandard, because they cannot be improved or permitted legally. Some of my friends are working people with kids that are living in these substandard places. They're not unhappy, it's, it's working for them. But, they're not allowed to be improved because of the law right now.

This item will also stop the insane rent situation that is happening right now. I hear people talk about high rents in this Council, but I'm wondering if you really appreciate what high rent means and what kind of, what your dollar can get in the rental market.

Sudden rent hikes have meant that I've had to move numerous times over the past years, even though I'm really good friends with my landlord and we're cool. But all of a sudden we get a notice, next month your rent goes up by 300 bucks. Okay, so right now, I am in this process of looking for a new home.

I've spent the last few weeks looking for a small rental. I've looked at a few rentals that are no larger than the shared office space that Councilmembers share with their EA's; a whole rental. Some of them have a bathroom, some of them don't. Some of them don't have a, a lot of them don't have a kitchen, no nothing, not a hotplate, not a refrigerator, no nothing, for a $1,000. Totally illegal, totally unpermitted. Someone's going to live there though, and they're paying $1,000.

For the privilege of a studio with a kitchen, whether it's unpermitted or not, you're lucky to find something for 1200, but more like 13 to 1400; a box with a privilege of a kitchen. I'm not proud of the fact that I've had to lie about having a child, so that somebody may allow me to pay $1,000 for a box without a kitchen.

At the very least, this bill will allow landlords to put basic amenities in small units, making it more a humane living situation. And it will also bring the rents of those places to a more reasonable level. Let's be real, landlords are going to still rent their garages and shells out, sheds out illegally. But, if we lower the rent bar a little bit, and make it so the max rent that can be charged for a studio with a kitchen and a toilet is about $1100, landlords won't be able to charge the same amount of money for a shed in their backyard with no amenities.

May I please request one more minute?

CHAIR WHITE: No, we've got a lot left to go today.

MS. NESS: Okay. Alright. Thank you. I appreciate it.

CHAIR WHITE: Thank you for coming this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual to provide testimony this morning is Cheyenne Starbuck, testifying on Committee Report 16-189; to be followed by Trinette Furtado.

MS. CHEYENNE STARBUCK (testifying on Committee Report 16-189):

Good morning. My name is Cheyenne Starbuck. I'm just going to read off of this cause I'm quite fresh.

So, I'm from here, born and raised. And with that being said, myself and other keiki o ka aina la, people from here, are being priced out of their very, from the very place that we come from, which is Maui. We're almost cannot afford to live here.

My husband and I, maka`ainana, we are working class people. Together, we make a decent living. I would say we are mid-income earners. And yet, we struggle to pay rent in our own small dwelling. Rent here on Maui is exorbant *[sic]*. The cost of living and our wages are unbalanced. This is not only our story, but the story of many ohana.

So, I speak for common folk, like myself, supporting this bill to allow affordable accessory dwellings, which is what I live in basically. And I know there's some wrinkles to be ironed out, but it's a start to help improve a better quality of life for kama`aina. Thank you.

CHAIR WHITE: Thank you very much for being here this morning, Ms. Starbuck.

Members, any need for clarification? Seeing none, appreciate you being here.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, Trinette Furtado is the next testifier, testifying on Committee Report Nos. 16-188, 192, and 193, respectively; to be followed by Margit Tolman.

MS. TRINETTE FURTADO (testifying on Committee Reports 16-188, 16-192, and 16-193):

Aloha mai, Councilmembers. I wish Councilmember Gladys Baisa were here, because I also am very lucky and very honored to be a recipient of all of her hard work here in the Council, and so I am going to tell her that myself when I see her.

I'd first like to bring up Committee Report No. 16-188, for the Waiale Project. I would like you to really think about this particular issue, because as we have heard from Waiale developers in the last meeting, there currently is no workforce housing agreement for this project. I know that we definitely, as we have heard from people who have testified previously, need housing. That, there's no mistake about that. But, I would like to caution you to make sure that the same kinds of issues that have arisen with the Kamalani Project, also done by this developer, do not occur with Waiale. Because, it is a very serious thing to tell our people we have affordable housing that you can apply for and not have it for them.

We see that we need more shelter. We've just seen the State clear out the area by Kahului Harbor, and where will those people go? They'll just get pushed to another area, and pushed to another area, and that cannot keep happening, because as we know, it will get more and more people, and where do we put those people.

Yes, we do need an affordable housing project. Yes, we need more of those. But when we do these things, we need to make sure that the County is the one who benefits. That we are not left with some kind of indebtedness. We are not left with some kind of switchover and entitlements or encumbrances that what we truly put forth for our people will be for our people; not for 10 years, not for 15 years, but in perpetuity.

The other items that I'd like to talk about are the Committee Report No. 16-192, and 16-193. In our County Charter and our Countywide Policy Plan, I hope this is not just lip-service, but we say, we, the people of Maui County, mindful of our Hawaiian history, heritage and culture and our uniqueness with this. These are the things that we are going to keep in mind as we deliberate legislation, as we look to do things to better our community.

And so, I feel that it is absolutely imperative that all of our commissions and our committee, our committee members have this training. That they understand what is going on and that it is not just something on the side, something that is happening separate from this. Because we are in Hawaii and Olelo Hawaii is one of the official languages.

And I would like to see more, not inclusion, not just inclusion of the language, but more thoughtfulness when it comes to the status, the laws that currently govern how the relationship between kanaka maoli and our governments currently operate. And I would like to see that extended, and also understood on this County level.

Because, when people come before committees, for instance the Planning Committee, it would behoove them to absolutely have even just a smidgen of this kind of training. Because there would be, I think, a greater understanding of where people are coming from within the community and where our kupuna are speaking from; the history, the wa kahiko of this place. No one wants to see it turn into Oahu. I am sad that Oahu is Oahu. I would like to see Hawaii remain Hawaii.

And I think that if you pass these two bills, these 16-192 and 16-193, you will be taking those steps to let everyone know that, that's it not just that we live here in Hawaii, and we have Hawaiians, we have kanaka around us, but that that is also an integral part of us as those who make decisions, as those who talk about the things to make decisions on, and as those who want to be great examples and great alakai for our people. So, I hope you will take all of those things into consideration. And thank you for the time to testify.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Margit Tolman, testifying on Committee Report 16-189.

MS. MARGIT TOLMAN (testifying on Committee Report 16-189):

Good morning, Chair--

CHAIR WHITE: Good morning.

MS. TOLMAN: --Mike White. Good morning, Councilmembers. I, I'm not really prepared, I didn't come to testify at all, but I heard all these testimonies. And since, I'm a realtor, I'm a property manager for long-term rental and short-term rental, I just thought I would like to pass on my thoughts and my knowledge.

We need housing, there is no question. I'm a long-term property manager, and I see that people struggle to get rent, to pay rent. And, we have to find solutions. So I, I really appreciate the thought of additional accessory dwellings, and smaller lots. I, I think that is a great start.

What I believe is what Paul Laub mentioned too. It's better to give a carrot than a stick. So with incentives, I feel it can be accomplished versus too many restrictions. A restriction on a deed, what will that mean for the future, for the children who inherit maybe, their property? Will it decrease the property value in the long run? What are the consequences about it? I think there should be more research and thoughts about it. How the housing can be increased with the small flexibility. If homeowners have flexibility, long-term, short-term, they can thrive, they can actually survive.

And since the question came up about, or the thought came up about vacation rentals, bed and breakfast, cottages. I appreciate what Gladys Baisa did. She, she created legislation so I could be legal operating a vacation rental. My business is legal. I was able to hire a full-time person who was born and raised in Hawaii. My own vacation rentals support my long-term rentals. I am provided two affordable housing for residents, because my short-term rental creates the extra income I need to make it possible.

So please, don't think just negative. Think about how creative we can be to accomplish, to have for all residents a reasonable living style. Thank you.

CHAIR WHITE: Thank you very much.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the last individual that have signed up to provide testimony in the chamber this morning is Tom Croly, testifying on Committee Report 16-188 *[sic]* and County Communication Nos. 16-301 and 302, respectively, on behalf of MVRA.

<u>MR. THOMAS CROLY, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Report 16-189, County Communication Nos. 16-301 and 16-302)</u>:

Thank you. Thank you, Chair, for the opportunity to speak again. My name is Thomas Croly, and at this moment I'm speaking on behalf of the Maui Vacation Rental Association.

Opportunity, the best thing that this Council can do is to make opportunities available to our residents. The intent of the affordable housing dwelling was a good intent to provide additional opportunities for owners of smaller lots to build dwellings that would provide additional opportunities for people to rent affordably. That's, that's good, that's a good thing.

It's unfortunate that, with some of the regulations that have been baked into this ordinance, that this bill creates restrictions that effectively will remove these opportunities. It will remove the opportunities for the owners of these properties, because deed restrictions, and reporting requirements, and rent control, and them having to report on who they can rent to and who they can't rent to; it's not going to work. It's been proven before, this doesn't work.

Today, we're living in a Donald Trump America, where the facts don't matter. Oftentimes, we ignore the facts, and we pit different people against each other, because we want to say that it's that person's fault, or that person's fault.

But, I want to state a few facts right here. Of the homes that have been sold over the past 15 years, less than one percent of those homes later were permitted for short-term rental or bed and breakfasts. We cannot say that short-term rental and bed and breakfasts, permitted short-term rental and bed and breakfasts I'll mind you, are driving our real estate market. They're not. That's what the facts are very clear about. The fact is that permitted bed and breakfast and short-term rentals have not taken away a significant part, a portion of housing for residents.

In point of fact, as you just heard from Margit and many others, they have helped facilitate people being able to have their housing. Both the owners of those properties, who the income from that, from their rental, helps them as well as the people who are employed in those. So, the idea that we're not going to let this guy use his ohana for this use legally, that we're not going to legally let him get a permit to use this for this use, is not necessarily ending up with a net, net. You've got a better situation for affordable housing.

It doesn't seem to matter that fewer than 50 of the 6,000 accessory dwellings that currently exist on Maui are permitted for these uses; fewer than 50. Yet, we're going to say no more, even though we have an ordinance that's clearly considered these things when the bed and breakfast ordinance and the short-term rental ordinances were passed.

