M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

March 10, 2017

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, MARCH 10, 2017, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui shall please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

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

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

OPENING REMARKS

The opening remarks were offered by Chair Michael White.

CHAIR WHITE: Mr. Clerk. Oh, I'm sorry.

At this point, would 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 everyone could please turn off their cell phones, not turn them off, but put them on silent mode. I would appreciate that.

Mr. Clerk, may we proceed.

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on ceremonial resolutions. Mr. Chair, no one have requested to provide testimony on the ceremonial resolutions, shall we close testimony?

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Thank you, Mr. Clerk. Proceed.

COUNTY CLERK: Mr. Chair, proceeding with Ceremonial Resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 17-19

CONGRATULATING AMERICAN RED CROSS OF
HAWAII ON ITS 100TH ANNIVERSARY AND
RECOGNIZING MARCH 2017 AS
RED CROSS MONTH
IN THE COUNTY OF MAUI

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL:

MR. CHAIR, ON YOUR BEHALF, I MOVE TO ADOPT THE RESOLUTION ENTITLED, "CONGRATULATING AMERICAN RED CROSS OF HAWAII ON ITS 100TH ANNIVERSARY AND RECOGNIZING MARCH 2017 AS RED CROSS MONTH FOR THE COUNTY OF MAUI".

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. May I request that the Clerk read the resolution in its entirety?

CHAIR WHITE: Certainly. Mr. Clerk, please proceed.

The resolution was read in its entirety.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Mr. Chair.

It is with great pleasure and honor, excuse me, that we recognize the American Red Cross of Hawaii on its 100th Anniversary, and recognize March 2017 as Red Cross month here in Maui County. As the American Red Cross of Hawaii celebrates 100 years of service through our community, let us not forget that the staff and volunteers, who not only service here in Maui County but also across the mainland and throughout the world.

The men and women continue to strive a the mission to prevent, alleviate human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors. Those heroic individuals lead normal lives just like the rest of us

here today, but at a moment's notice, they respond and to assist various emergencies and disastrous situations, sometime having to leave their families to help all those in crisis.

And because of this, we want to send a heartfelt mahalo to all the staff and volunteers at the American Red Cross, Hawaii State Chapter.

Special thanks to Michele Liberty who heads the American Red Cross operations here on Maui, and the rest of our Maui County volunteers. I want to send them all the best for another 100 years of success. Mahalo, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I want to further commend all the volunteers representing the Red Cross. In particular, I want to honor my father-in-law, Dr. Al Arensdorf, who is a diligent and avid volunteer for the Red Cross and serving not just the Maui County community, but at a moment's notice, he's ready to fly away somewhere to help other disaster victims.

So, on behalf of representing the people of Maui County, I want to say aloha to, and mahalo to all the volunteers of the Red Cross.

(Councilmember Guzman was excused from the meeting at 9:17 a.m.)

CHAIR WHITE: Members, any further discussion?

I would just like to add that, as Mr. Atay said, we all recognize it's a good time to be reminded that those Red Cross volunteers are all over the country ready to fly in our direction if we have a challenge and ready to fly in the other direction if communities somewhere else are in need of assistance.

I don't think we can understate the importance of their hard work and volunteerism. Because it's them that stand ready to assist in times of real challenge and real need. And, so I take my hat off to Red Cross, I take my hat off to Michele and how she's organized Maui County. But I especially take my hat off to those volunteers who at a moment's notice are ready to drop the important things in their life to take care of

somebody else who's in a pretty bad state somewhere else. So, to all of you, a big mahalo and we really appreciate the Red Cross.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Mr. Chair. With your permission, I'd like to call down Michele Liberty, Maui County Director of the American Red Cross and Hawaii State Chapter to present her with the official copy of the resolution and a lei.

CHAIR WHITE: Thank you. So ordered.

(Councilmember Guzman returned to the meeting at 9:18 a.m.)

MS. MICHELE LIBERTY: Wow, thank you very much. It's so nice to hear from all of you this morning.

CHAIR WHITE: Hold on just a second.

MS. LIBERTY: Sure. Oh, got to have the lei.

Wow, such a reception for that. Um, thank you and you know, I continue to be honored to serve our community through the American Red Cross, I have the privilege of working with our volunteers. As many of you know, I am the only staff person for Maui County, covering the island of Maui, Lanai, and Molokai.

And the fact that we can be everywhere that we need to be and ready to help our community during the relentless approaches of hurricanes and the wildfires we've dealt

with, you know, among many, many things. I have to say that, that completely credits to our volunteers. Without them, we would be nowhere.

This year we're acknowledging our County staffing lead, her name is Elaine Olson. She's our Maui County Volunteer of the Year. So when we're in the EOC or when you're hearing on the news that we've got shelters open, Elaine is behind that. She's the one that's mobilizing the power of our volunteers by making calls well into the night, early in the morning to ensure that we've got the logistics, volunteers. That we've got the EOC covered, that we've got the shelters covered. That we've got food lined up to serve the people on and on, so without them we really could do nothing.

Thank you all for your continued support. It means a lot to us.

CHAIR WHITE: Thank you very much, Michele.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-19.

RESOLUTION
NO. 17-20

RECOGNIZING MARCH 5 – 11, 2017, AS "HAWAII SAYS NO MORE" WEEK IN THE COUNTY OF MAUI, WHICH SEEKS TO END DOMESTIC VIOLENCE AND SEXUAL ASSAULT

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

MR. CHAIR, ON YOUR BEHALF, I MOVE TO ADOPT THE RESOLUTION ENTITLED "RECOGNIZING MARCH 5 – 11, 2017, AS 'HAWAII SAYS NO MORE' WEEK IN THE COUNTY OF MAUI, WHICH SEEKS TO END DOMESTIC VIOLENCE AND SEXUAL ASSAULT".

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. King.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair.

May we request the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly. Mr. Clerk.

The resolution was read in its entirety.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Clerk. Thank you, Mr. Chair.

It is with great personal pleasure to recognize March 5 – 11, 2017, as "Hawaii Says NO MORE" week in the County of Maui. "Hawaii Says NO MORE", is a collaboration of individuals, programs, and organizations around Hawaii who are taking action to increase awareness and visibility to prevent and end domestic violence and sexual assault.

The goal of this campaign is to raise visibility, create awareness, encourage conversation, and break the social stigma surrounding domestic violence and sexual assault in Hawaii.

When learning more about this campaign a few statistics are found concerning, include: 1 in 7 women in Hawaii are sexually assaulted; 1 in 3 teens experience sexual or physical abuse or threats from a boyfriend or girlfriend in one year; and 1 in 2 women, and 1 in 5 men have experienced some form of sexual victimization in their lives.

The issue of domestic violence and sexual assault is still prevalent and we all must work together to minimize these numbers, especially when these individuals could be your mother, father, brother, sister, grandparent, aunty, uncle, neighbor, friend or even your own children. So we ask, let's come together and join, "Hawaii Says NO MORE", in its mission to end domestic violence and sexual assault in Hawaii.

Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello. Members, any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Thank you. I just wanted to recognize that, um, there's been a rising up of, around women's issues in the County and across the country and I think this is so appropriate to be part of that rising up, that we can't have, I don't think there's any possibility of having too much redundancy here. And so I want to thank Councilmember Crivello for bringing this up and all the folks who are working on this campaign to say "NO MORE", because, um, it really cuts across almost all agencies, I think, all public agencies throughout the State, but certainly throughout the County.

So I fully support this resolution and I'm happy that we have some familiar faces who are part of this campaign.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I just wanted to also talk about how close this hits to many people and it's probably one of the best kept secrets of many families about these kinds of abuses. I also wanted to give out, a recognition to Stacey Moniz who all of us have read in the Maui News, that she's taking a brand new, big step. So, although she may be leaving Maui's Women Helping Women, I know she put up some also helping Maui County with work in Lanai. She's now going to bring her many talents to a larger good with the Hawaii State Coalition Against Domestic Violence, and I think she's starting her job next week Friday. So we'll miss her, but will continue on with this kind of messaging for, for Statewide.

So, congratulations. I support this resolution in total.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

The Chair would like to add that the services provided by Women Helping Women, and Maui Child and Family Services, and Parents and Children Together are really such an important piece of what keeps our community safer, and more appropriately focused on the lives of the people who don't have the ability to protect themselves.

As I believe I mentioned a year ago, um, I wasn't aware of an issue in my own family until it was over. And I wish that I had known a little earlier because I would have

brought it to an end as quickly as possible. Um, my daughter is a very strong, young woman and she was able to move through it. But I'd like to think that she could have moved through it a little more easily had she reached out for assistance in a more timely fashion.

So to all of you who provide those services, I take my hat off and thank you for everything you do. For those of you who are here, who are victims of domestic violence, I take my hat off to you for coming forward and making it stop. And I know this will be a life long journey for all of you to fight back against domestic violence, and so I thank you for your efforts in that direction as well.

So, with that, if there is no further, oh, I'm sorry, Mr. Guzman.

COUNCILMEMBER GUZMAN: Apologies, Chair. I'm not feeling that well today.

But I just wanted to really, sincerely thank those who work in this type of situation. And I remember back in the days when I was in the Domestic Violence Unit and my training with Stacey Moniz, years ago and learning about the circle of violence and then taking those cases to court, very difficult.

And for those women and those spouses and children that are involved in these type of situations, it takes a team effort all across the board. There's a lot of recantation, a lot of times that the abused go back to the abuser because there's a circle of psychology there that's going on.

But I do want to deeply thank all of those who commit themselves day in and day out. And I know it's a very, very, very difficult, I guess, profession to be in. It was probably one of the last point in my life that burned me out as a prosecutor, and so it's a very stressful situation. So, I really deeply thank those who really stick it out and help others in these dire situations.

So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk, oh I'm sorry--

COUNCILMEMBER CRIVELLO: Mr. Chair.

CHAIR WHITE: --Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair.

With your permission, I'd like to call down Stacey Moniz, Executive Director for Women Helping Women, and Sanoe Kaaihue, Deputy Director for Women Helping Women, to present them with the official copy of the resolution and our lei of aloha.

CHAIR WHITE: Thank you and Members please join us at the podium.

COUNCILMEMBER CRIVELLO: So on behalf of the County of Maui and our membership of the Maui County Council, it is with honor I present with you this resolution with deep gratitude.

MS. STACEY MONIZ: Aloha and thank you so much. I love when my own heart comes out of other people's mouths and that you are all now ambassadors for the end of domestic violence and sexual assault. I think that speaks volumes about the magnitude of the work. That we all have personal stories that we can share about people in our lives who've been affected by domestic violence.

I've had the pleasure of serving on the "Hawaii Says NO MORE" campaign for the last three years, and its part of the National "NO MORE" campaign as Council Crivello has educated everyone. We've left some magnets for everyone, please place these on your car. We're trying to blanket the State in these. If anybody would like another magnet, please come to our Women Helping Women office, we're happy to give you a magnet for your car.

The intention is, like Chair White said, to help other victims feel like they're not alone. When we show this kind of support all over the State, all over the country, on TV, on radio, and on the backs of people's cars, it says to victims that we're not alone and that

there are people in this community that support us and that's the message that "NO MORE" has.

As you so eloquently stated, I really have not much to say, except that you can go to the "Hawaii Says NO MORE" website, download your own challenge card, all of our Councilmembers have done this now, twice. I applaud you, thank you for doing that and use the hashtag #nomoreweek, #hawaiisaysnomore, #nomore, and to help spread the word. Let all your friends on social media know, who may be victims of domestic violence or sexual assault that you stand with them and stand behind them and that we support victims and we can stop blaming the victim.

Thank you so much.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION 17-20.

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

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

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. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai, and 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 four individuals who have signed up to provide testimony in the Council chamber. The first person to testify is Linda Clark, President of Kaupo Community Association, testifying on County Communication 17-108, to be followed by Helen Nielsen.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. LINDA CLARK (testifying on County Communication No. 17-108):

Hi, good morning, Chair and Councilmembers. My name is Linda Clark and I'm the President for Kaupo Community Association. And I would just like to say that we've been working really hard for the last two years, since 2014. And the community goals have always been the same and that is to see the Kaupo School restored so that we can have, so that the community can have a place to have their meetings because we currently put up tents, as well as family reunions. I'm asked all the time from families that have moved away, if they came to Kaupo, what would they do? So, I want to be able to offer that. We've also been asked to have hula classes, Hawaiian language, and this will accommodate those as well.

And more recently over the years, it's been obvious that we need an emergency shelter out there. We're constantly faced with people getting stranded and opening up our homes and taking them in, so. In closing, I'd just like to say that it's been an honor to work with our community on this important project, and ask that you please accept the resolution that's before you today and help us move this project forward as soon as possible.

Mahalo.

CHAIR WHITE: Thank you very much, Ms. Clark. Members, any need for clarification? Seeing none, thank you for being here.

MS. CLARK: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Helen Nielsen, testifying on County Communication 17-108, to be followed by Jonathan Starr.

MS. HELEN NIELSEN (testifying on County Communication No. 17-108):

Good Morning--

CHAIR WHITE: Good Morning.

MS. NIELSEN: --Council Chair, Councilmembers, Happy Aloha Friday. My name is Helen Nielsen, I'm a volunteer with the Kaupo Community Association.

Our last meeting, we had a visit from Historic Hawaii Foundation, they're giving us a big grant to help restore the school and teacher's cottage. She gave us an impromptu exercise and she asked everyone from the community to write a line to contribute to a poem about Kaupo School and Teacher's cottage. And how she did this was just, each person, each row wrote one line and you could only see the line before yours. So you couldn't try to make it rhyme or really tie together except with the one before yours. Councilmember Alika actually contributed to this because he was there as well. So I'd like to recite this poem which just reflects the feelings of the community about this project.

Voices of the past echo
I went to Kaupo School in 1957
I attended Kaupo School in 1930
I remember my Mom saying she belonged to the Bee Club
Kaupo stories and memories mix with our life here; in Kaupo
The past, today and future are one
It's our kuleana to malama this wahi pana

School of the past, school of the future
Vibrating the mana of laughter & play
Raw, washed, weathered, distressed
Gentle rainy days
The gleam of waterfalls

I love this place
It fills me up with life
The heart of Maui
And new buildings for the voices of yesterday & tomorrow

Gentle rain, planting seeds, connecting the past & future
Great yard for joyful children
Kaupo I ka malie
Kaupo the beauty of the mountains
The Big Island looming in the distance

Pu'u Honua (Safe Haven)
Kupuna keeping watch
On gray green walls
Your beauty moves me
The history written in your walls
Tells a story that moves us all

The mana of the aina is uinani
Kaupo – a place well deserved to be preserved
Riding horses bareback on the gravel road
Early morning bees buzzing, shoreline crashing
Breaking the silence of everlasting calm

May I proceed?

CHAIR WHITE: Yes.

MS. NIELSEN: Relic of the past, guide to the future
Planted in time, colored by history
The gifts from the past guide us into the present
And the beauty and wonder of Kaupo blesses us
Maua Valley at the foothills of Kaupo Gap
Smiles and seats its aloha to the people of its community

A happy teacher we need the most
I hear the sounds of children at recess
I can't wait to return to a restored school and cottage
Location, location, location
What will the layers of habitation reveal

We the people of Kaupo are ready to pour our hearts & souls
into this endeavor
With aloha we greet the rain and the sun
Kaupo mahalo
Remember the water, remember the trees

Thank you for your time this morning.

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

Ms. King.

COUNCILMEMBER KING: Just a quick question, Chair. Thank you. Aloha, Helen.

MS. NIELSEN: Aloha.

COUNCILMEMBER KING: Is there any intent to use the facility for DOE purposes like the Department of Education.

MS. NIELSEN: There are no formal plans to bring back education. It would more, it would serve more as a community resource.

COUNCILMEMBER KING: Okay. So the, it looks like the Kaupo Community Association wants to take control, oversee this facility, and so it would come out of the purview of the State if this resolution is successful in its intent. So I just wanted to clarify that.

I think it's a great, it's a great idea for, to use as, the community just needs to be clarified that way. So thank you.

MS. NIELSEN: Thanks. I believe we're taking it out of the State and then into the County's hands.

COUNCILMEMBER KING: Right. Exactly.

MS. NIELSEN: Yes.

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

MS. NIELSEN: Thank you, Chair.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: The next testifier is Jonathan Starr, testifying on County Communication 17-108, to be followed by Mike Moran.

MR. JONATHAN STARR (testifying on County Communication No. 17-108):

Good morning, Honorable Councilmembers. I'm Jonathan Starr, I'm a Board Member of Kaupo Community Association, I'm also the Restoration Project Chair, for the project.

We've been hearing for many years from the community the desire to restore the school. The school is very far down, it cannot be used. We've got it propped up so that it doesn't blow down, but it really is not usable. And the community wants to use it as a resource facility and an emergency facility. It's really needed and it will get a lot of use, it will be a place where the kids play and the kupuna hang out.

Our theme in Kaupo for our Association is to bring the old families who once lived in the wetland in Kaupo back. And that's working, but we need a little bit of infrastructure, a place where they can hang out, where there's power, and water, and electricity. Probably shared chest freezers and refridge because a lot of people don't have that.

We've been working with DLNR for a number of years. They committed to processing a long term lease several years ago, they've not been able to physically do that because of staff shortages, there is only one person in the Maui Office and they are not moving much paper there.

We went to the Legislature last year and we were given a $975,000 grant from the 2016 Legislature and that is in the final stages of processing. But the clock is ticking on how long we have to use that and spend it down. We received $30,000 from Office of Economic Development of Maui County and mahalo to all who helped with that, mahalo to Councilman Carroll for support on everything, the clock is ticking on that.

We have a $70,000 grant from Historic Hawaii Foundation who understands the importance in our restoration will make the buildings look exactly from the outside like they did in 1923, when they were built. On the inside, will be a little bit different, but we really can use the use. There is an infrastructure component which will be phase II, for power and water and a new septic system. But we are funded for the carpentry of restoring.

The buildings, we've been frankly bugging DLNR to get the paperwork moving, cause we can't file for permits or begin any construction until the site control is resolved.

Recently, DLNR said it may be years before they can do a lease, so they recommended that the property be EO'd to the County and then the County can take it over and do a lease. And so for that reason, we're willing to go along with that and we request your kokua in helping to move that forward so we can have a wonderful facility for the community and the people of East Maui.

Mahalo.

CHAIR WHITE: Thank you very much, Mr. Starr. Members, any need for clarification?

COUNCILMEMBER KING: Just a quick question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Jonathan.

MR. STARR: Aloha.

COUNCILMEMBER KING: Knowing how thorough you are, and thank you for working this project. Do we have, I'm sure you've already talked to the Mayor about it. Do we have assurance from the County Administration that they will, you know, if we can push this, that they will turn around and not delay it further and approve that lease?

MR. STARR: The request for EO document is sitting on Mayor's desk and I'm told that he's in complete support of it.

COUNCILMEMBER KING: Okay, great.

MR. STARR: And as well as of a lease, so.

COUNCILMEMBER KING: Okay, great. Thank you.

CHAIR WHITE: Any further need for clarification?

Seeing none. Thank you for being here--

MR. STARR: Okay, mahalo.

CHAIR WHITE: --this morning, Mr. Starr.

Mr. Clerk.

COUNTY CLERK: Next testifier is Mike Moran, President, Kihei Community Association, testifying on County Communication 17-130, to be followed by Autumn Ness.

MR. MIKE MORAN (testifying on County Communication Nos. 17-109, 17-130, and 17-133):

Aloha, Chair White and Councilmembers. Mike Moran testifying for the Kihei Community Association (KCA). Chair, if I could ask your indulgence, I failed to put down two other items, may I just make a one sentence comment on two other communications?

CHAIR WHITE: Sure.

MR. MORAN: Thank you, sir. And those two are 17-109 on pesticide and 17-133 Transportation Improvement Plan, the Kihei Community Association is in complete support of both of those. Thank you.

Now, I'll move on to 17-130. As you know, looking at this huge 148-page file, this request for change of zoning from residential to commercial along South Kihei Road goes back to 2011. Since inception, the community input has raised several objections led by flooding, changing from residential to commercial in this area, and a challenge posed to endangered species.

A few years back around 2012, a similar request was made by a long term existing business by the now deceased Veterinarian, Dr. Roger Kehler for his Kihei Veterinary Clinic almost next door. Again, this was a long-standing structure that was considered "residential scale structure" that generally would be described as a house, which fits the Kihei-Makena Community Plan, page 18. At the time, while much of our community knew and respected Dr. K, he was my vet for over a decade, there was concern that allowing this could set a precedent for the nearby vacant land extending southward. But we understood this was not the case, since this was a rather unique, existing structure for existing commercial business.

Unfortunately, when the department brought this requested zone change for a new building to be constructed to the Planning Commission last May, the vet's change was offered as exactly that; it had set the precedent, now you could not say no. We question how constructing a two-story commercial building, which in no way fits the Kihei Community Plan "residential scale", is comparable to an existing business that looks like a house.

While we understand the position that these bodies of water on the parcel may be man-made wetlands, it is our understanding that the area was in fact natural wetlands

allowed to be filled in for building with these man-made wetlands set up in mitigation in specific locations which we see throughout this area. Undeniably, the body of water on this land is frequented by Hawaiian Stilts. I say undeniably because I have seen this with my own eyes, as well as several pictures of the same.

As far as frequent flooding in this land, at the same Commission meeting, a nearby resident provided a huge number of pictures of the lands under the water.

May I conclude, sir?

CHAIR WHITE: Please.