I'll move onto Communication item 301. This calls for a reporting in two years of how this might be working. I would submit that that's not necessary. We only have to look as far as Honolulu, where they passed an ordinance very similar to this, last

September. Not this past September, but 14 months ago. And I've been following closely, the reports on that ordinance.

In January, they reported that nobody had gotten a permit, and they hadn't quite figured out how to do it. In March, they had reported that they got five permits through the, the thing. In July, they reported that the Mayor is changing it so that we're going to waive all permitting fees and potentially save as much as $10,000 for people who want to permit these. And at that point, they had gotten 39 approved permits through.

You can see that when that ordinance went forward, the Mayor had high hopes. He said, I hope this is going to create 5,000 new accessory dwellings. Well, 14 months later, we're at 39 approved permits. So, we don't need to do our own experiment to see that this ordinance is not going to work, it's not going to create the housing that we need.

We need five to 10,000 housing units to address our concerns. Despite what, what some folks will say, that we're not going to solve this problem with more supply, we are. Supply is the point. And saying that we can't permit 50 or 100 short-term rentals, and provide that opportunity for people, and trying to scapegoat those guys for the lack of 5,000 or more units, or 10,000 units, it's the wrong thing to do. And it's also the wrong thing to do for the legacy of Gladys Baisa and the short-term rental and bed and breakfast ordinance that she helped put through.

I'm going to move onto Communication item 16-302, which is essentially a rent control measure. I love the idea. I love the idea that we could have thousands of $1250 a month cottages available to people. But, it's not going to do anything connected to this, this bill.

And rent control, again, we don't have to look too far to know that it doesn't solve problems. This particular measure, let's just point out, would allow someone from the mainland to rent one of these units, use it as their temporary home, come back and forth and use it. And I know a lot of people who do that. They let their unit sit empty, and not necessarily be a resident of Maui. They say, hey I can rent this place for $1250 a month, and the landlord's happy because it's going to sit empty most of the time, I don't have to worry about someone being there, great.

So again, you're piling regulations on things, whereas what we should be doing is creating greater opportunities for our people. And, this bill, it's not ready to move forward. Thank you.

CHAIR WHITE: Thank you, Mr. Croly.

Members, any need for clarification?

I believe we have one more testifier. Mr. Clerk.

COUNTY CLERK: Mr. Chair, that testifier is Catherine Clark, testifying on Committee Report 16-189.

MS. CATHERINE CLARK, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Report 16-189):

Aloha, Councilmembers and Chair White. My name is Catherine Clark, and I'm a Board member of the Maui Vacation Rental Association.

There are two ways the affordable housing issue can be viewed. First, is the monthly rent or mortgage payment. But the other is the ability to pay that current going rate. On one hand, this ordinance might create a few units, but on the other hand, you'll be eliminating what could be an equal number.

(Councilmember Crivello was excused from the meeting at 12:07 p.m.)

MS. CLARK: Some owners with the entrepreneurial spirit have taken matters into their own hands, and turned to B&B as a way to afford their mortgage, send their children to college, or fund their retirement. Some of the current permitted B&B properties include a cottage or accessory dwelling. This ordinance proposes removing that option for future applicants. The result will be that the single individual, or a couple, that could live in the cottage and rent the main house will still have the option of a B&B.

But what about the larger family that needs the size of the main house for themselves? They would no longer have the option of renting a cottage. These are local residents. Does this really seem fair?

My daughter lives in San Francisco. In the area that she lives in, rents have dropped approximately 25 percent in the last year; one year. Some, and something that they've not seen in many, many years is ads showing six weeks free, no security deposit.

So, what changed? In the last year, several large projects came online. It spread demand out amongst various options, and rents came down. This is what's missing on Maui; the influx of new lodging options. This ordinance will most likely legitimize some of the illegal accessory dwellings that are already occupied. But, will it really create a significant number of new ones?

And what about the families? These dwellings will be 500 square feet; great for an individual, perhaps great for a couple, but what are we doing for the families?

So in closing, should the burden of providing affordable lodging really fall on the shoulders of these individuals? Hawaii Business, this month, lays the blame on bureaucracy. Perhaps it's time to change that and move forward. Thank you.

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

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals who've signed up to provide testimony in the chamber.

If there's any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office phone at this time.

Hana Office, are there any additional testifiers?

(Councilmember Crivello returned to the meeting at 12:09 p.m.)

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

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Thank you.

And Molokai Office, are there any additional testifiers?

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

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

CHAIR WHITE: Thank you very much.

Members, we have received an amount of written testimony. Without objection, we'll receive that 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. David DeLeon, Realtors Association of Maui, Inc.;
2. Paul Laub;
3. Melody Kapilialoha MacKenzie, University of Hawaii Manoa;
4. Gary Passon;
5. Noelani Sugata, Paia Town Association;
6. Paula Phillips;
7. Loren Clive;
8. Helga Fiederer; and
9. Kai Nishiki.

CHAIR WHITE: Thank you. And, without objection, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: And with that, Members, I need to get assent from you whether you would like to continue with the agenda, which I would guess is probably going to be about another 45 minutes, or whether you want to take a lunch break. Any?

COUNCILMEMBER CARROLL: Chair. I don't know how the Members feel, but we need at least a half an hour over here, at a minimum. And if the other Members want more, I have no objection. But, I'll speak, Bob Carroll needs a half an hour.

CHAIR WHITE: Okay. Shall we make it a 45-minute break, be back here at one o'clock.

COUNCILMEMBER CRIVELLO: Sounds good.

CHAIR WHITE: Okay. We'll be in recess until one o'clock.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:11 P.M., AND WAS RECONVENED AT 1:08 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS BAISA, CRIVELLO, AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting will come back to order.

Mr. Clerk, may we please proceed with the agenda.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's emergency meeting of October 11, 2016, and regular meeting of October 21, 2016 were presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE MINUTES FOR THE EMERGENCY MEETING OF OCTOBER 11, 2016, AND THE REGULAR MEETING OF OCTOBER 21, 2016.

COUNCILMEMBER COUCH:

SECOND.

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

Vice-Chair Guzman.

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

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, CRIVELLO, AND VICTORINO.

CHAIR WHITE: Measure passes with six "ayes", zero "noes", three "excused"; Members Baisa, Crivello, and Victorino.

Mr. Clerk.

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

## COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-180 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-157, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request Committee Reports 181 and 182 to be brought up at this time.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

(Councilmember Crivello returned to the meeting at 1:09 p.m.)

COMMITTEE REPORT
NO. 16-181 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-158, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF LIQUOR CONTROL – LIQUOR FUND, FISCAL YEAR 2017 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 16-182 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 114 (2016), entitled "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, HANA COMMUNITY PLAN AREA, HANA-KEANAE-KAILUA PARKS SYSTEM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-271, from the Budget Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS, THE FOLLOWING COMMITTEE REPORTS WITH ITS RECOMMENDATIONS, BE ADOPTED, 16-180, 181, AND 182.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee vetted all of the requests, and hereby recommends adoption of all reports. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", two "excused"; Members Baisa and Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 16-157. For Committee Report 16-181, RESOLUTION NO. 16-158. And for Committee Report 16-182, BILL NO. 114 (2016).

COMMITTEE REPORT
NO. 16-183 - COMMITTEE OF THE WHOLE:

Recommending that the correspondence dated December 3, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE SETTLEMENT OF PLAINTIFFS' CLAIM FOR ATTORNEYS FEES AND COSTS RELATED TO HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM BMK", be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN THE COMMITTEE OF THE WHOLE REPORT 16-183.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 18, 2016, to consider the resolution from the Department of Corporation Counsel to authorize the settlement of the case before us, the Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM-BMK.

We entered into executive session after consultation with the Deputy Corporation Counsel. This case is currently pending before the Ninth Circuit Court of Appeals. As noted, no action is currently needed on the proposed resolution.

Following the executive meeting, your Committee voted 7-0 to recommend filing of the correspondence. I ask the Members to, in full support of this motion. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Baisa and Victorino.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-184 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-159, entitled "AUTHORIZING SETTLEMENT OF THOMAS N. LIGSAY V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-15-00504," be ADOPTED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-184.

COUNCILMEMBER CRIVELLO:

CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 18, 2016, to consider a request by the Department of Corporation Counsel to authorize the Department to settle Thomas Ligsay's claim.

The claim is that that Thomas Ligsay, a groundkeeper with the Department of Parks and Recreation, injured his back while working at Waiehu Golf Course. A Deputy Corporation Counsel said that the proposed settlement would resolve future medical costs and future indemnity benefits, and that the County had previously reached a settlement concerning the permanent partial disability of the complainant.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution. I ask that the Members support this motion. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 16-159.

COMMITTEE REPORT
NO. 16-185 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-160, entitled "AUTHORIZING SETTLEMENT OF THE MATTER OF THE TAX APPEAL OF KAHEAWA WIND POWER II, LLC, TAX APPEAL NO. 13-1-0313," be ADOPTED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-185.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

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

Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 18, to consider a request by the Department of Corporation Counsel to authorize the Department for a settlement on this tax appeal.

The Department of Corp, the Deputy Corporation Counsel said that the Notice of the Appeal by the Kaheawa Wind Power II, LLC, alleges that the County of Maui improperly assessed the value of its real property located at 3000 Honoapiilani Highway for the tax year 2013.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution. I ask that the Members support this motion. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-160.

COMMITTEE REPORT
NO. 16-186 - COMMITTEE OF THE WHOLE:

Recommending that the communications noted on Exhibits "A" and "B" be REFERRED to the Council Chair for the term beginning January 2, 2017.

*Miscellaneous Communication relating to the proposed Nahiku Community Center litigation, County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1); and Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 13-1-0848(2); and Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., Civil 15-1-0435(1).*

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN THE COMMITTEE REPORT 16-186.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on November 18, 2016, to consider referral of the communications noted on Exhibit "A" of the Committee Report.

Your Committee notes under Rule 23 of the Rules of the Council provides that the end of the term filing or referral of the communications pending before committees.