MR. MORAN: Thank you. Lastly, traffic. Regardless of the professional traffic analysis offered by expert hired by the applicant, it is ludicrous to claim that allowing this will not impact on this busy two lane road.

Mahalo.

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

Ms. King.

COUNCILMEMBER KING: Yeah, thank you, Chair.

I've been aware of this situation for a while because it's been a talk in Kihei for about a year. But I just wanted to request of Mr. Moran, that maybe we could coordinate with the Chair, this will be referred to the Land Use Committee and maybe we could coordinate a site visit for the Council through KCA.

MR. MORAN: We would love to do that and I know this gentleman has attended many site visits that he's conducted through the LUC, so that we would be happy to coordinate that.

CHAIR WHITE: Okay, Members any other need for clarification? Seeing none, thank you very much, Mr. Moran.

MR. MORAN: Thank you, sir.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual to testify is Autumn Ness, testifying on County Communication 17-109.

MS. AUTUMN NESS (testifying on County Communication No. 17-109):

Good morning, Council. My name is Autumn Ness, I am testifying on County Communication 17-109. I was a previous resource person in the PRL Committee when, Chair Guzman heard this item, and I wanted to offer a few comments on this item.

First of all, thank you to Councilmember Guzman for hearing this in his Committee in such a rush and giving it a thorough review that this issue deserves before it's being taken action on today. This was, this is a culmination of a two-year effort on behalf of a lot of different agencies, community organizers, the State Department of Transportation, non-profit agencies, and the Parks and Recreation Department, and Corporation Counsel.

The Corporation Counsel reviewed this agreement that is on the table today for six or eight months with a lot of back and forth to make sure the County would benefit without having any commitments to purchase anything or to make it all really, really safe for the County, and they have since signed off on that.

This is a great opportunity for the County, as well as a lot of non-profits, privately owned landscape companies, the State Department of Transportation, Even the Big Island is going to possibly schedule their own training actually, after they come to Maui because they're going to be all the way here, so this is a great really multi-faceted opportunity for a lot of different people in Maui and in the Big Island, now.

And timing was an issue so for anyone who was wondering why this is being rushed along, after this two years of negotiating with this non-profit organization, Beyond Pesticides, they found a window for us. They are a national organization and they travel all around the country and help communities manage their turfs and their parks without pesticides. So they have a busy schedule and summer and fall is quite busy on the mainland because of their seasons, and they found a window for us.

They could squeeze us in this little window that's really, really soon, and if we didn't meet that window we would have to get to the end of the line and wait until after summer and fall and the other places in the mainland were already booked. So because of this, and because of Councilmember Guzman scheduling this in his Committee and allowing us to do this quickly, we're going to get these services now rather than next year, should the Council approve this.

So, I would like to ask for your support and thank everybody for jumping onboard and doing this as a team, and the Parks Department and everybody involved.

Thank you.

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

COUNCILMEMBER KING: Just a quick question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

Thank you for bringing this forward, I think this is very timely, because they just killed the bill at the State Legislature that would require notification about pesticides that are being sprayed in different areas around the State. But I wanted to ask you, because I know if we, hopefully we get this passed today, I fully support this. If they do come, do they give us a length of time as to how long they would be here to do different trainings?

MS. NESS: They've asked us to block off a week. From what I understand, the Parks Department will have a full day. They're also going to do a separate training specifically for privately owned landscape companies and any hotel, people that want to attend in that separate from this agreement. And then they're going to do a separate day with the Department of Transportation and their roadside weed management. And then I don't know what else, but they've asked us to put a week aside.

COUNCILMEMBER KING: Okay, great.

MS. NESS: To help them, yeah.

COUNCILMEMBER KING: That's great. I was just hoping that some of the local farmers could be included in that as well.

MS. NESS: Yeah, thank you for that comment during Committee. I brought that up to them as well, and we're definitely going to try and make that happen.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR WHITE: Any other clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So I have a question, I know that Mr. Feldman and maybe it's not you and maybe we need to talk about this when we bring up the item. But, I was curious that I know they helped other municipalities and one of the things that this is about a donation of $5,000 our item today, but I was wondering if you could get back to us or Mr. Feldman could get back to us about, what cost were incurred once this program was implemented in other municipalities of comparable size or dimensions to what we're talking about? So that's my question, I don't know if it's for Ms. Ness or later.

CHAIR WHITE: Yeah, I would assume that that information will come to us in the process when they get here and start the work.

MS. NESS: I can, I can a little bit tell you that the original concern when this first came up was cost. Because we have a budget, so over and over and again he's been able to confirm, and I've talked to other municipalities, Reno and Irvine, they've confirmed that the recommendations that Beyond Pesticides makes are within the current operating budget.

He did say that one really, really small town asked them for help and their budget was so small that he said, I'm sorry we can't really work with this. But if you have a good size Parks budget, they can operate within that budget.

In certain circumstances, if you need something like an aerator or a different kind of a mixing tank, or something like this, then you may have to purchase that. But that can be I guess, like an option, how far you want to take their recommendations. They give you a list of recommendations and you can do "A" if you have the money, or "B" if you have the money. But they do say that their goal is to give recommendations that work within your current budget. So, that was a big, a big win.

COUNCILMEMBER SUGIMURA: Thank you.

MS. NESS: Okay, thanks.

CHAIR WHITE: Thank you, Ms. Ness.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there's no further individuals who've signed up to testify 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 District Office conference call at this time.

Hana Office, are there any additional testifiers?

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

COUNTY CLERK: Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Molokai Office, are there any additional testifiers?

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

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

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received some written testimony, without objection we will 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. Jonathan Starr; and
2. Mike Moran, Kihei Community Association.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk. Oh, thank you, and without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's Organizational meeting of January 2, 2017 and Special meeting/Public Hearing of January 16, 2017, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

> I MOVE THAT THE MINUTES OF THE ORGANIZATIONAL MEETING OF JANUARY 2, 2017 AND THE SPECIAL MEETING/PUBLIC HEARING OF JANUARY 18, 2017, *[SIC]* BE APPROVED.

COUNCILMEMBER SUGIMURA:

> SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

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

> AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

> NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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

COUNTY COMMUNICATION

NO. 17-103 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated February 14, 2017)

Transmitting 81 contracts/grants for January 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMUNICATION 17-103, WITH THE EXCEPTION OF CONTRACT WC0886-1, REGARDING ORACLE CC&B CONVERSION UPGRADE FOR THE WATER DEPARTMENT, TO BE ASSIGNED TO B&F, THAT ALL OTHER 80 CONTRACTS BE FILED.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman. We go through this every period.

CHAIR WHITE: Members, are there any other contracts that you would like to be referred to Committee?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Requesting Contract No. C6180 in reference to the contract of the Kalama Skate Park be referred to the PRL Committee.

CHAIR WHITE: Thank you. Any others?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Contract C6187, Old Kula Community Center Structural Adequacy Report, please.

CHAIR WHITE: Okay, any other requests? Members, are there any objections to the referrals brought up by the three Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, we will file the remainder, that is the motion on the floor--

COUNTY CLERK: Mr. Chair.

CHAIR WHITE: --yes, Mr. Clerk.

COUNTY CLERK: Could we get a reference to the referral to which Committee?

CHAIR WHITE: Well, Mr. Guzman's will be referred to his Committee, PRL; and PEA for Ms. Sugimura; and BF for Mr. Hokama's item.

COUNTY CLERK: Thank you.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-104 - YARROW FLOWER, CHAIRPERSON, CIVIL SERVICE COMMISSION, (dated February 21, 2017)

Transmitting the performance evaluation of David Underwood, Director of Personnel Services, for the period July 1, 2016 to December 31, 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE 17-104.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-105 - WILLIAM SPENCE, PLANNING DIRECTOR
(dated February 23, 2017)

Relating to the Floodplain Management Plan and transmitting the following:

1. Resolution No. 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN," with attached Exhibit "A" (County of Maui, Repetitive Loss Properties Floodplain Management Plan);

2. County of Maui, Repetitive Loss Properties Floodplain Management Plan-Updated 2016; and

3. County of Maui, Repetitive Loss Properties Floodplain Management Plan, Annual Evaluation Report, September 2016.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Chair, since this County has seen 35 repetitive claims of flooding since 2013. I, due to the current heavy rains that we've been receiving lately and flooding, I'd like to gather more information and delve into this report a lot deeper in detail. So, I would like to request to have this referred to the appropriate standing committee, possibly mine IEM.

CHAIR WHITE: Yes, it would be IEM.

COUNCILMEMBER COCHRAN: Okay, yeah I'd like to, with no objections to refer it to my Committee.

CHAIR WHITE: Members any objections to referring this item to committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

The recommended action is that County Communication No. 17-105 be referred to the Infrastructure and Environmental Management Committee.

CHAIR WHITE: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, thank you.

CHAIR WHITE: Mr. Clerk.

NO. 17-106 - ALAN M. ARAKAWA, MAYOR
(dated February 23, 2017)

Informing of a vacancy on the Salary Commission due to the resignation of Christian Tackett on February 23, 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO FILE COUNTY COMMUNICATION 17-106.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura and a second from Ms. Cochran.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you to Mr. Tackett for his service on the Salary Commission and to our community.

CHAIR WHITE: Thank you. Any other discussion, Members? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-107 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY
(dated February 22, 2017)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for December 2016 and January 2017 for all registered well reporters in the County of Maui.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

I'D LIKE TO MOVE TO FILE COUNTY COMMUNICATION 17-107.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, as there is no Council action to take, I respectfully request consideration of this motion.

CHAIR WHITE: Members, any other discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: And I'm sure all of us recall that these were our periodic reports that are given to this body and at any given time we are allowed and able to access them for further look-see into it if you care to, so thank you.

CHAIR WHITE: Correct and if you find something you can refer it to committee through the Council.

COUNCILMEMBER COCHRAN: Yup, very good, thank you.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER KING: Just a quick question. Are these reports--

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: --available to the public, the general public, on the County website, or County Council or both?

CHAIR WHITE: I'm not sure. Yeah, both of them are available.

COUNCILMEMBER KING: Both of them, okay, thank you.

CHAIR WHITE: I'm assuming, Mr. Baz, they're on the Water Department website. Is that correct?

DIRECTOR OF COUNCIL SERVICES SANANDA BAZ: Mr. Chair, I'm not sure if they're on Water Department's website, but they are definitely within our Granicus system and MauiCounty.us site.

CHAIR WHITE: Okay, thank you. Did you hear that? Okay, thank you.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure carries with nine "ayes".

Mr. Clerk.

NO. 17-108 - MIKE WHITE, COUNCIL CHAIR,
(dated March 3, 2017)

Transmitting a proposed resolution entitled "URGING THE GOVERNOR TO SET ASIDE LAND LOCATED AT KUMUNUI, KAUPO, HANA, MAUI, TMK (2) 1-7-002:015, FOR PUBLIC PURPOSES".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR COUNTY COMMUNICATION 17-108, PURSUANT TO RULE 17(E) *[SIC]* OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I wish to have the proposed resolution considered on the Council floor because time is of the essence on this matter.