In preparation of the new Council term, your Committee recommended certain pending matters be referred to the Council Chair for the term beginning January 2, 2017, pursuant to Rule 23(B) of the Rules of the Council.

Your Committee voted 7-0 to recommend the communications noted on Exhibit "A" by referral for consideration for next term. I ask the Members support my motion. Thank you.

CHAIR WHITE: Thank you,

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and zero, seven "ayes", zero "noes" and two "excused".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-187 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Bill 115 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO SPECIAL IMPROVEMENT DISTRICTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-165, from Council Chair Mike White, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-187.

COUNCILMEMBER COCHRAN:

SECOND.

Sorry, Chair.

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 May 17, 2016, November 1, 2016, November 15, 2016, to consider a proposed bill to authorize the County, by ordinance, to create a special improvement district, pursuant to Section 46-80.5, of the Hawaii Revised Statutes, for the purpose of providing and financing supplemental services and improvements within a geographically defined area, and to restore or promote business's activities in the district.

The Council must enact enabling legislation authorizing the creation of a special improvement district before it may establish a special improvement district by a separate ordinance.

Once this, once a special improvement district is created by ordinance, the County may levy and assess a special assessment on property located within the district. The assessment would finance and maintain the operations of the district and pay the debt services on any bonds issued to finance improvements within the district. The County may implement a methodologically deemed appropriate by the Council to assess the properties.

The proposed bill allows the Director of Finance to deduct from special assessments collected by the administrative expenses incurred in collecting the assessments then establishing the district.

Both Oahu and the Big Island have similar ordinances with successful special improvement districts addressing their unique needs. This legislation will allow Maui County to establish by separate ordinance the same kind of districts addressed by the needs of this County.

I respectfully ask for the Council's full support of your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: That was just one "no", if I heard correctly. So, measure passes with six "ayes", one "no", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 115 (2016).

COMMITTEE REPORT
NO. 16-188 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 116 (2016), entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL DISTRICT TO WAIALE PROJECT DISTRICT SOUTH FOR PROPERTY SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 117 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT, AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 118 (2016), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO WAIALE PROJECT DISTRICT SOUTH (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT;

4. That the County Clerk RECORD the unilateral agreement; and

5. That County Communication 16-218, from the Planning Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 16-188.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on November 16, 2016, and reconvened November 21, 2016, to consider these proposed bills.

Your Committee notes the bills relate to a request from A&B Properties, Inc., to facilitate the development of a master-planned residential community of up to 950 single-family and multifamily homes, with parks, open space, and commercial uses.

The subject property is within the State Urban District and Maui Island Plan Urban Growth Boundary. It is owned by Alexander & Baldwin, LLC, and vacant and undeveloped.

Your Committee recommended that a condition be added to the Change in Zoning bill to the require annual compliance reports on the landowner's compliance with the conditions of zoning. The condition also requires the landowner to provide to the

Department of Planning and the Maui County Council copies of the annual compliance reports submitted to the State Land Use Commission.

I ask for the Council's support of your Committee's recommendations.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item, Members?

Mr. Carroll, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I know I wasn't able to have, attend the second meeting. And in the first meeting, Committee meeting on this one, I had talked about a condition for a low-impact design. And in reading the conditions of the Land Use Committee, State Land Use Committee decision and order, there is a condition; Condition No. 10 that pretty much says exactly what I was wanting to make sure that they handle with the low-impact development.

So, I would like to thank the Chair for at least considering hearing about that. But, having looked up the land use conditions, I'm fine with the State's condition that requires the low-impact development.

CHAIR WHITE: Okay. Thank you.

Any further discussion on the item? Seeing none, all those in favor, I'm sorry.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I had expected more out of this proposal, Chairman, to be honest. I expected additional conditions. We placed conditions of the clocks on start of the residential components on a previous request in Wailuku. I like clocks, because I don't intend to give entitlements without a reasonable expectation of when those units will be constructed and provided to the community. I've supported projects two decades ago; they're still not built. I've learned, we need to require things to be done in certain areas.

I'm disappointed from both the developer and the Committee that we didn't, again, make our statement as how we feel priority of housing for residents to be put forth, and how we are going to try and take care of our existing residents who live in our County.

You know, Chairman, we talk about a lot of feel good things during this time of the year. I've gotten past that. And I expect action as, I think, someone talked about one of the qualities of Ms. Baisa is doing the walk. Well, I expect to see the walk, because I have received a lot of the talk.

So saying that, you know, in general I like what this, this project is trying to do. But within project districts as a zoning tool there is flexibility, you are given ability to make adjustments. And I just expected more, to be honest. So I express my displeasure, because I think we could have done better, and given our residents better hope, truer hope that there will be construction of real affordable residential units.

And I have no problem allowing potential homebuyers to build what they can afford; not what government or developers tell them they can afford. But what they can afford is what I will support. So, if it's a two-bedroom, one-bath, one-carport is all they can afford on that lot, I'm happy to give them that opportunity to purchase, build equity, and renovate and expand when appropriate. But, I'm tired of us telling them what they should be buying at what prices. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NOS. 116, 117, 118 (2016), respectively.

COMMITTEE REPORT
NO. 16-189 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill _____ (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-196, from Councilmember Robert Carroll, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO REFER THE MATTER IN COMMITTEE REPORT 16-189 TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2017.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on October 20, 2016, and November 3, 2016, to consider a proposed bill to create a new type of accessory dwelling called an "affordable accessory dwelling".

The bill allows affordable accessory dwellings on smaller lots, less than 7500 square feet in size; expands the applicable zoning districts; increases the allowable number of accessory dwellings on lots over 15,000 square feet into two, they can have two on 15,000 square feet; and clarifies covered and uncovered area standards applicable to accessory dwellings.

As Chair of the Planning Committee, it is my recommendation that the Council refer the matter to the Chair for the term beginning January 2, 2017. The referral is

needed for the appropriate committee to consider additional amendments to the bill. This is a start, this bill is a start and it's a really good start; however, it still needs work. There's a lot of amendments that are floating around here. I know I have three, Ms. Cochran has two, and I understand that there are others that are contemplating amendments.

So, because of some of the amendments that are out there, especially County Communications 16-302, proposing setting a maximum rents for affordable accessible dwellings at the 80 percent range of HUD Affordable Renting Guidelines. That proposal, it's very interesting and can be, as you heard by some of the testifiers, is actually supported.

It is rent control, which requires vetting at the Committee level. It differs greatly from the version of the bill that, approved by your Committee, which included provisions for immediate family members and set ranges of income of those, of those eligible to live in affordable accessory dwellings.

While it is true that under State law, specifically HRS 46-1.5, sub 20, the Counties have the power to regulate the renting of residential properties. We have no enabling ordinance in the County Code at this point to permit that kind of regulation.

By recommitting the matter, the Committee will have time to investigate the legality and effect in this, of rent control whether it is appropriate to place controls in the zoning ordinance at is, as it is being proposed today, or whether a more comprehensive ordinance outside of the zoning ordinance is needed.

In my quick research of the topic, I learned that there are two types of rent control schemes. One with a strict ceiling that cannot be exceeded as is proposed today, sometimes referred to as hard-rent control. And a second type is soft-rent control, where a tenant moves in a market, moves in at market rates and the government limits the rent increases.

More investigation is required to determine the merits of each of these methods. I think it is important to give Corporation Counsel the time to weigh in on these issues. The fact that we may need to have an actual enabling legislation for rent control, and should rent control be in zoning ordinance as opposed to in a outside ordinance.

Also, if we take up the proposed amendments, we would be moving far afield from the original bill that was reviewed by the County Planning Commissions. I would like the Committee to consider whether, if another review by the Commissions is warranted for that reason, and to have our attorneys' opinion on this as well.

Councilmember Cochran has another amendment to the county communication bill 16-301, relating to the reporting requirements of the proposed bill, which is a pretty good amendment.

Lastly, the Planning Department has contacted me and asked for three additional amendments today, as I mentioned. Should this bill move forward, I will be seeking floor amendments for those as well. However, referring the proposed bill to the next Council term appears to be the best approach. I respectfully ask for the Council's support of my motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on the item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, Chair. So yea, I hear Mr. Couch's motion, and I completely, wholeheartedly do not support it. I feel, I do have a couple amendments today, as it's been distributed and it's been in front of everybody all day, and the public. What I am pushing forward is not new to this body and to this Committee. It had vetted and discussed this, and the reason for bringing it here at full Council, which normally I understand a lot of us do not want to do Committee work here, was because it was hearing out all the issues and concerns during Committee time. And it is really not a major big deal here, cause it's nothing new.

(Councilmember Baisa returned to the meeting at 1:32 p.m.)

COUNCILMEMBER COCHRAN: So, the amendments being presented here are just clarifying, and bringing, and making it a lot more clear and more concise to the intent and thoughts of the Committee. And we passed this out, and here we are. So, I really don't understand the thought pattern here of Mr. Couch claiming that it needs to be put through and legal. And I mean, this is policy, this is what we do.

And perhaps the question is, is it illegal to be here to put forth the amendments that I have in front of us? So, Chair I have a couple amendments to make on Mr. Couch's motion that he has on the floor right now.

CHAIR WHITE: His, his amendment--

COUNCILMEMBER COCHRAN: To refer it.

CHAIR WHITE: --his motion is to refer it, so that's, that's what's on the floor at this point.

COUNCILMEMBER COCHRAN: Yea. And, well I, yea I don't want.

CHAIR WHITE: And I think to be, to be fair, the comments that Mr. Couch was making were not limited to your, your specific amendments. There were other amendments proffered by the Planning Department, as well as other items that were brought up by a variety of testifiers that, that were, none of which are covered by either your amendment or, or the Planning Department amendment.

So, the Chair's feeling is that there's, there's not just your amendments that need to be looked at, we need to look at the ones from the Planning Department. We also need to look at the restrictions that we put on the, on those units in Committee, so.

COUNCILMEMBER COCHRAN: So, well I'd like to hear. I spoke to Planning Department yesterday and was not given, at least the Director himself, so I don't know who else in Planning, so, and he was fine.