The proposed resolution urges Governor Ige to sign an Executive Order to set aside lands in the Kumunui, Kaupo region of Maui and will allow the County of Maui to manage and control the property.

The property is located, the old Kaupo School, which was built in 1923 consisting of a classroom and teacher's cottage, both of which are listed on the National Register of Historic Places.

Time is of the essence on this matter because without the County of Maui's control over this land, the ability to move forward with the necessary improvements to the property will stagnate.

The State of Hawaii Department of Land and Natural Resources has committed to the project and lease of the property to the Kaupo Community Association, however, their timing for executing the lease is uncertain.

It is this uncertainty that may cause the Kaupo Community Association to lose financial commitment from the State Legislature for an appropriation of $975,000. The appropriation from the State requires that the project be completed within 24 months of the issuance of the revenue.

But to achieve that goal the Kaupo Community Association must move forward on permits to the Department of Health, National Parks Service, County and State Historic Preservation Division.

Even though DLNR has committed to the project and the lease, they have indicated that they will not be able to sign off on the permit application that will allow KCA to proceed with the work on the project.

Accordingly, should the Governor sign the Executive Order, it will grant the County of Maui authority to sign the necessary permit applications.

Therefore, to support the Kaupo Community Association in addressing a vital community need to assess the restoration of a community treasure and to allow the KCA to meet their goal of completing this project within the funding guidelines, I would respectfully request the Members to waive the Rules of the Council to help expedite this matter.

Thank you, Chair.

CHAIR WHITE: Thank you Mr. Carroll. Members--

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

So if I heard Mr. Carroll correct, construction must be completed within 24 months. Is that correct Mr. Carroll?

VICE-CHAIR CARROLL: That is correct.

COUNCILMEMBER HOKAMA: And is there a lapsing issue with the funds? Is it going to lapse this June 30, if it's not encumbered? Is that one of the concerns, Mr. Carroll?

VICE-CHAIR CARROLL: That is correct.

COUNCILMEMBER HOKAMA: Okay. Well, you know, I'm in a dilemma Chairman. I support the project, I think it's a wonderful project. I think we could use something like this on Lanai too.

My concern is why are we doing the State's job again? Because to write an EO is just as much as writing the lease, so I can't understand the response from the State Department to the community that they cannot do a lease, but they still have enough manpower and time to write an EO to present to the Governor to transfer land to the County.

You know, I prefer the County not be the middle man. You know, this is something the Department can do directly with the community. They've done it many times; they do it all over this County. And yes I understand the predicament of one employee, but that's something the Legislature, the Governor, and the Director of the Department, the Chairman can remedy. They choose not to give their departments the resources to do their job. So they want us to do their job. We are not the State of Hawaii, we're the County of Maui, Chairman.

I would tell you, I'm going to look forward to maybe supporting this on a condition that when the department can present them a lease, before the lease, and we terminate the EO, because I think that's only the right way. That they do their job for what they're paid for. And I don't have a problem assisting the community to get this project moving forward, but at the end of the day, it's the State's responsibility, it's their kuleana, it's their property, Chairman.

Thank you.

CHAIR WHITE: As I, the Chair would just add that the, I wish this was the only time that we were doing the State's job for them. And as we all know, they have funding issues. They withhold the, our rightful share of the TAT. They do all kinds of things that, that push more responsibility onto the counties without providing the appropriate level of funding. But that is what it is, we do a lot in the way of social services, picking up the pieces where the State has dropped the ball.

So this is another, another item where I think it's appropriate for us to step in and help out if we can. I certainly agree with your concerns, Mr. Hokama. They are very real,

they are very appropriate. But nevertheless, we have to do what's good for our community and hopefully, and again this is, we're just voting on the waiver at this point, but those are my thoughts.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I have a question, if I could ask Corp. Counsel, the EO, the Executive Order and how this is working. I don't understand the connection and I still understand what Mr. Hokama is saying and what you're saying, but please explain to me what this EO discussion is about.

Thank you.

CORPORATION COUNSEL PATRICK WONG: Chair, if I may.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Thank you, Member Sugimura for the question. Essentially the Executive Order will convey the property to, by Executive Order to the County to take possession. And what Mr., Member Hokama is suggesting is that upon the timing that the State is able to properly complete the lease, which they're contending that because of their staff shortage they are unable to put resources toward completing constructing a lease.

Member Hokama's suggesting that we give them time to develop that lease arrangement, that upon the creation of that lease arrangement and it goes through the process, that the EO, the Executive Order terminates and that the lease than takes over. So it's a transition between Executive Order where the County of Maui is in possession of the land, and then the lease to the entity to take possession. So it's a transitional opportunity.

That topic I'm not certain whether or not that was discussed with the department and whether or not that is a viable option. But certainly can be explored.

COUNCILMEMBER SUGIMURA: Thank you.

CORPORATION COUNSEL: Mm-hmm.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Just a point of information, Chairman. I did have a very direct discussion with Mr. Russell Tsuji, Administrator of Department of Land and Natural

Resources yesterday and he shared his frustration with lack of resources only one staff person for this whole County. But he was open to this alternative option, that would allow department time and still allow the community to go forward with their project.

Thank you.

CHAIR WHITE: Good, thank you. Members any further discussion on the waiver?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: I'd like to stand in full support of this. I was kind of thinking that everything is time and place and necessity. Back in the days, that land, those buildings were connected to the State of Hawaii because of education, classrooms and such.

I see the community transitioning, you know, this property more of a community property, more for the needs of the current community as well as the potential needs of disaster. Having a location for disaster preparedness and serving their community, we know there's several streams out there that can, at a snap, could rise and have floods and could whoever is in the middle, who knows how long they'll be trapped there. So I think, uh, we, this, allowing this property to be developed as such, we address the potential of having some kind safe haven out there.

CHAIR WHITE: Thank you, Mr. Atay.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you Chair. Excuse me.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-108 ENTITLED, "URGING THE GOVERNOR TO SET ASIDE LAND LOCATED AT KAUPO, MAUI, TMK (2) 1-7-002:015, FOR PUBLIC PURPOSES" AND TO FILE COUNTY COMMUNICATIONS 17-108.

COUNCILMEMBER CRIVELLO:

SECOND

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

Mr. Carroll. Oh, any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would like, I'm going to make a motion to amend and have the Committee, I mean the Council consider it.

I'LL MAKE A MOTION TO AMEND AND ADD ANOTHER RESOLVED CLAUSE WHEREBY IT WILL STATE "THAT IT FURTHER URGES THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND FINALIZE A LEASE DOCUMENT FOR CONSIDERATION WITH THE KAUPO COMMUNITY ASSOCIATION TO REPLACE THE EXECUTIVE ORDER".

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama to amend and a second from Ms. Cochran. And I apologize, I didn't give Mr. Carroll the opportunity to make his comments so if you don't--

COUNCILMEMBER HOKAMA: Yeah, I can wait Chairman.

CHAIR WHITE: --mind. Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I am concerned obviously and that this might have any unforeseen detrimental results affecting the association because I'm not familiar with it.

It sounds good and I thank Mr. Hokama for checking with DLNR. But at this point in time, without really looking at it, I have great difficulty and I think Corporation Counsel would agree that trying to anticipate that if there is anything that would adversely affect this project, I'm not comfortable with supporting the amendment to the resolution.

Thank you, Chair.

CHAIR WHITE: Would you like Mr. Wong's opinion on--

VICE-CHAIR CARROLL: Mr. Wong, could you please comment on my comments?

CORPORATION COUNSEL: Sure, thank you. Chair.

The, my understanding of the current motion and the additional language, if I can just walk you through the process.

The resolution as written authorizes the issuance, or at least the pursuit of an Executive Order. With that, the Executive Order will then place the County of Maui within possession of the property, and the resolution then authorizes the Mayor to enter into a lease agreement with the community association.

And Member Hokama's addition would be, from what I understand, there would be a lease agreement with the County of Maui and the community association so there should not be any hiccup in that, in securing the funds. Simultaneously, I believe Member Hokama's request is that a pursuit be made for DLNR to also develop and construct their own lease. Once that's developed, than that would, my understanding, would supersede and override the lease that we've issued; terminate the Executive Order, terminate our lease, but there would be a lease between DLNR and the community association, to fill that gap.

So, if it all works out, and the amendment as you may discuss passes, it will add one more step which should not interrupt what the community association wants now because the EO if its granted would authorize the County to enter into a lease agreement. And what I understand, I mean, it sounds like our department, the Corporation Counsel Department would be able to generate the lease agreement

quicker than the State Attorney General's Office. With that said, I guess I'm making a commitment that that's what we will be doing. And at the same time I believe we will then be pursuing with the State DLNR the options that Member Hokama has described.

In the event those options fall through, the community association will still have in place the Executive Order and the lease agreement with the County of Maui. So, I don't envision that there would be any detriment to the association with this additional step. That's, I'm just trying to think out the process that we would go through. Right now I don't see any burden to the community association in that way.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Mr. Carroll, would you like to call on Mr. Starr?

VICE-CHAIR CARROLL: On who?

CHAIR WHITE: On Mr. Starr, if--

VICE-CHAIR CARROLL: Oh, yes and before he comes down, I'd like to make a comment.

My concern was as they proceed, if they change let's say the County, the lease is from the County and oh, 18-months from now they change and it goes to the State. If they had anything in the pipe, the application for let's say more funds or what, I was concerned about the affect of the lease holder, the lessee. Well the one giving the lease would change from this County to State and I was just concerned that that might have some adverse effect.

But I think after Corporation Counsel and those comments, I'm much more comfortable with that.

Thank you.

CHAIR WHITE: Would anyone like to hear from Mr. Starr?

COUNCILMEMBER ATAY: Please.

COUNCILMEMBER KING: Yes, please.

CHAIR WHITE: Mr. Starr.

CORPORATION COUNSEL: Chair, if I may--

CHAIR WHITE: Any objections, Members?

CORPORATION COUNSEL: If I may just add a few things as Mr. Starr approaches. You know, in terms of process, the lease that we draft that the KCA or the community association would enter into, that lease still needs this body's authorization and that lease still needs to go through DLNR for its review and authorization also. So those are additional steps that are not identified in the resolution but they are the actual steps that we need to go through, logistically.

VICE-CHAIR CARROLL: Thank you.

CHAIR WHITE: Thank you.

Mr. Starr.

MR. STARR: Thank you for looking for ways to try to make the, our process more efficient and better. I do have concerns. The community association would be fine with it staying with the State if we had a lease as was originally committed to us, or with the County. But we would not, we would prefer not to have any confusion added into the process because we still have another stage to proceed through because we need to do infrastructure, we need to get a septic system funded and built because there are non-conforming cesspools that cannot be used. We want to put a power system and a water system because there is very limited water available in Kaupo both for the families and an emergency. And on-going commitments would become in a gray area.