CHAIR WHITE: Right, but the, yea we need to get through this motion first to see if it's going to be referred. And if it's not going to be referred then the, then it would be open for a subsequent motion and amendment of the bill itself.

Any other discussion?

Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, Mr. Couch mentioned that there was amendments proposed by the Department. Are those forthcoming, or are those only, they were only given to the Chair of the Committee? I have no--

CHAIR WHITE: I don't know. Have they?

COUNCILMEMBER COUCH: At the beginning of the meeting.

VICE-CHAIR GUZMAN: The beginning of this meeting?

COUNCILMEMBER COUCH: Yea.

VICE-CHAIR GUZMAN: Okay.

CHAIR WHITE: I believe we have them.

COUNCILMEMBER COUCH: Yea, Mr. Chair, a amendment summary form was handed out at the very beginning of the meeting.

VICE-CHAIR GUZMAN: I see Ms. Cochran's amendments, but I don't see the, the Department's amendments.

COUNCILMEMBER COUCH: It was proposed by me. So, it's under my name.

VICE-CHAIR GUZMAN: Oh, it's under your name, okay. Oh yes, I see it. Okay. Thank you, Chair.

CHAIR WHITE: Okay. Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate the Members comments so far. As a non-member of this Committee, I did listen to some of the discussion on it, and I appreciate Mr. Victorino bringing up the component of impacts that I would, had hoped for to receive from various departments on how it impacts their areas of responsibility and operations.

For us, for me to consider expanding this affordable accessory component, I'd hope we would be very real about the current state of the existing infrastructure in the various districts. Some areas I know have, with this I don't know how we are going to provide the appropriate fire standards of the hydrants, and what it is, it's potential impact homeowner's insurances.

Already know that Solid Waste is making adjustments because of illegal parking on streets whereby they are unable to do their job and pick up their refuse. So, now they're making half of the block be inconvenienced with their requirements because the trucks cannot go up and down the streets.

I have yet to hear from Fire of their concern of accessibility to respond for first response instances. But, I know even in Waiolani, you look at some of their streets at night, I don't know how our fire truck is going to go up those streets and respond to an emergency because the truck won't fit.

So we have existing issues, again, and about the Water. We haven't heard from Mr. Taylor and his engineers of certain areas, and whether or not water is sufficient, sewer is sufficient.

Like again, Chairman, this is a feel good thing in a feel good time. But I'm not ready to vote on this, because I don't think we've done our job completely yet, to find out what is the true picture of infrastructure, how this impacts the current neighborhoods. And I would like to be able to tell those residents what it means to them down the road. So, I don't have a problem sending this back to Committee. Thank you.

CHAIR WHITE: Any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. There's just too much that has come up concerning this bill. It is not the place, of course, at this meeting over here where it would take far more than a discussion in this Council meeting to be able to even begin to address the concerns.

Mr. Couch was very clear about some of the really serious concerns about the amendments. Rent control, we have no vehicle to go over there and implement rent control. Those things are really, really important and need to be looked at, as to the other concerns from the testifiers and the things that have come up today.

As the author of the bill originally, I hope for the next Council to come up with a new bill addressing some of these concerns, to be a starting point to where we can try to get to where we need to go. And I encourage everybody to send this to the 2017 Council so we come outside with something that's effective and serves our people. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. If there's anything that I've learned on my ten years here, that is when we have a bill like this where there is so much division, and the community is so upset and, you know, is here begging for us to listen to their ideas or amendments for, and their concern, it might be a very wise thing to wait a little while and talk about it some more and get rid of the I'm not sures before we pass it. Because, sometimes we do and then, you know, we live with the unintended consequences.

I'm really sad, cause you know, I would like nothing better than to vote on a bill that helps affordable housing, cause we all want to do that. But, because I'm hearing what I'm hearing, I'm not very comfortable as much as I would like to support it.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yea, I'm just really disappointed right now in hearing all the talk. And earlier about walking the talk, and this is no walking, just talking once again. And I just looked at Mr. Couch's amendments. They're very quite simple changes. Mine, again, isn't anything new that people here haven't discussed and seen. It's actually making it more clear, more concise, and straight to the point. So, I see no, any gray, or anything here. But you know, if that's what this body wants to do, then great. But, I'm not on board. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion?

VICE-CHAIR GUZMAN: Chair. Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, I had reviewed Ms. Cochran's amendments and I, I was at the point of going forward with it. But in reading Mr. Couch's amendments, specifically Amendment 3 that is fairly substantial because the language in here, it's two pages long, and I haven't had an opportunity to review it as well. I, I wasn't aware that Mr. Couch had another amendment that was going to be proposed. And so unfortunately, I don't have the time to review and compare what is in the original draft versus what Mr. Couch is proposing.

CHAIR WHITE: Any further discussion, Members? The vote is on whether we refer this to the next Council. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes"; one "no" from Ms. Cochran; and one "excused", Mr. Victorino.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-190 - PLANNING COMMITTEE:

Recommending that the following be referred to the Council Chair for the term beginning January 2, 2017:

1. The matter relating to comprehensive rezoning based on community plans;

2. The matter relating to comprehensive District Boundary Amendments based on the Maui Island Plan;

3. The matter relating to expediting the building plan review process by developing a catalog of pre-approved plans;

4. The matter relating to exploring zoning and permitting issues to establish "tiny house" communities and tiny houses on existing lots; and

5. The matter relating to identifying underdeveloped properties with multifamily and industrial designations that could be targeted for redevelopment as multifamily housing.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN PLANNING COMMITTEE REPORT 16-190.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Chair. Your Committee met on November 17, 2016, to consider referral of the matters noted on Exhibit "A" of the committee report. These referrals were recommendations from the investigation done by the Committee's Temporary Investigative Group relating to increasing the inventory of available housing.

Your Committee voted 5-0 to recommend referral of the five matters to the Council Chair for the term beginning January 2, 2017, as noted in Exhibit "A". I ask for the Members support of my motion.

CHAIR WHITE: Thank you, Mr. Couch.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 16-191 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-161, entitled "RELATING TO THE APPOINTMENT OF TAPANI VUORI TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL," be ADOPTED

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, if it's, without objection I'd like to call up the, have the Clerk call up 16-192 and 16-193.

CHAIR WHITE: Any objections, Members?

COUNCILMEMBER COCHRAN: Objections, cause I have amendments.

CHAIR WHITE: Actually, yea, I think we, yea, we have to, needed to deal with 16-192 on its own.

COUNCILMEMBER COUCH: Okay, okay.

THEN IN THAT CASE, MR. CHAIR, I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE REPORT 16-191.

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. At its meeting of November 14, 2016, your Policy and Intergovernmental Affairs Committee recommended approval of the Mayor's nomination of Tapani Vuori to the Affirmative Action Advisory Council for a term expiring on March 31, 2018.

Your Committee was satisfied the nominee is qualified to fulfill the duties and responsibilities related to the board.

I would thank, I would like to thank Mr. Vuori for volunteering his time to serve on the board. I respectfully request Council's consideration of this motion.

CHAIR WHITE: Okay, 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, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-161.

COMMITTEE REPORT
NO. 16-192 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Bill 119 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE TRAINING REQUIREMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-173, from Councilmember Elle Cochran, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-192.

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. At its meeting of November 14, 2016, your Policy and Intergovernmental Affairs Committee recommended passage of a bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION AND HANA ADVISORY COMMITTEE TRAINING REQUIREMENTS", and filing of County Communication 16-173.

The proposed bill requires all members of the Planning Commissions and the Hana Advisory Committee to participate in a Native Hawaiian law training course taught by the Ka Huli Ao Center for Excellence in Native Hawaiian Law.

I respectfully request the Council's consideration of the motion.

CHAIR WHITE: Thank you, Mr. Couch.

And I believe Ms. Cochran has an amendment.

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yes, thank you very much.

I MOVE TO AMEND THE BILL ATTACHED TO POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE REPORT 16-192 TO ALLOW FOR REMOTE PARTICIPATION IN THE TRAINING AND TO PROVIDE THAT THE PARTICIPATION SHALL BE COMPLETED WITHIN ONE YEAR AFTER TAKING OFFICE, WITH A POSSIBLE SIX-MONTH EXTENSION.

VICE-CHAIR GUZMAN:

SECOND.

Sorry.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second Vice-Chair Guzman.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. If this motion is approved, this bill will include the following language, added at the end of the proposed Maui County Code Section 2.28.070.

It reads, "Participation shall occur within one year of the member's term of appointment, unless the planning director approves an appointee's request for a six-month extension for extenuating circumstances. Remote participation in training, through video and audio connection, shall satisfy this section's requirement."

So, this is because of the remoteness of obviously Lanai, Molokai, Hana. And we did have testimony from Ms. Kapua Sproat today that the Ka Huli Ao Center is, has been in already discussion, and looking into having this type of participation with, of their training. So, that's my reasoning for putting it in there, to be very inclusive of all areas of this, of Maui County. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: More of a question in, I would, I'm going to ask Ms. Cochran if she would not object. I know the intent. I can be supportive of intent. Is this training that Ka Huli Ao provides once a year only? Would you know, Ms. Cochran.

COUNCILMEMBER COCHRAN: Twice.

COUNCILMEMBER HOKAMA: Oh, at least twice a year?

COUNCILMEMBER COCHRAN: Twice, I think.

COUNCILMEMBER HOKAMA: Because, let's say something happens to a commissioner, and we're only going to reappoint one, and they only do it once a year. I mean, I'm just trying to be practical, that I can see when we do the whole commission at once, or all the commissions once. But we've occasionally come up where we had to reappoint a member in a mid-term or something. And I just wanted to know how we would allow that person to qualify. And so I appreciate her response, Chairman. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry. And Chair, and also this isn't just open to, you know, official per se. I believe they will open it up for groups who would like to participate. You know, you don't have to be a government per se, official of any. It's, it's educational. I mean, the more the merrier on their behalf to educate the community in any way that they can.

So, there's, cause I was told if there was enough participants, say for example my church members wanted to go ahead. If you gather enough bodies or people to make it worth their instructors while to come, then by all means.