We recently applied for CDBG funding for the infrastructure component, we were denied and part of the reason we were denied was because of, we could not provide a date when we would have site control under the State. So I don't think, I think this would go away from being able to resolve that in the future.

We were also recently contacted by Civil Defense and FEMA, Liz Fischer suggested we work with Civil Defense and create a MOU. That, you know, they might add funding to further harden these buildings while maintaining the historical nature, which is technically very complicated to make historic buildings look just like they were in 1923 be able to stand, withstand a Category 3 storm, but it's possible. But it would require additional funding and foundations and it would be very, I think it would complicate trying to go into agreements for that and which would also involve long term MOU partnership.

So, we also are a little bit concerned that this letter going to the Governor, where we're asking him to expedite the EO process, but then we're also asking him to do a lease may create a confusion or ambivalence and it may make it a lot harder to actually get

the EO done. Whereas, you know, once the EO gets done we wouldn't have a problem with looking at then what we have to do to take it all apart and redo it under the State. But we don't want to end up in a situation where we can't get the EO done because of ambivalence over whether it's going to be undone by the lease.

When we started the lease process, there were four people in the Maui Office, and now there is a, four positions that are being advertised for, so you know, where, we're trying to just get it done and the more clarity the better.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Thank you, Mr. Starr.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I had those exact same concerns, so I'm really glad, I was going ask earlier that you come back down. That, my fear in just in my experience with the State is if you throw that in it could actually delay, now they have something else they have to look at and could delay the agreement even further. So, you know, that was going to be my suggestion, let's just go ahead with the resolution as it is and then we could make a subsequent resolution after this happens, that we, you know, resolve to have the DLNR create a lease, but let's get going on this the way it is.

Unfortunately, we don't have anybody from DLNR here. I believe there is one person on the island, on Maui, who is with DLNR because he was at one of our earlier meetings. But that would have been my question to DLNR, if they had been here is this going to throw a monkey wrench in and have you now have to step back and look at this new addition to the resolution?

So, I'm in agreement with Mr. Starr that we should get this done and then, and then maybe make a separate resolution asking for a lease from DLNR.

Thank you.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I'm in agreement with a lot of what Councilmember King said and my previous comments about worrying about unintended consequences of the amendment that is proposed. I realize and recognize our frustration with the State at times and the difficulties we have.

But this is not really uncommon getting an EO from the State in requesting, Hana School, a good portion of the community center is here under an EO from the State. Keanae State Park, Lower Keanae most of that is under an EO from the State, and it's been to the betterment of the people of Maui County.

This also bottom line despite jurisdiction matters and how it should be, it's still our people and I'm afraid that if we modify this in anyway with this proposed amendment or any other way, after all this work, it could be disastrous. It could really, really be detrimental to what the community wants and how they proceeded so far is really, really extraordinary for such a small community.

So I will not be supporting the amendment and I would hope that we could pass this out as it is.

Thank you.

CHAIR WHITE: Thank you, Mr. Carroll. Any further comments, Members?

Ms. Cochran, followed by Ms. Crivello.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah, I hear two sides. I mean, first off, a reso and its just urging so this isn't written in blood, stone, and law currently.

Mr. Starr the thing about Executive Order properties that I've seen, experienced through this County, is yeah, it's still the State overall but then it's kind of a way for them to wipe their hands clean of any kind of funding and all that that it gets associated with the Executive Order parcel to this County. Then we thereby are stuck with that bill of maintenance in perpetuity. And so have you been given between these lines, is it being said somewhere that it's all going to rely on Kaupo Community Association from here on out once you get this long-term lease to be funding and seeking all that type of responsibilities.

MR. STARR: Well, we just got a tax bill; we pay the water bill; we pay a lease rent. On the other hand, the State is giving us $975,000 if we can get ourselves in a position to receive it.

You know, when we took over the property there were 60 derelict vehicles on it and engine blocks and all this junk which we cleaned up and I mean, we put a lot of work. We mowed the grass every weekend and, you know, there's a lot of work that goes into it. State's not helping with any of that at this point. So it's hard for me to see what the State would do further except, possibly by act of, further act of the Legislature as a GIA or something like that which they are already doing.

But I understand, I sympathize with Mr. Hokama's feelings and I would feel the same way. The State should be taking care of this, they just can't for whatever reason. I had a spirited discussion with Suzanne Case herself over this and she was apologetic but you know, it was like well if we want to get it done that's; they suggested the EO, we did not think of it or bring it up, it was straight from Mr. Ornellas and Mr. Tsuji and Ms. Case. So you know, we just want to get it done; we don't want it to have any confusion or any lack of clarity.

COUNCILMEMBER COCHRAN: Sure, and thank you very much for your time today.

Thank you, Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Mr. Starr for being here. I'd like to just share that I would like to support where Mr. Carroll is proposing at this stage. I definitely understand and can support where Mr. Hokama is coming from also. However, small community, community based, the kind of entanglements we have to go through, through the bureaucracy really keeps us hanging for a real long time.

What I understand what's going through this is really so that our residents in Kaupo and its surrounding areas can utilize it for community use in case of an emergency. I understand it fully coming from a small community. Often we have to climb mountains to get and eventually we have the support of everyone because we're such a small community. So that being said, I would like to respect Mr. Carroll's input and his knowledge and feeling the beat of the pulse from the community and support where he's going with his proposal.

Thank you, Chair.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, thank you, Chair. I just want to thank you for the explanation Corp. Counsel on the Executive Order and the paper flow process and I can understand this.

I have I guess it was last year's Taro Festival when I met Linda Clark and she's out there pounding, you know, with a booth and talking about this with enthusiasm and with that same enthusiasm, Jonathan Starr and Helen. Probably non-profits do not come to us with funding in place and trying to do this after usually. It's hard to get

money, so I commend you for this, I know how it is, so I want to just say that I support the resolution and I understand what Mr. Carroll is saying.

I wonder if we could incorporate what Member Hokama says later so that we don't get us tied in something that we don't want to be, maybe the, in the middle of it. But, I think there's an urgency so that the funds don't lapse. And that the community in their poem, how heartfelt that was that Helen read. That, there is really an urgency to get this done, because money is so hard to come by.

So, I support this. Thank you.

CHAIR WHITE: Thank you. Yeah, I think the issue is we all tend to agree with Mr. Hokama's sentiment but I do agree with Mr. Carroll and Mr. Starr that to put that amendment in at this point may confuse the issue and may result in us not moving as expeditiously as I believe we need to at this point.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I can be more supportive of those comments but I already know the EO is at the ninth floor after we take action. He has the documents already on the ninth floor. So I don't know what, what's the concern regarding the time to take the EO. But I just find it interesting the department had time to work with an Attorney General to present an EO to the Mayor for the same purpose. So it's an interesting shell game that the State plays with us regarding this things. But I disagree, I think my amendment is just to urge the department to follow through, it's not a requirement. They can say, again now we have no personnel on Maui County, so we cannot do it.

I find that hard for a State department responsible for hundreds of thousands of State acres statewide to operate this way. That's their main revenue generating department from land, DLNR for the State coffers. So, too bad we cannot audit them because I'd be surely interested in finding out the audit results.

But I appreciate Mr. Carroll, I understand, it's within the district and he wants the project to move forward and so do I. But I just want the responsible entities to do their job.

Thank you.

CHAIR WHITE: Okay, the, if you all have no more--

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: --discussion. Yes.

Mr. Guzman.

COUNCILMEMBER GUZMAN: I have a question. I know Mr. Starr and Mr. Hokama made reference to the Executive Order as it being upstairs at the Mayor's Office. So wasn't, so it's not, is, I guess, that's my question if I could finish stating my, without interruption. Thank you.

My question is, is that is there an Executive Order as referenced by both Mr. Starr and Mr. Hokama as being already drafted in the Mayor's Office and--

CHAIR WHITE: I am not aware of it.

COUNCILMEMBER GUZMAN: --if so, who drafted it?

CHAIR WHITE: Mr. Starr.

MR. STARR: There's a letter that was drafted by DLNR which, if the Mayor signs, will be a request for them to draft an EO document. Which would then come back to this Council and the Mayor is my understanding. But there's not a document, has not been drafted. Usually, DLNR asks the Mayor to request the EO--

COUNCILMEMBER GUZMAN: Right, right.

MR. STARR: --and we contacted the Mayor and said, you know, are there any ramifications of this or problems that, and he seemed positive about it but then he said would you have DLNR send me a letter in the right format with the TMK and all of that that he could sign to request them to go to a drafting process and that is the letter that is up there. It's just, you know a request, DLNR calls it a request to EO.

COUNCILMEMBER GUZMAN: Okay, so that clarifies a lot. So DLNR drafted the request--

MR. STARR: Yes, . . . one sentence.

COUNCILMEMBER GUZMAN: --and then, okay, and then the Mayor signs, well upon this passage of the reso, the Mayor will sign that request and then it will go to the Governor.

MR. STARR: Yes.

COUNCILMEMBER GUZMAN: Okay, okay, I understand.

MR. STARR: Well then it will go--

COUNCILMEMBER GUZMAN: I'm okay.

MR. STARR: --the AG's.

COUNCILMEMBER GUZMAN: I'm very clear, thank you.

Chair, I'm very familiar with Executive Orders and leases, we've dealt with this many a time in my Committee. I know that once the Executive Order is beginning to be drafted, there's some back and forth negotiations between the Attorney General's Office and our Corporation Counsel. Other terms can be implemented at that stage.

A lot of times what I've seen in the past is that they'll, they will, the State or at least the Attorney General's Office will send it to us almost at the bare time of the deadline of some kind of urgency. And so, when they do send it to us in the draft form, we hardly have any time to rebuttal back and say look we need to change terms.

And so we're stuck on some type of deadline on the floor and you know that Chair, this has happened to us many a times from the State. But there is no way for us to re-negotiate or negotiate our terms back to them and we end up passing things that are just like, not fair to the County because of the deadlines.

If in fact, I will be agreeable to this if in fact this is done early enough so that the draft Executive Order can come back to us for renegotiations or at least take a look at the terms of what they've drafted and we can reply back in an appropriate reasonable time. Other than that I feel a little bit cautious, I'm with Mr. Hokama as terms as why are we not, why isn't the State going through a lease instead of an Executive Order.

I also agree with Mr. Carroll and Ms. Crivello as well as yourself that if we put forth some type of term that will cause delay, then the onus is on us as the Council. I would rather that this reso that is coming from the community and has been reviewed by their board and that's the way they want it written, if something happens later on then that's on them. If we interject and add something and something goes wrong, the community would be pointing their finger at us and it's a loss.

So, I think we should just try to resolve this during the draft stages and hopefully the State will reasonably, in a timely manner, give, Mr. Wong's shaking his head, but we'll see, you know, there is hope--

CHAIR WHITE: Hope springs eternal with the State.