So, and that's also the reasoning for the extension placed in this; in case these circumstances occur, we're trying to gather more bodies to create a workshop, you know, or to have them hold a meeting, then that's one of the reasoning there too. But, they hold it, at minimum, a couple times a year anyways.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, Chairman, I thank Ms. Cochran's response. And at a future time, we may want to review certain boards and commissions like Cultural Resource Commission, that may have a benefit to this opportunity of expanding their knowledge. So, I just share that that is maybe something we may want to consider in the future. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

And my understanding is that the, the remote aspect of this, I'm assuming that they will be getting the course online at some point, that would allow people who have just come on replacing another commissioner, the access that they need to take care of the requirement.

Ms. Baisa, did you have your hand up?

COUNCILMEMBER BAISA: I was trying to support Ms. Cochran on this. You know I, when I went, they were very clear that they were really anxious to do the training. And if we could get groups together, they would be more than willing to do it. So, I think that getting them is not an issue. It's getting the people together so that we can have them.

CHAIR WHITE: Right.

Any further discussion, Members? And again, this is on the amendment. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

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

Back to Mr. Couch.

COUNCILMEMBER COUCH: Main motion.

CHAIR WHITE: Back to the main motion. Any further discussion on the main motion, Members? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 119 (2016).

COMMITTEE REPORT
NO. 16-193 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-162, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO RECOGNIZE NOVEMBER 28 AS LA KU`OKO`A, HAWAII'S INDEPENDENCE DAY," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I was going to ask the Clerk to read that again.

BUT, I MOVE TO ADOPT THE RECOMMENDATIONS IN POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE REPORT NO. 16-193.

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. At its meeting of November 14, 2016, your Policy and Intergovernmental Affairs Committee recommended adoption of a resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO RECOGNIZE NOVEMBER 28, AS LA KU`OKO`A DAY, HAWAII'S INDEPENDENCE DAY".

The proposed resolution approves for the inclusion of that bill. And the proposed State bill would designate November 28 of each year as "La Ku`oko`a" to celebrate the historical recognition of the independence for the Kingdom of Hawaii, but not construe the day as a State holiday.

I respectfully request the Council's consideration of the motion.

CHAIR WHITE: The Clerk did that--

COUNCILMEMBER COUCH: Yea.

CHAIR WHITE: Thank you.

Any further discussion on this, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair. And that date happened to be last Monday, this past Monday. And, there was a great celebration up at Keokea Park, which I was very honored to be a participant of, and to just share what we've been doing here on this level.

And you know, I just want to share briefly that this was an international agreement brought to fruition, dedicated efforts of the Hawaiian Monarch, our mo`i, Kauikeaouli which is Kamehameha III, to protect his nation's independence, amidst ongoing European colonization of the Pacific. And this was such an incredible achievement, where the Hawaiian Islands at the time only had less than 150,000 people in population, and became the first country of non-European provenance to be internationally recognized as a sovereign state.

There were three gentlemen who went forth to gather the signatures and sign, get these treaties signed back in 1842. We had Timoteo Ha`alilio, who by the way is a Lahainaluna graduate, alright, back from the mid 1800's; and William Richards, who currently is interred at Waiola Church; and Sir George Simpson. So these, you know, missionaries and kanaka o iwi, which is also a term for Native Hawaiian, made this day recognized.

(Councilmember Crivello was excused from the meeting at 1:56 p.m.)

COUNCILMEMBER COCHRAN: So this is celebrating the anniversary. And at one time, it was a national holiday, you know. But then due to, State-sponsored celebrations ended with the overthrow of the Hawaiian Monarch in January 1893. But, the celebrations of the private citizens and the patriotic groups continued, and it continues till today.

And so, there was a wonderful gentleman who, this was a request to this body to move forward with this re-recognition by Kalaniakea Wilson, who was a student of UH Manoa. And so I just want to thank this young man who has spearheaded these

efforts throughout the State. So far Hawaii County has done so, and now we are the next County to follow suit.

So, I thank my fellow Members and this County for, you know, pushing forward what this day, perpetuate the remembrance of this day, you know, to continue to grow so, into the next generations, perpetuate it. Thank you very much and La Ku`oko`a.

CHAIR WHITE: Thank you.

COUNCILMEMBER COCHRAN: Ku, stand. Oko`a, change. So, let's stand strong for change, and to keep that, you know, that perpetuated. So, thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Mr. Victorino.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 16-162.

Mr. Chair, proceeding with county communications.

## COUNTY COMMUNICATION

NO. 16-297 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated November 10, 2016)

Transmitting a copy of the notice of grant award HI-34-0001 in the amount of $415,834 and apportionments for grant HI-2016-002-00 in the amounts of $250,000 and $332,900 under the FTA Section 5339 Bus and Bus Facility Formula Program.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request that the Clerk also bring up County Communication 16-298.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

NO. 16-298 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated November 1, 2016)

Informing of the receipt of $7,707 in Forfeiture Funds from the U.S. Marshals Service.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE TO FILE COUNTY COMMUNICATIONS 16-297 AND 298.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Mr. Chairman, these are just required notifications to Council of grant awards. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Mr. Victorino.

Mr. Clerk.

NO. 16-299 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated October 20, 2016)

Transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, once more, with no objections from the Members, I request that 16-300 be brought up at the same time.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

NO. 16-300 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated November 9, 2016)

Transmitting a status update on the Kula Ridge Affordable Housing Subdivision.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 16-299 AND 16-300 BE REFERRED TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2017.

COUNCILMEMBER COUCH:

SECOND.

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

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Mr. Hokama.

Or was it you, oh, Mr. Couch. I'm sorry.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, regarding 16-300, I am putting forth the request from Committee Chair Crivello that these are two subject areas that the next Council, through its appropriate standing committee, have the opportunity for discussion. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

NO. 16-301 - ELLE COCHRAN, COUNCILMEMBER,
(dated November 23, 2016)

Transmitting an amendment to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS", requiring that a report be prepared jointly by the Department of Planning and the Department of Housing and Human Concerns.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: Could the Clerk bring up 16-302, please?

COUNCILMEMBER COCHRAN: No objections.

CHAIR WHITE: Yes, please proceed.

NO. 16-302 - ELLE COCHRAN, COUNCILMEMBER,
(dated November 25, 2016)

Transmitting an amendment to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ACCESSORY AND AFFORDABLE ACCESSORY DWELLINGS", relating to setting maximum rents for affordable accessory dwellings at the 80 percentile range as established by HUD Affordable Rent Guidelines.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO REFER TO THE COUNCIL CHAIR FOR THE 2017 AND 2019 TERM, ITEMS NO. 16-301 AND 16-302.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Any further discussion, Mr. Couch.

COUNCILMEMBER COUCH: Nothing, other than this was part of the 16-189, so it should go to the same Committee.

CHAIR WHITE: Right. Correct.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

NO. 16-303 - ALAN M. ARAKAWA, MAYOR,
(dated November 10, 2016)

Informing of a vacancy on the Cultural Resources Commission due to the resignation of Arleen Ricalde-Garcia on November 10, 2016.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 303.

COUNCILMEMBER CARROLL:

SECOND.

COUNCILMEMBER COUCH:

16-303.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This communication simply informs us of a board vacancy. There is no action to be taken, other than to say we want to thank Ms. Arlene Ricalde-Garcia for her service to the County.

CHAIR WHITE: Yes. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

NO. 16-304 - MIKE WHITE, COUNCIL CHAIR,
(dated November 23, 2016)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF STACEY BARAOIDAN AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF STACEY BARAOIDAN AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES", AND FILE THE COUNTY COMMUNICATION 16-304.

COUNCILMEMBER CARROLL:

SECOND.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Stacey Baraoidan is an outstanding candidate for the position of Committee Secretary. She is a graduate of Samuel F.B. Morse High School in San Diego, California. She has also a real estate broker licensed from Dower Realty in Honolulu.

Stacey is currently employed as an Emergency Services Dispatcher II with the Maui Police Department, and works as an independent contractor with NextHome Pacific Properties. In Stacey's position with the Police Department, she is responsible performing extensive and difficult clerical work, involving operating an, a computer-aided dispatch system, radio transmitter, and telephone simultaneously. She is a certified field training officer for new dispatchers. In addition, Stacey coordinates police operations with multiple agencies.

Stacey has strong administrative and clerical skills, and a great attitude. She will be a positive addition to the staff. I recommend her appointment as a Committee Secretary in the Office of Council Services, and respectfully request the support of this resolution.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion on this item, Members?

I would just say that the interview and hiring committee spoke very highly of her. And I agreed after having had a chance to spend time with her, and I think she'll be a great addition to the staff.

So, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I thank the lady for accepting this, because she's being appointed for one month, Chairman, in all reality. But, that says something about her character and her willingness to serve this body, by agreeing to basically a one-month employment, that the Council would again make a new decision on January 2.

So, I appreciate what she is showing in character right now by accepting this type of conditions to work under, which is very difficult for many of us. But, it tells me about some of her, what we I guess, we call her na`au. So, I thank her for putting herself in service for the Council. Thank you, Chairman.

CHAIR WHITE: Thank you for those thoughts, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-163.

NO. 16-305 - MIKE WHITE, COUNCIL CHAIR,
(dated November 25, 2016)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SANANDA K. BAZ AS SUPERVISING LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF SANANDA K. BAZ AS SUPERVISING LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES", AND FILING COUNTY COMMUNICATION 16-305.

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. Mr. Baz, as we all know, has been the Budget Director of the County of Maui since January of 2011, where he was responsible for the development, presentation, oversight of the County's $660 million capital and operating budgets.

As we all have been up late at night with Mr. Baz and understand his keen grasp of the budget, he'll be sorely missed at the budget time. But, you know, to have him as a Office of Council Services staff is going to be a very big win for the Council.

So, I want to read some of his accomplishments. Mr. Baz achieved positive results based, budgeting for the County and recently launched a transparency project that provides the public with easy access to the County budget spending and performance measures. He previously served as Chief Executive Officer of Maui Economic Opportunity. Sandy earned a Master of Business Administration in Management and Strategy from Western Governors University. He has over 20 years of service on various boards and commissions, and currently serves on the Young Brothers Community Advisory Board, Maui Native Hawaiian Chamber Foundation, and the UH Maui College Chancellors Advisory Council.

I strongly recommend the appointment of Mr. Baz as a Supervising Legislative Analyst in the Office of Council Services, and respectfully request your support of this resolution.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: I'd like to speak in support of the hiring of Mr. Baz. I've had the opportunity to know him for quite a while when he came to MEO many years ago. And I've followed his career, and continue to watch how amazing this young man is.

And our loss, our gain in Council Services is a huge loss upstairs. And I'm going to kid the Mayor and tell him, remember you stole him from MEO. So, now we're going to steal him from you and bring him down here.

But I think that, you know, it's a good move. Mr. Baz works hard, he's intelligent, he's smart, he's a great manager, everybody gets along with him, and he's a real positive addition. And so, I'm really excited for him. And I hope that, you know, the hole is not that big upstairs with the budget, because he's a hard act to follow.

CHAIR WHITE: Yes, he is. Any further discussion?

Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Qualification-wise and as an individual, I've known Sandy for many years, consider him a friend. I knew him way before I started into politics, and when I started as a deputy prosecutor here in Maui.

For the record, I was not involved in the leadership decisions and informations concerning this matter. I feel that protocol was broken. In concerns, in regards to the first hire, the Baraoidan, we received a memo dated November 23, inviting Councilmembers to interview as part of the process. When I went, when you go back all the way to 2014, May of, January 2014, every hire that we've had in Council Services, the Councilmembers were invited to be part of the recruiting process.

You go back through here, and there is void of any memo in regards to Mr. Baz. And part of the process, you look back at the Office of Council Services procedural manual, and it does involve a recruitment process, except for instance of special urgency, new employees typically are selected through the following procedures. A pool of applicants is assembled. There is also a committee of hiring, and so on and so forth. It goes into two pages' worth of procedural hiring of the process. And we have those in place to avoid challenges when other people challenge the process of hiring.

And I believe that this hasn't been followed through. Was, how many applicants were there in the pool, number one question? Number two, did Mr. Baz take an analyst test, like all analysts do when they apply? In order to supervise an analyst, you should be able to do the work as an analyst. So that, therefore, there was a test provided for. I know that Chancy took the test, our previous supervising analyst. I just believe that this, this process is being hurried or expedited for unknown reasons.

In the budget, this was one of the positions that was zeroed out, along with the Chief of Staff of the Mayor. So all of a sudden we're hiring, hiring someone for one month. And on January 2, we're to decide again? It's very odd, and I find it extremely difficult to apprehend or even understand what this is, what is going on.

In addition, my other issue is there is an audit regarding the investigation of the post office that is still pending. And in my communications with the County Auditor, that's still could be coming out within the next few months. I don't know what the involvement was with, between the Budget Director Mr. Baz and the implications of that investigation. So, that's also pending. And I know Chair was one of the

advocates of going after this whole rehabilitation, unauthorized demolition. So, now we're left with hiring someone that could possibly be part of that audit report.

So, you tell me, Chair, is this the right move? Or give me the answers. Because, I am not going to support this based off of the deviation from the process, the hiring process, and the lack of communication to the Councilmembers for the interview, and the pending audit report for the post office. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate the Members' comments so far. One thing I will say though, we approved I think the latest hire, we just approved, went through a different process also for our legislative position downstairs.

One thing I just wish to say, while we have procedures under State law, whether it be the Federal government, the State or the County government, under the legislative branches, our appointees are what is basically called patronage. They serve at the pleasure of the majority of its Members. Okay, at the pleasure of the majority of its Members. I say that because we only can give appointment throughout the term we serve. And for me, it is one of the benefits that I get in picking who I feel serves not only myself as a Member, but the body as a whole.

And so for me, Chairman, you know, I prefer the old way myself. I pick who I want to hire. And if I got four other Members that support it, great. And if not, then I'll be open to who they want to recommend.

But, this is patronage. We hire who we believe can do the job best. And I'm not so much tied into the hiring process that I feel doesn't serve the pleasure of the Members. So I say that because I want to be clear with our current employees too. You're only guaranteed till January 1. Don't make assumptions you'll be here on January 2.

And I would like to, at least be asked for consideration of reappointment if you do want to continue to work for the Council, cause I cannot make an assumption you do. And until we have a better way of doing things so that, as my colleague to the left of me says a process, and where's my bloody evaluations of employee performances.

Okay, if I'm going to make, if not I'm going to make a judgment on what I know through my experience and how I have worked through this past term with various employees. And I'm going to be upfront, I am not a happy Member. So, that I will make my decision on January 2, regarding certain employees. But, I'm going to be upfront, at this point in time, I don't feel to support 100 percent.

And I can support the nomination before me today. And one of the advantages I hope to get out of this is to finally understand what the letter "K" stands for. Thank you, Chairman.

CHAIR WHITE: Any further discussion, Members?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I was fortunate enough to meet with Mr. Baz about this position in my office. And we went over it and discussed it. And I had too, you know, concerns. And he answered the questions that I had. And from knowledge of him, from the time he was at MEO until now, and working for the County as Budget Director, etc., and other things that he has done in the community. What most impressed me is that he is a person that really serves the community very strongly. His qualifications are outstanding.

I didn't realize a lot of the things that people are bringing up now. I, talking about assumptions, I had, I had the assumption that he had met with everybody that he could. It seems that nobody else talked to him. But, but it was my assumption that had happened.

But I do know him. I know we need somebody now that was saying that well, when you need somebody quickly you can make exceptions. We need somebody right now, till the end of the year no matter what.

I would like to support him. I would like to bring him on. Come to January 2, when we approve all the different positions, we can either approve or disapprove him then. And then maybe Mr. Guzman's concerns could be answered in an amount of time. But we need somebody over there now. So, I do support the recommendation on the floor. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Without further discussion--

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yea, Mr. Guzman.

VICE-CHAIR GUZMAN: Last and final comment, I just wanted to rebuttal a little bit of what Mr. Hokama was mentioning. If we're talking about referencing to the processes or, this procedural manual for the Office of Council Services was created and, and approved and adopted on January 1998. So these are, these are procedure, hiring procedures that have been going on for years.

And it's not about Mr. Baz's qualifications. It's about following the process, for me. And if you, if you really want to uphold the law and make sure that these policies move forward, and not just like, oh whatever I believe is right at this very moment, you got. These policies were made for a purpose. They were made for purposes of avoiding challenges. And if we cannot follow our own laws, our own policies, then we're hypocrites, hypocrites.

And my issue is not with Mr. Baz, because I think he's very competent and he's a good person. My issue is following the procedures. And I don't think any one of us down on this floor received a memo. I have evidence here dating back to 2014 wherein every Member was invited for the interview process. And every applicant, every pool of applicant went through a Committee review, regardless of whether the, it could have been the Director, maybe there may be exceptions. But, this is still under the Director. He's still an employee, Supervising Analyst position. And they still are required to take a test and go through the proper channels and proper procedures to get the job. So, that's all I have to say about that. Thank you, Chair.

You guys can, you can vote whatever you want to vote, but I stand firm on my decision.

CHAIR WHITE: Thank you, Mr. Guzman. This is--

COUNCILMEMBER COCHRAN: Oh, I'm sorry.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, did you have a comment?

CHAIR WHITE: No, go ahead.

COUNCILMEMBER COCHRAN: Okay. Thank you. And, thank you. So, yea I'm hearing, and I'm hearing what Mr. Guzman is saying. And I had a chat with Mr. Baz and of course Mr. Baz is very credentialed, and you know, has, I've had, we've all had the firsthand experiences with him as budget and everything. But the whole process that Mr. Guzman is stating seems to have been overlooked and bypassed. And in my eyes is not right, is not the correct way of doing business here on the Council level or any level for that matter.

So I, you know, unless that somehow is addressed and talked about, and figured out why it was done in a different manner, then you know, I cannot be in support either, just due to the sheer principle of it. It has no bearing on Mr. Baz. I believe he is very capable, and love the work that he does. So again, nothing personal on behalf of the person in this discussion. It is the actual principle of it all. Thank you, Chair.

CHAIR WHITE: Thank you. And you know, we need to keep in mind this is a short-term appointment, it's a one-month appointment. And the appointing authority is with the Council Chair. And it is subject to a vote of the Members. So, the Chair has made a decision to put this before you, and you're able to vote however you wish.

But, in filling a short-term appointment, I don't feel it is necessary to go through the process that we normally put through for the majority of folks that we hire. So with that--

COUNCILMEMBER COCHRAN: Sorry, sorry, Chair. Can I? But, but the, Ms. Baraoidan was done in the manner that's stated in our procedures though, I believe, but Mr. Baz was not.

CHAIR WHITE: The process that she went through was a long-term one. As you all know, when we've gone through the process of replacing people, it's a long-term process. And we have not, and we've decided to use a shorter process for Mr. Baz, because the time was shorter, so.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, HOKAMA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Okay. Measure passes with five "ayes", and two "noes", and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-164.

NO. 16-306 - SANANDA K. BAZ, BUDGET DIRECTOR, (dated November 25, 2016)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.25, MAUI COUNTY CODE, RELATING TO MOTOR VEHICLE REGISTRATION"; and

2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, GENERAL FUND, NON-BUSINESS LICENSES & PERMITS, BIKEWAY FUND, LICENSES & PERMITS".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, AT THIS TIME, I MOVE TO WAIVE COMMITTEE REQUIREMENTS FOR REFERRAL AND REPORT TO TWO BILLS FOR AN ORDINANCE PROPOSED AS ATTACHED TO COUNTY COMMUNICATION 16-306.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is a request via Budget Director Baz on behalf of the Department of Finance. The State currently has enacted a law that they've made effective July 1, 2016.

The ability for the County to receive revenue goes effective January 1, 2017. Therefore, for the County to be able to receive its considerations of potential revenues, adjustments must be made to the Code, and therefore, time is of essence. And I am recommending that the Council consider the motion that I have requested at this time.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO PASS ON FIRST READING, TWO BILLS AS AGENDIZED ON TODAY'S COUNCIL MEETING AGENDA AS ATTACHED TO COUNTY COMMUNICATION 16-306.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Currently, under Chapter 249-1, under vehicle weight tax, motor vehicles means any vehicle which is self-propelled and every vehicle which is propelled by electrical power but which is not operated upon rails. But there is a specific three remaining words; but excludes mopeds.