COUNCILMEMBER GUZMAN: --thank you. That's all I have to say. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion? Members, we are on the, on Mr. Hokama's amendment, at this point. There's no more discussion, I'll call for the vote.

All those in favor please signify by saying "aye".

COUNCILMEMBER HOKAMA: Aye.

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER CRIVELLO: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER CARROLL: No.

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER KING: No.

COUNCILMEMBER CRIVELLO: What are we doing?

VICE-CHAIR CARROLL: The amendment.

COUNCILMEMBER CRIVELLO: Oh, I'm sorry. May I correct my vote? No.

CHAIR WHITE: I have not called the, can we do a roll call vote please?

COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: NO.

COUNTY CLERK: Councilmember Yuki-Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: NO.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Councilmember Pro Tempore Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Council Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: NO.

COUNTY CLERK: Mr. Chair, two "ayes" and seven "noes".

AYES: COUNCILMEMBERS COCHRAN AND HOKAMA.

NOES: COUNCILMEMBERS ATAY, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Okay, we're back to the main motion. Any further discussion, Members?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION 17-21.

CHAIR WHITE: Okay, before we proceed Members I'd like to take a morning break, so please be back in your seats at 11:00 a.m.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:47 A.M., AND WAS RECONVENED AT 11:06 A.M., WITH ALL MEMBERS PRESENT.)

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

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

COUNTY CLERK: Mr. Chair, the next County Communication is 17-109.

NO. 17-109 - DON S. GUZMAN, CHAIR, PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE, (dated March 2, 2017)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, MAINTENANCE DIVISION, FROM BEYOND PESTICIDES FOR SOIL ANALYSIS AND REVIEW OF CURRENT TURF MAINTENANCE PRACTICES, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, requesting to place this item at the end of the calendar of the section County Communications.

CHAIR WHITE: Any objections Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR WHITE: So ordered.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 17-109 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 17-22 . COUNTY COMMUNICATION NO. 17-109 WAS THEN FILED. See page nos. 63 through 71 for discussion.)

CHAIR WHITE: Mr. Clerk.

NO. 17-110 - STACY HELM CRIVELLO, COUNCILMEMBER,
(dated March 1, 2017)

Transmitting Councilmembers' report on public meeting regarding Alexander & Baldwin and East Maui Irrigation's request for a 30-year lease on East Maui water.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I MOVE TO FILE COUNTY COMMUNICATION 17-110.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Sugimura.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

Councilmembers Alika Atay, Elle Cochran, Kelly King, Yuki-Lei Sugimura, and I attended the public meeting regarding Alexander & Baldwin and East Maui Irrigation's request for a 30-year lease of East Maui water held on February 22, 2017 at Maui Electric's community meeting room.

I am making this report pursuant to the State's Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes. A quorum of the Council was present at the meeting, therefore Members Atay, Sugimura, and I left the meeting to comply with the limited allowance of Councilmembers' attendance in accordance to HRS-92.

The meeting was not specifically and exclusively organized for or directed toward Members of the Council, but was a public meeting allowing public comment on A&B's application with the Board of Land and Natural Resources. No commitment relating to vote on any Council business was made or sought at the meeting.

Mr. Chair, this concludes my report.

CHAIR WHITE: Thank you, Ms. Crivello. Members, any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to thank Ms. Crivello for taking those notes. And actually, I wasn't sure how many Councilmembers were there so that was good for clarifying, too. And I think it was an interesting meeting, thank you for submitting those notes.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I was present there, I stepped in the doorway and I was probably there a couple of minutes and I looked around and realized that there were five of us there. And, you know, I didn't know the exact procedures, but I did know that there was more than two, so I left that public meeting.

CHAIR WHITE: Yeah just a, we will send out a clarifying memo to, because there are ways in which we can have more there, but we need to actually provide, I believe we have to, it has to be a limited meeting so it has to be; their meeting actually has to be posted by us, so that the public is aware that more of us will be there than normal. So, in the future, when there are meetings that many of us want to attend, we should let staff know and we can do a polling to see who all is going, and take the proper steps to make sure we can have as many of us attend as possible. So, just for a future note, so we'll send out a clarifying memo.

COUNCILMEMBER CRIVELLO: Just as a comment why I do take caution in this is because as I was leaving, I was approached by a public person in attendance says well there are Sunshine Laws you know and there are more than you folks, so is that why you're leaving?

So, you know--

CHAIR WHITE: Mm-hmm.

COUNCILMEMBER CRIVELLO: --people are quite aware of the Sunshine Laws, you know, and that was why we left.

CHAIR WHITE: Thank you and thank you for that report.

Any further discussion--

COUNCILMEMBER KING: Chair, just a--

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: --just a clarifying on, we still have to give, seven-day notice if we're going to, we have to know seven days ahead of time that there's going to be a quorum or more of Councilmembers?

CHAIR WHITE: Yeah, I don't remember the number that can attend if we call it a limited meeting, but it requires minutes, it don't have to be minutes of the entire meeting, it just have to be, there has to be minutes and video tape of Councilmembers participation. So if you're there and you don't say anything, then there's no requirement. If no one says anything, then there's no requirement for minutes.

My issue with this is that if somebody, why should we provide minutes and videotape of somebody else's meeting. It's because we're there. And if somebody wants to know what's happening in that meeting, it's a public meeting they can attend.

COUNCILMEMBER KING: Right and I, my concern is, you know, when we talk about we can all go there if we notice the meeting. But we have to note it, my understanding is that we have to notice it at least seven days ahead of time. Is that correct? So--

CHAIR WHITE: We'll clarify.

COUNCILMEMBER KING: --we would have to all know that there's going to be a meeting.

CHAIR WHITE: We'll clarify that in the memo.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Because it's, we've done it, we've done it once to satisfy the, we tested it. And it's, it's an unfortunate burden on us just to go and listen to the public, and it's not fair. But if you don't want to be part of the Sunshine Law, run for Legislature.

COUNCILMEMBER KING: Right, thank you.

CHAIR WHITE: Okay, all those in favor of the motion, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-111 - STACY HELM CRIVELLO, COUNCILMEMBER,
(dated March 1, 2017)

Transmitting Councilmembers' report on attendance at Pacific Biodiesel's blessing of their Biofuel Crop Project.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I MOVE TO FILE COUNTY COMMUNICATION 17-111.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. King.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

So, though this is a wonderful event to attend and there was no intention for us as Councilmembers to break any Sunshine Law, but again, you know, Councilmembers Alika Atay, Elle Cochran, Kelly King and I attended the blessing of Pacific Biodiesel's Biofuel Crop Project.

So, I am making this report pursuant to the State Sunshine Law, specifically Section 92-2.5 (e), of the Hawaii Revised Statutes. Quorum of the Council was not present at the meeting. The blessing was not specifically and exclusively organized for, or directed toward Members of the Council. No commitment relating to a vote on any Council business was made or sought at the meeting; however, I felt it necessary to make this report to keep us all safe and clean.

Thank you, Mr. Chair. That concludes my report.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members. Mr. Atay.

COUNCILMEMBER ATAY: I once again want to say mahalo to Ms. Crivello for her recordkeeping and then keeping us abreast and in line with the Sunshine Laws. Yes, I did attend the blessing of this Biofuel Project and I'm looking forward towards its success.

CHAIR WHITE: Thank you. Any further discussion?

COUNCILMEMBER KING: Just a quick question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: So my attendance was obviously not as a Councilmember, you know, because I'm involved in Pacific Biodiesel. But, is it always, is that always the first representation of different events if Councilmembers are there at. You know, we all wear a lot of different hats and if I'm there as Vice-President of Pacific Biodiesel, I'm still counted as a Councilmember, first and foremost. So I just wanted to get that on the record.

CHAIR WHITE: Unfortunately, with the Sunshine Law that hat never comes off.

COUNCILMEMBER KING: Yeah, okay. Just wanted to clarify that for the public that that is, you know, but again, I appreciate Ms. Crivello putting notes together and I appreciate the Councilmembers who came out for that.

CHAIR WHITE: Thank you.

COUNCILMEMBER CRIVELLO: I'd like to just add, she may wear the hat of Councilmember, but she wears the crown for biofuel.

CHAIR WHITE: Okay, seeing no more discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with County Communications for referral. The following communications are being recommended to be referred to the following committees.

NO. 17-112 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION, (dated February 13, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 11.02.050, MAUI COUNTY CODE, RELATING TO ADVERTISING ON EXTERIOR OF COUNTY TRANSIT BUSES".

The recommended action is that County Communication No. 17-112 be referred to the Budget and Finance Committee.

NO. 17-113 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated February 17, 2017)

Transmitting the Financial Data Schedules for Section 8 and Home Programs of the County of Maui for the Fiscal Year Ended June 30, 2016.

The recommended action is that County Communication No. 17-113 be referred to the Budget and Finance Committee.

NO. 17-114 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated February 14, 2017)

Transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2016 to June 30, 2017 as of December 31, 2016 and the Capital Improvement Projects Report as of December 31, 2016.

The recommended action is that County Communication No. 17-114 be referred to the Budget and Finance Committee.

NO. 17-115 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated February 27, 2017)

Transmitting a proposed resolution entitled "RESOLUTION AUTHORIZING THE DISPOSAL OF THE LOTS COMPRISING THE FAIRWAYS AT MAUI LANI BY PUBLIC AUCTION".

The recommended action is that County Communication No. 17-115 be referred to the Budget and Finance Committee.

NO. 17-116 - LYNN ARAKI-REGAN, BUDGET DIRECTOR,
(dated March 3, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

The recommended action is that County Communication No. 17-116 be referred to the Budget and Finance Committee.

NO. 17-117 - WILLIAM SPENCE, PLANNING DIRECTOR, (dated February 14, 2017)

Relating to updates to Maui County Code Chapter 16.13, "Commercial Signs".

The recommended action is that County Communication No. 17-117 be referred to the Housing, Human Services, and Transportation Committee.

NO. 17-118 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 15, 2017)

Transmitting a copy of the PowerPoint presentation on the 2016 Lanai Housing study which was presented to the Lanai community on February 10, 2017.

The recommended action is that County Communication No. 17-118 be referred to the Housing, Human Services, and Transportation Committee.

NO. 17-119 - STACY CRIVELLO, COUNCILMEMBER, (dated March 1, 2017)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF TRANSPORTATION".

The recommended action is that County Communication No. 17-119 be referred to the Housing, Human Services, and Transportation Committee.

NO. 17-120 - ELLE COCHRAN, COUNCILMEMBER, (dated February 13, 2017)

Relating to stormwater utilities.

The recommended action is that County Communication No. 17-120 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-121 - ELLE COCHRAN, COUNCILMEMBER, (dated February 21, 2017)

Relating to pollution reduction projects in West Maui.

The recommended action is that County Communication No. 17-121 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-122 - ELLE COCHRAN, COUNCILMEMBER, (dated February 13, 2017)

Relating to green waste services.