This bill will allow us to place in the County Code, under Appendix B of Revenues-Fees, Rates, Assessments and Taxes, Department of Finance, an appropriate charge as allowed by State statute. Thank you very much, Chairman.

CHAIR WHITE: And just to be clear, we will include the filing of the county communication in your motion.

COUNCILMEMBER HOKAMA: If the Members have no objection, I was going to make that in another, but we can do it all encompassing, Chairman.

CHAIR WHITE: Okay. Thank you.

Members, any further discussion? All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record BILLS NO. 120 and 121 (2016), respectively.

Proceeding with county communications for referrals. The following communications are being referred to the Council Chair for the 2017-2019 Council term:

NO. 16-307 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated November 10, 2016)

Transmitting a report of short-term investments for the quarter ended September 30, 2016.

The recommended action is that County Communication No. 16-307 be referred to the Council Chair for the 2017-2019 term.

NO. 16-308 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated November 15, 2016)

Transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2016 to June 30, 2017 as of September 30, 2016 and the Capital Improvement Projects Report as of September 30, 2016.

The recommended action is that County Communication No. 16-308 be referred to the Council Chair for the 2017-2019 term.

NO. 16-309 - DON S. GUZMAN, COUNCIL VICE-CHAIR,
(dated November 23, 2016)

Relating to Christopher Salem v. Alan Arakawa, et al, Civil 15-00384 LEK-KSC.

The recommended action is that County Communication No. 16-309 be referred to the Council Chair for the 2017-2019 term.

NO. 16-310 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated November 15, 2016)

Relating to a Conditional Permit application filed by Sylvia Hamilton Kerr on behalf of Ho`okahi Palama Ali`i, LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING HO`OKAHI PALAMA ALI`I, LLC A CONDITIONAL PERMIT TO CONDUCT LIMITED SPECIAL EVENTS, HISTORICAL AND BOTANICAL TOURS, PHOTO SHOOTS, WORKSHOPS, RETREATS, WELLNESS AND EXERCISE CLASSES, AND TO ALLOW A BRIDAL LOUNGE AND EVENT PREPARTATION SPACE IN AN EXISTING AGRICULTURAL BUILDING WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 250 HAIKU ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-7-003:006, HAIKU, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 16-310 be referred to the Council Chair for the 2017-2019 term.

CHAIR WHITE: Members, do you have any objections to the items being referred as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: May I ask for a short recess? Two seconds to talk to you.

CHAIR WHITE: We'll be at recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:30 P.M., AND WAS RECONVENED AT 2:31 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS CRIVELLO AND VICTORINO.)

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communications.

## GENERAL COMMUNICATION

NO. 16-10 - BLANCA L. LAFOLETTE, CMBY 2011 INVESTMENT, LLC, (dated November 18, 2016)

Submitting a copy of the 2016 Annual Compliance Report for State Land Use Commission Docket No. A13-797/CMBY 2011 Investment, LLC: TMK: (2) 3-8-008:019.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE GENERAL COMMUNICATION 16-10.

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. This is a annual compliance report on a project that is out in the middle of the Central Maui Baseyard. It was done in 2011.

Typically, these reports used to be filed right away. And then when I had the Planning Committee, most of them we brought to the Committee to just discuss. Since I'm not going to be on the Committee and I think it's, this one's pretty standard and there's nothing particularly interesting in it, I would like to see it filed. Thank you.

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, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

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

## ORDINANCES

ORDINANCE NO._____
BILL NO.___113___(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 THE PROSECUTING ATTORNEY
(HAWAII CRIMINAL JUSTICE DATA CENTER)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

MR. CHAIRMAN, I MOVE THAT BILL NO. 113 OF 2016 PASS SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

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

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

And thank you to all you Members for sticking out till 2:30 this afternoon. And I appreciate your support.

And Ms. Baisa, we loved the procedures this morning. I think it was very touching and very appropriate. We want to thank you for so many years of great service.

COUNCILMEMBER BAISA: Thank you very much, Chair. It was overwhelming to say the least, and I am very touched. Thank you.

CHAIR WHITE: And I understand that your family was able to keep from you that they were all going to show up in the numbers they did.

COUNCILMEMBER BAISA: My family and my staff. Nobody told me. I had no idea that any of this was going on, that's why I made an appointment and had to go.

COUNCILMEMBER COCHRAN: Your hair looks very nice, by the way.

COUNCILMEMBER BAISA: Thank you.

CHAIR WHITE: Well again, thank you very much. And we understand you're taking off for your annual trip to Mexico, so.

COUNCILMEMBER BAISA: I am, Chair, and I'm looking forward to it. It'll be crazy between now and this evening, later, we leave around 11. And I'll be back on New Year's Eve, because I want to be here for the glorious installation on the second.

CHAIR WHITE: Great. With that, Members, thank you very much and we are adjourned.

## ADJOURNMENT

The regular meeting of December 2, 2016 was adjourned by the Chair at 2:35 p.m.

JOSIAH K. NISHITA, DEPUTY COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

161202/lks:jm

REALTORS® ASSOCIATION OF MAUI, INC.

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December 2, 2016

TESTIMONY

I am David DeLeon, speaking on behalf of the Realtors Association of Maui, commenting on a laudable if confused proposal to make opportunities available for homeowners to build more affordable ohana units (16-189.)

RAM concurs with the statements made by the Planning Department during the Council's Planning Committee discussion on this matter that although the proposal is well intended, it is not likely to succeed in regards to the smaller properties, because (1) it is too restrictive and because (2) it is not enforceable. The stated purpose of the bill is (1) to encourage and accommodate the construction of accessory dwelling units, (2) increase the number of affordable rental units, and (3) assist in alleviating the affordable housing shortage in Maui County. To succeed in that purpose, homeowners need to be actually encouraged to invest in building these units. The bill takes, what we believe to be, the correct path by allowing a second accessory dwelling units on lots greater than 15,000 square feet without any additional restrictions. But it takes the opposite approach with lots smaller than 7,500 square feet by severely restricting the owners' options.

For the smaller lots – think older Wailuku, the Sixth Increment of Kahului, Kelawea Mauka – the owner must place a permanent deed restriction on the property that declares the owner will follow a complex HUD formula, which oddly encourages the owner to pick wealthier renters over poorer ones and requires the owner to issue annual compliance reports to the Housing Division, forever. As the Planning Director pointed out, it seems unlikely that such a restrictive formula will attract many takers.

We encourage the Council to take the same approach with both property types. Allow them to build with the sole additional restriction that the new units will not be used as vacation rentals. Small units on small lots in older, working class neighborhoods are not likely to attract high rents. The more units built, will create more competition, which will drive down rental prices. With inventory, competition works.

On the question of disallowing the future use of ohanas as vacation rentals, there has been little to no public debate on this subject. The proposed amendment appeared out of the blue at the Nov.3 Planning Committee meeting. It proposes a taking of a property right and a major shift in Chapter 19 policy that did not go before the Planning Commissions. And it seemed odd coming up at the end of an election in which "transparency" was the by-word and theme. There was nothing transparent in how this item was brought to the table.

On the proposed amendment in 16-301, RAM wants to state that it prefers that 16-189 be sent back to committee. If that does not happen, then RAM supports the proposed requirement that the Planning and Housing and Human Concerns Departments issue a joint report on the outcome of the affordable accessory dwelling measure (16-189) in two years.

We support this proposal with a great deal of skepticism. We note that the Planning Committee ignored the departments' clear declarations that the proposal would not achieve its stated goals and because 10 years earlier the Council refused listen to the best economists in the state and bank officials when they warned that the then-new Workforce Housing Ordinance was going to be a train wreck.

That skepticism notwithstanding, perhaps when the departments tell you that there have been few takers on the small lots, the Council will make the necessary adjustments. Ultimately, we need inventory in order to control prices, not Rent Control.

On the proposed amendment in 16-302, RAM wants to make it clear that our association does not support Rent Control in any form. But again, when compared to the Rent Control formula now in 16-189, RAM does support this proposed simplification of the Rent Control pricing to one HUD level (80 percent AMI) and dropping all renter income certifications. The simpler, more straight forward, the better. This proposal would also lessen the possibility that the owner will favor those better able to pay over those who can not pay as much.

That said, please keep in mind that your Planning Enforcement Division has already told you that there is no way to enforce this pricing scheme. You can set all the pricing rules you want, but ultimately the market will control what is actually charged.

Given that, RAM recommends that the Council return these measures to the Planning Committee for further review.

Mahalo

Just some points on the affordable housing Bill

Paul Laub

mauilaub@aol.com

19.35.110

B 1. "affordable in perpetuity" That is longer than the world has been in existence and will outlive the sun expanding and turning the earth into a burnt crisp. This could mean that if times change and a housing ease occurs the home owner cannot participate in the market rate for rents. And cannot adjust the rent to cover inevitable repair and maintenance costs...ever.

C. "Occupied by immediate family members or... (Up to Moderate Income people}.

This specifically excludes nurses or nurse's aides hired to take care of the property owner. It also excludes property caretakers. Accordingly if someone is taking care of, (either friend or professional) the owner the house can be found to be in violation and ordered by the county to demolish the home.

F. "dwelling improvements to be removed at the property owner's expense.

If you were a bank would you give a loan to someone to build an accessory building on their property that could be ordered to be torn down due to some unforeseen violation, and further who does not have legal control over their own property?

If the county truly wants to have affordable housing offer the developers carrots not a stick to beat them with.

We had a great developer here in Spencer Homes. Excellent homes that everyone loves. We lost him by not supporting his endeavors. We could have traded him land upon which he could have built. But he is gone.

If you truly want to ease the crisis look at the document that I gave you last time on concerns of the Hawaii developers.