The recommended action is that County Communication No. 17-122 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-123 - ELLE COCHRAN, COUNCILMEMBER, (dated February 13, 2017)

Relating to restoration of Maui's coral reefs.

The recommended action is that County Communication No. 17-123 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-124 - ELLE COCHRAN, COUNCILMEMBER, (dated February 27, 2017)

Relating to beach erosion, sea level rise, storms and flooding impacts on County infrastructure.

The recommended action is that County Communication No. 17-124 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-125 - ELLE COCHRAN, COUNCILMEMBER, (dated March 2, 2017)

Relating to information technology infrastructure.

The recommended action is that County Communication No. 17-125 be referred to the Infrastructure and Environmental Management Committee.

NO. 17-126 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 23, 2017)

Relating to Community Plan Amendment, District Boundary Amendment, and Change in Zoning applications submitted by Paia 2020, LLC, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC AND AGRICULTURE TO BUSINESS/COMMERCIAL FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII TAX MAP KEY (2) 2-5-005:063 (POR.)";

2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII TAX MAP KEY (2) 2-5-005:063 (POR.)"; and

3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICT TO COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII TAX MAP KEY (2) 2-5-005:063 (POR.)".

The recommended action is that County Communication No. 17-126 be referred to the Land Use Committee.

NO. 17-127 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 14, 2017)

Transmitting a Conditional Permit application submitted by Barry Helle on behalf of 355 Haiku Road LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING 355 HAIKU ROAD LLC A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL AND TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 355 HAIKU ROAD AND IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 2-7-003:087, HAIKU, MAUI, HAWAII".

The recommended action is that County Communication No. 17-127 be referred to the Land Use Committee.

NO. 17-128 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 23, 2017)

Transmitting a Conditional Permit application submitted by Leona Rocha Wilson, Manager of Lona Ridge LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LEONA ROCHA WILSON, MANAGER OF LONA RIDGE, LLC, A CONDITIONAL PERMIT TO CONDUCT SPECIAL EVENTS, INCLUDING WEDDINGS, CORPORATE AND NON-PROFIT RECEPTIONS, WORKSHOPS, ART SHOWS, PHOTOGRAPHY SESSIONS, FILMING, AND SIMILAR EVENTS, AS WELL AS HAWAIIAN CULTURAL PRACTICES, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 588 KULAIWI DRIVE AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-002:010, WAILUKU, MAUI, HAWAII".

The recommended action is that County Communication No. 17-128 be referred to the Land Use Committee.

NO. 17-129 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 23, 2017)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.30A, MAUI COUNTY CODE, TO AUTHORIZE CERTAIN SUBDIVISIONS AND USES".

The recommended action is that County Communication No. 17-129 be referred to the Land Use Committee.

NO. 17-130 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 27, 2017)

Transmitting a Change in Zoning application originally filed with the Planning Department in 2011 and reviewed by the Maui Planning Commission on May 10, 2016 by Dr. Sujata Bhatia, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII TAX MAP KEY (2) 3-9-010:077".

The recommended action is that County Communication No. 17-130 be referred to the Land Use Committee.

NO. 17-131 - KELLY T. KING, CHAIR, PLANNING COMMITTEE,
(dated March 2, 2017)

Transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE MOLOKAI COMMUNITY PLAN".

The recommended action is that County Communication No. 17-131 be referred to the Planning Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 17-131 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 17-23 . COUNTY COMMUNICATION NO. 17-131 WAS THEN FILED. See page nos. 71 through 73 for discussion.)

NO. 17-132 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated February 17, 2017)

Relating to the "Designation of Important Agricultural Lands".

The recommended action is that County Communication No. 17-132 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-133 - KELLY T. KING, COUNCILMEMBER, (dated February 22, 2017)

Relating to the Statewide Transportation Improvement Program.

The recommended action is that County Communication No. 17-133 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-134 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated February 16, 2017)

Relating to "Establishing Additional Qualifications for County Department Directors".

The recommended action is that County Communication No. 17-134 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 17-135 - DON S. GUZMAN, COUNCILMEMBER, (dated March 1, 2017)

Relating to "Hawaiian Cultural Restoration".

The recommended action is that County Communication No. 17-135 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-136 - DON S. GUZMAN, COUNCILMEMBER, (dated March 3, 2017)

Relating to the use of County Open Space Park Reserve properties in the Haiku Sugar East Subdivision at Hamakualoa.

The recommended action is that County Communication No. 17-136 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 17-137 - ALIKA ATAY, COUNCILMEMBER, (dated February 17, 2017)

Relating to the contract between Kaupo Ranch and the County of Maui Department of Water Supply.

The recommended action is that County Communication No. 17-137 be referred to the Water Resource Committee.

NO. 17-138 - ALIKA ATAY, COUNCILMEMBER, (dated March 2, 2017)

Relating to building permit review by the Department of Water Supply.

The recommended action is that County Communication No. 17-138 be referred to the Water Resource Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

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

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. Can I request that No. 17-131 be considered separately at today's meeting?

CHAIR WHITE: I'm sorry, I didn't hear you.

COUNCILMEMBER KING: Matter 17-131 be moved to the end of County Communications and be considered separately. This is the extension--

CHAIR WHITE: Yes.

COUNCILMEMBER KING: --the time extension.

CHAIR WHITE: Your intention is to take action on that today.

COUNCILMEMBER KING: Yes.

CHAIR WHITE: Okay. As far as the others any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Now, we will have, I believe Mr. Guzman was asking to call up 17-109 and we will follow that with 17-131.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Mr. Guzman.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 17-109

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO DISCHARGE FROM OUR PRL COMMITTEE, ITEM NO. 17-109, SIGNIFICANTLY, SPECIFIED AS ITEM PRL-23 FROM THE COMMITTEE.

COUNCILMEMBER COCHRAN:

SECOND, CHAIR.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I'm seeking discharge of this item from the Committee so that the Council may act on it today. There is a deadline on this, the donation is for a soil analysis and review of turf maintenance practices from Beyond Pesticides.

This matter was heard within our Committee on March 7, 2017 and the public had an opportunity to provide public testimony on the proposal as well as the Committee received a comprehensive presentation regarding the donation by Beyond Pesticides. Members were also given an opportunity to ask questions on this matter.

I'd like to thank Ms. Cochran's office for bringing this subject to, within the forefront of the Committee. I also urge that this matter be given preference because of the donation services are attached to a deadline. There's a window of opportunity in which they are going to be coming to Maui for the training and presentation and that is on March 16. So therefore, Chair, I would ask the Members to support my motion to discharge.

CHAIR WHITE: Any further discussion, Members? Seeing none.

COUNCILMEMBER COCHRAN: Oh real quickly, Chair.

CHAIR WHITE: I'm sorry. Ms. Cochran.

COUNCILMEMBER COCHRAN: --just quickly.

And I want to just thank Chair Guzman for hearing the item quickly in the Committee and giving all us the opportunity to vet through to take advantage of this great opportunity for this County. And as Ms. Ness stated in her testimony it was a compilation and cooperation of many, many entities from the Departments, Corporation Counsel, Ms. Sheppard, and of course the company yeah the group not,

Beyond Pesticides and lot and it's been almost two years in the making. So, to come to this point, it took a long, it was a long haul, but I'm happy to be here today in support.

Thank you very much.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE REFERRAL AND REPORT, SORRY--

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER GUZMAN:

--UNDER COUNTY COMMUNICATION 17-109.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

Nothing further, just this is part of the process of being able to address this on the floor.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COUNTY COMMUNICATION 17-109 AS REFERENCED BY THE CLERK.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

As stated earlier, the resolution is about a donation, in-kind for technical services valued at approximately 5,000 to implement an organic management or pilot sites as

outlined in the organic management action plan that has been provided and developed in collaboration with the County, or with our Parks Department and Recreation. We did have an opportunity to view all of the aspects of the donation as well as the free in kind training that will go along with it and the four sites, pilot sites that are designated within our parks system.

So, thank you, Chair, I would ask the Members to support this motion.

CHAIR WHITE: Members, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I speak in support of the motion this morning, Chairman. First I want to thank Chairman Guzman of the Committee. At least I was able to witness the televised portion that allowed the Committee members an opportunity to review and discuss and question the proposal, so I appreciate that. And I'm not too concerned about the committee report because since it was at Committee, there are minutes of the Committee's discussion and responses to the Committee's concern, so I'm good with that.

I would just bring up one point, I had a Parks employee contact me and it was about whether or not the training portion has been run through the union and it is within the union contract's terms and conditions. I don't recall any discussion of that at the Committee meeting, but I just bring that up that it is something I think the department can work with the Department of Personnel Services and the appropriate union because I would like to see if the training is possibly able to be done, then we do it. But we don't need grievances and some potential contract disputes. So that might be something at, when the appropriate time, Chairman, the appropriate people can make those queries to ensure that everything is within our agreements since we do have contracts.

But other than that, I look forward to a successful project of this and I support the motion.

Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Oh, thank you. Thank you, Mr. Hokama for bringing up that issue. I believe Ms. Jerrie Sheppard, who is our Deputy Corporation Counsel that had helped draft and negotiate which was called the Maintenance and Care Program Agreement. And I asked Ms. Sheppard on the floor our responsibilities and any liabilities. And Mr. Hokama is correct, we did not ask about the union issues. So at this time, I would like to ask Mr. Wong if that was an issue that had been brought up in the negotiations and whether or not communication to the union was conveyed.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Chair. Thank you, Member Guzman. That topic is one that I did have a discussion with Ms. Sheppard about prior to this matter being presented. Whether or not the need for consultation on that topic is an issue should have been vetted through Department of Personnel Services first and then if necessary then pushed out to the unions.

I do not know, as I sit here before you, whether or not those steps were taken. Those steps were discussed, that I personally had those discussions with Ms. Sheppard and that I was assured that those steps will be followed through on prior to the implementation. So, those are very valid questions and we have discussed that and you know, we are taking steps to make sure that we are in compliance.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR WHITE: Any further discussion, Members?

Mr. Guzman, there was a question about the exhibit?

COUNCILMEMBER GUZMAN: Oh, yes. I--

CHAIR WHITE: Was that clarified?

COUNCILMEMBER GUZMAN: Yes. Chair, just for the general public, Exhibit No. "1" was not indicated in the Granicus file, however Exhibit "1" was presented in Committee along with hard copies of the resolution. Therefore, we had to take a little bit of a break to get hardcopies provided to our Members on the floor and is indicated as Exhibit "1", all of you should have received--

CHAIR WHITE: Ah, yes.

COUNCILMEMBER GUZMAN: --or distributed. We just need to follow-up Chair with posting this on Granicus for our public.

CHAIR WHITE: Right.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, and just to piggyback on the comment, it's here now, I just pulled up Granicus, so it's online now, it's for us in Granicus at this time.