If anything is needed it is less restrictive regulation, as the county has already been successful in stopping housing construction thru over regulation. Remember up until 1951 no permit was needed at all for homes to be built. I myself live in a small plantation home built in the early thirties. Many of us do. Many people who don't live in small simpler homes plantation style homes do not because new homes have been over regulated requiring construction cost increases to the extent that homes can no longer be built to be economically viable for the working family. Continuing in the manner that we have been going, thru over regulation, only guarantees that this crisis will not be solved. This method could be characterized by that notice from management that states "Beatings shall continue until morale improves".

Here are some methodologies to reducing the crisis:

1) The county has determined that you may now build accessory dwellings on these properties as stated regarding lot sizes. Go build.

2) Since the county feels that low rental properties are important if you rent to people in this criterion you will pay NO property taxes on this property for the length of time as the citizen maintains this low rent feature.
3) Even if not one home is specifically built to be low rent the crisis will be eased by these new homes absorbing rental seekers.
4) A greater supply will reduce the demand and cause a reduction in rental costs.

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The William S. Richardson School of Law
Ka Huli Ao Center for Excellence in Native Hawaiian Law

Melody Kapilialoha MacKenzie
Director and Professor of Law

**COUNCIL OF THE COUNTY OF MAUI**
**POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE**

**ATTN: CHAIR MICHAEL P. VICTORINO**

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**Testimony in Support of CR 16-192:**
**Supporting a Native Hawaiian Law Training for the Maui County Planning Commissions**
**December 2, 2016,**
**9:00 a.m.**

Aloha Chair Victorino and Members of the Committee:

Mahalo to the Maui County Council for recognizing the importance of the Native Hawaiian Law Training Course and for considering its requirement for Maui County's Planning Commissions! Ka Huli Ao Center for Excellence in Native Hawaiian Law strongly supports the intent of this bill.

Ka Huli Ao is an academic center at the University of Hawai'i at Mānoa's William S. Richardson School of Law. We promote education, scholarship, community outreach and collaboration on issues of law, culture, and justice for Native Hawaiians and other Pacific and Indigenous People. Since 2013, we have partnered with the Office of Hawaiian Affairs to provide annual training courses in Native Hawaiian Law with a focus on the public land trust, fresh water resources, traditional and customary Native Hawaiian rights, and iwi kūpuna or ancestral remains. Over 500 people have attended more than seven trainings. Most attendees were members of state and county boards, councils, and commissions or staff members, although a number of state legislators and county councilmembers have also participated. The response to our trainings has been overwhelmingly positive. Evaluations indicate that 75-80% of those responding believed that the training improved their knowledge of their trust duties and responsibilities in each of the training's vital subject areas. In 2015, Governor Ige signed Act 169, which makes our training mandatory for members of various state and county boards and commissions.

We are grateful that you are taking the initiative to consider requiring a Native Hawaiian Law Training for your Planning Commissions. We are, however, sensitive to some of the logistical and other challenges that may arise, including concerns about travel costs for the Moloka'i and Lana'i Planning Commission members and for the members of the Hana Advisory Council. Given those concerns, we encourage the committee to incorporate language that would enable the requirement to be satisfied creatively while also being responsive to changing needs and resources, e.g., remote participation in training courses.

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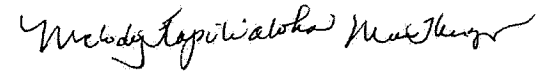
Ka Huli Ao is also willing to work with the County to coordinate a training on Maui in 2017. Because our funding for the Native Hawaiian Law Trainings is currently provided on an annual basis, we cannot make commitments beyond our current budget. That said, we are happy to work with the County to ensure that the trainings can continue. And, if we have the resources to facilitate future trainings, partnership with and participation from the County is most welcome.

Mahalo for this opportunity to testify. We are happy to address any questions or concerns that you may have.

Mahalo piha,



Melody Kapilialoha MacKenzie
Professor of Law and Director
Ka Huli Ao Center for Excellence in Native Hawaiian Law

16-189

GARY PASSON

Proposed change to the STRH bill to allow owners to rent to more than one family in the SFH if the owner or the manager resides on the property or adjacent to the property. Minor extension of the bill as currently written as this already exist for owner on adjacent lots.

Gives a bit more flexibility to the owner since the ADU's are being removed and will reduce neighbor and renters complaints because renter needs and behaviors are monitored and addressed in the moment.

19.65.030 B2 – deals with one or more groups renting a STRH (additions in underline)

2. Any short-term rental home where the owner or manager resides on the same or an adjacent lot.

Paia Town Association ❖ P.O. Box 791333 Paia, HI 96779 ❖ www.paiamaui.com

Date: December 2, 2016

The Honorable Mike White, Council Chair
Maui County Council
2200 South High Street
Wailuku, HI 96793

**RE: Support for Special Improvement Districts for Maui County**

Aloha Maui County Council:

My name is Noelani Sugata, and I am the Executive Director for the Paia Town Association. First of all, thank you to the EAR Committee members for moving the Special Improvement District bill forward, and for the opportunity to give testimony in front of the full council. We are in strong support to enable the ordinance to allow for Special Improvement Districts for Maui County.

Special Improvement Districts, commonly known as SIDs, are a self-funding mechanism where businesses are assessed to pay for services they all use. It is a formal structure for creating a clean, safe, and vibrant small town that is attractive to visitors and residents. I have been working as the part-time ED for a little over a year, and we do what we can with the funds we are allotted. The majority of our funds come from a "small town" county grant, and membership dues. In fiscal year 2016 our funds paid for a rubbish removal program, supplies for the Paia Mural, a community meeting with public officials, and marketing materials such as mail outs to creating an effective digital marketing strategy. We would like to provide more services to the district, but we need more funding to do so. A SID would hold accountable that all the businesses in the districts pay for services.

Since 2014, the PTA has discussed the idea of the creation of a SID for the town during the strategic planning sessions. When I was hired in 2015, I put our materials online including the proposed budget, distributed informational brochures, talked to merchants and landowners, and notified anyone with a 96779 zip code of our Annual Meeting 2016 where our President did a SID presentation. I understand that not everyone is going to "like" this idea of an assessment or extra tax. However, with the support of the board, I am committed to having those conversations in hopes that we can come to an understanding. We need long term funding if we want to make improvements for Paia.

I have been to every hearing, read through the testimony that has been submitted, and most of the testimonies submitted are in favor of this moving forward. I humbly ask the Council to support enabling the ordinance to allow for SIDs for Maui County.

Mahalo,

Noelani Sugata

Noelani Sugata,
Executive Director

# PC-28 re: Affordable accessory dwellings

paulalee <paulalee@hawaii.rr.com>

Tue 11/22/2016 9:17 PM

To:County Clerk <County.Clerk@mauicounty.us>;

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2016 NOV 28 AM 8:01
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Aloha Maui County Council Members:

Re: PC-28 Affordable Accessory Dwellings. Can you please change the language so that these dwellings will be truly affordable for the average Maui worker. HUD caps would be a good place to start but those even seem a bit high for the average worker. Please delete the language that sets rent at the income levels of the renters because landlords would then discriminate against people earning lower wages to increase their own rental income. This is a great bill but could be even better with the language that Elle Cochran has suggested.

Mahalo for your time,

Paula Phillips
28 Laupapa Place
Haiku

---

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## County Clerk

**From:** Loren Clive <loren.clive@gmail.com>
**Sent:** Thursday, December 01, 2016 1:01 PM
**To:** County Clerk
**Subject:** AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH AFFORDABLE ACCESSORY DWELLINGS AS A PERMITTED USE IN CERTAIN ZONING DISTRICTS (PC-28)

In response to Councilmember Elle Cochran's column in today's *Maui News:*

The easiest way to create affordable housing on Maui is to **encourage development.** The reason why housing is so expensive, both for rentals and buying, is a gross lack of inventory as noted by Maui County's own Planning Department. There's no big mystery, folks, and the Council seems not to understand the fundamental economics of supply and demand in its endless regulation of development.

Sadly, the proposed rent control will only exacerbate the situation. A simple Google search reveals that "93% of economists would argue that 'a ceiling on rents reduces the quantity and quality of housing available.'[1][2]" The Swedish economist Assar Lindbeck, a housing expert, says that "rent control appears to be the most efficient technique presently known to destroy a city – except for bombing".[17]

Given her comments, I wonder if Ms. Cochran has ever purchased property or even owns a home. Where is the smoking gun on the Kamalani affordable housing preapprovals? Has one person yet come forward who was QUALIFIED to purchase there yet denied by the developer-approved lenders??

Having just bought a home this year, I can attest to how difficult it is to get a loan these days, and given the strict income requirements of affordable housing I'm not surprised they're having trouble finding qualified candidates. It seems a big waste of time and outrage to rail against the federal mortgage requirements that the Council cannot change.

Maui is an expensive place to live: we call it the price of paradise. Instead of worrying so much about those in need, how about we work on bringing better jobs to the island so that people can actually qualify for homes? And building more nice homes, not non-conforming shanties which are the result of the onerous permitting process.

America was founded on the principle that people have the right to life, liberty and the pursuit of happiness. The idea that property owners who wish to improve their property shall be restricted as to how much rent they can charge is totally un-American and will simply create slums.

Thank you for considering my comments, and please, for the love of God, don't pass this bill.

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Cordially,

**Loren E. Clive, Broker**
Loren Clive Realty
*exclusively Maui real estate*

**Direct 808-250-6891**
Private fax 678-791-4123

## County Clerk

**From:** helga fiederer <helgaonmaui@yahoo.com>
**Sent:** Thursday, December 01, 2016 3:26 PM
**To:** County Clerk
**Subject:** Re: PC-28

Aloha

Regarding PC-28, I want to ask the Council to please delete the language that requires rent to be based on income levels of tenants, and ask the Council to use HUD guidelines to set maximum rent levels that will apply to everyone, regardless of income.

Thank you,
Helga Fiederer

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PC-28

Kai Nishiki <kai.nishiki@gmail.com>

Thu 12/1/2016 5:17 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha all,

Please delete the language that requires rent to be based on income levels of tenants and please use HUD guidelines to set maximum rent levels that will apply to everyone, regardless of income.

Malama pono,
Kai Nishiki

Sent from my iPad

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