So thank you for your expeditious work, OCS.

CHAIR WHITE: Getting that resolved.

COUNCILMEMBER COCHRAN: Yes.

COUNCILMEMBER GUZMAN: I think Mr. Wong had, may need to say something.

CORPORATION COUNSEL: Chair--

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: --thank you very much, Mr. Guzman on that, the presentation of Exhibit "1". But if you look at Exhibit "1", page 2 at the very top, bullet point item says "Document existing conditions using the attached questionnaire". So there's an attachment on the attachment, and the attached questionnaire is not attached to Exhibit "1". It's a technical thing, but--

COUNCILMEMBER GUZMAN: No, I agree.

CORPORATION COUNSEL: --in order for you to be complete, the questionnaire should be attached to Exhibit "1", before action or subject to your vote.

COUNCILMEMBER GUZMAN: Okay. Chair, this is what I'm going to do, it's kind of bold.

CHAIR, I MOVE FOR AN AMENDMENT TO THE RESOLUTION TO DELETE REFERENCE TO EXHIBIT "1".

If I can get a second.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Guzman and a second from Ms. King.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I believe Exhibit "1" just goes into additional explanation of what the 5,000 services or in kind donation will be, and it looks as though it also gives the number of hours that the training would happen, which is eight hours. So I don't believe this is very necessary for the resolution itself, so therefore I'm requesting that we delete reference to Exhibit "1".

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR WHITE: So we're back to the main motion. Right?

COUNCILMEMBER GUZMAN: Yes, main motion.

CHAIR WHITE: Any further discussion on the main motion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just want to say that, you know, again thank Chair Guzman for bringing this so expeditiously but that, I just wanted to reiterate that we had a very thorough discussion and review of all the materials in that Committee. And thank you to Mr. Hokama for reviewing that as well. And I speak in favor of the motion, we can get this passed out.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 17-131

CHAIR WHITE: Okay, we are now back to item, County Communication 17-131.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 17-131, PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

If I can get a second.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

The Molokai, this issue pertains to the Molokai Community Plan review. Generally the, in our rules the, in ordinance, the County Council has a year, 12-months to review and approve the community plans. And this was, the community plan was transmitted to the Council in May of 2016, but no action had been taken until just this month.

So the preference of the Committee is to extend that to the end of this year. And in consultation with the Planning Department and others who are concerned, it was thought that we should just give ourselves till the end of the year, not give ourselves the full 12-months because we will probably take it.

And so the desire is to try to move this along expeditiously and also Councilmember Crivello was part of that discussion as the resident Councilmember of Molokai. So I'm hoping we can approve this, the waiver and then approve the extension and then we can move forward with work of getting that community plan review done.

CHAIR WHITE: Thank you, Ms. King.

Any further discussion on the time extension? Not on the extension, but on the waiver.

COUNCILMEMBER KING: Motion for the waiver.

CHAIR WHITE: Right.

All those in favor of the waiver please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE MOLOKAI COMMUNITY PLAN" AND FILING OF COUNTYCOMMUNICATION 17-131.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. King and a second from Ms. Crivello.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I think there's a . . . of an explanation. No further comments.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION 17-23.

Mr. Chair, excuse me, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 17-20 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 17 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)" be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 17-20 ALONG WITH ITS RECOMMENDATIONS PASS FIRST READING AND BE ORDERED TO PRINT.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 17 (2017).

COMMITTEE REPORT
NO. 17-21 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 17-24, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR PRIVATE ELECTRICAL LINE PURPOSES TO RAGING BULL, LLC", be ADOPTED; and

2. That County Communication 17-56, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

At its meeting of February 13, 2017, your Committee considered a proposed resolution authorizing a non-exclusive easement to Raging Bull, LLC for an electrical line to run under, across, and through Wai Wai Place in Kihei. The easement will allow the grantee to build an underground electrical line to run from a photovoltaic system to the Eskimo Candy, oh sorry--

I MOVE TO, I MOTION TO PASS, I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE REPORT 17-22, SORRY, 17-21.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: Thank you.

We have a motion from Ms. Cochran and a second from Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: And what I just stated a few seconds ago. I'll continue on.

So in response to the Committee inquiry, the Director of Finance noted that once the easement is recorded and the Real Property Assessment Division will consider any affects the easement may have on the value of the property. And I believe Mr. Hokama brought up that point and we did get a letter back from RPT that stated such, that values could increase and they will look and determine if that's the case. So, at this time, I would seek full Council support on the recommendations of this proposed resolution.

Thank you, Chair. And filing--

CHAIR WHITE: Thank you, Ms. Cochran--

COUNCILMEMBER COCHRAN: --of county communication.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "aye".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 17-24.

COMMITTEE REPORT
NO. 17-22 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 18 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.56A.010, MAUI COUNTY CODE, RELATING TO LOADING ZONES" be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-57, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you.

SO I MOVE TO ADOPT THE RECOMMENDATIONS IN IEM COMMITTEE REPORT 17-22.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

At your meeting of February 13, 2017, your Committee considered a proposed bill that would establish two additional loading zones and eliminate one on North Market Street in Wailuku. The two new loading zones are fronting the Request Music Store and the Iao Theater. The loading zone proposed for removal is located at 130 North Market Street also in Wailuku.

So your Committee noted that the proposed changes have been reviewed and approved by the Public Works Commission, the Maui Redevelopment Agency, and the Department of Police. At the request of your Committee, the Department of Public Works has provided maps and photographs identifying the specific locations of the loading zones.

So I therefore ask for support from the Council on the recommendations of this communication.

Thank you, Chair and filing.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record BILL 18 (2017).

COMMITTEE REPORT
NO. 17-23 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 19 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MEHA ROAD AND KEALALOA AVENUE, MAKAWAO, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-275, from Council Chair Mike White, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN IEM COMMITTEE REPORT 17-23.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

At its meeting of February 13, 2017, your Committee considered a proposed bill that would delete a required stop on Meha Road, before entering Kealaloa Avenue in Makawao.

The intersection is a "T" intersection with a stop control on both Meha Road and Kealaloa Avenue. Because most of their traffic is on Meha, the Department of Public Works and the Public Works Commission both recommended removal of the stop on Meha Road.

So at this time, I seek full Council support of this recommendation and to pass a bill on first reading and then file of county communication.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 19 (2017).

COMMITTEE REPORT
NO. 17-24 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 20 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.62, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS DISTRICTS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-74, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 17-24.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

On February 15, 2017, your Committee considered a proposed bill that would incorporate revisions to the Flood Hazard Area Districts. The proposed revisions reflect recommendations from the Federal Emergency Management Agency.

Your Committee was advised that the proposed revisions are required by FEMA to ensure and maintain the County's participation in the National Flood Insurance Program which provides subsidized flood insurance as well as disaster assistance to Maui County residents and businesses.

I ask for the Council's full support for the recommendations to pass the proposed bill on first reading and to file the communication.

Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record BILL 20 (2017).

COMMITTEE REPORT
NO. 17-25 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending that Resolution 17-25, entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION (HCRC) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) ON AUGUST 4, 2016; FEPA NO. M-19303; EEOC NO. 37B-2016-00303", be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, may request the Clerk to call up item No. 17-26 as well as 17-27.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 17-26 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending that Resolution 17-26, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30155001226-0001 BY FIREMAN'S FUND INSURANCE CO., A COMPANY OF ALLIANZ, ON BEHALF OF ITS INSURED, MORGAN MELLO DBA PARADISE GRILL", be ADOPTED.

COMMITTEE REPORT
NO. 17-27 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending that Resolution 17-27, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-1129-16-0001 OF MARILYN SILVA ON BEHALF OF PIILANI GARDENS LLC", be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO RECOMMEND THE ADOPTIONS OF RECOMMENDATIONS IN COMMITTEE REPORTS 17-25, 17-26, AND 17-27.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

On February 14, in reference to Report 17-25, your Committee did meet on February 14, 2017 to discuss as referenced in the title the discrimination file case. It was voted on 7-1 for passage.

Also, on February 14, 2017 the issues as presented in the agenda under the Fireman's Fund Insurance claim was passed by 7-0, as well as, held on February 14, 2017, 17-27 report the Committee did discuss the settlement claims under the Marilyn Silva case and the Piilani Gardens, and the vote on that was 8-0 for recommendation of the adoption.

Nothing further, Chair.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTIONS 17-25, 26, 27 respectively.

COMMITTEE REPORT
NO. 17-28 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Resolution 17-28, entitled "APPOINTMENT OF A MEMBER TO THE AFFRIMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointment of Kate Griffiths to the Affirmative Action Advisory Council for term beginning April 1, 2017 and expiring March 31, 2022.

2. That Resolution 17-29, entitled "APPOINTMENT OF A MEMBER TO THE ANIMAL CONTROL BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointment of Patrick Borge to the Animal Control Board for term beginning April 1, 2017 and expiring March 31, 2022.

3. That Resolution 17-30, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointments of Jaye "Napua" Greig-Nakasone and Donna Clayton to the Board of Ethics for terms beginning April 1, 2017 and expiring March 31, 2022.

4. That Resolution 17-31, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointments of Jeffrey Borge and William Kamai to the Board of Variances and Appeals for terms beginning April 1, 2017 and expiring March 31, 2022.

5. That Resolution 17-32, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointments of Michael Nakashima and Norman Franco to the Board of Water Supply for terms beginning April 1, 2017 and expiring March 31, 2022.

6. That Resolution 17-33, entitled "APPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI" be ADOPTED;

   Approving the appointment of Patrice Matsumoto to the Civil Service Commission for term beginning April 1, 2017 and expiring March 31, 2022.

7. That Resolution 17-34, entitled "APPOINTMENT OF MEMBERS TO THE COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointment of Nancy Ooki and Hannibal Starbuck to the Commission on Children and Youth for term beginning April 1, 2017 and expiring March 31, 2022.

   Disapproving the appointment of Zandra Crouse to the Commission on Children and Youth.

8. That Resolution 17-35, entitled "APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

   Disapproving the appointment of Sharron Courter to the Cost of Government Commission.

9. That Resolution 17-36, entitled "APPOINTMENT OF MEMBERS TO THE COUNCIL ON AGING FOR THE COUNTY OF MAUI," be ADOPTED;

   Approving the appointment of Vivian Lindsey, Doreen Forsberg, and Miguel Morales, III to the Council on Aging for term beginning April 1, 2017 and expiring March 31, 2022.

10. That Resolution 17-37, entitled "APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of William Kennison and Gregg Lundberg to the Fire and Public Safety Commission for term beginning April 1, 2017 and expiring March 31, 2022.

11. That Resolution 17-38, entitled "APPOINTMENT OF MEMBERS TO THE LANAI PLANNING COMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Mililani Martin, John DelaCruz, and Shirley Samonte to the Lanai Planning Commission for term beginning April 1, 2017 and expiring March 31, 2022.

12. That Resolution 17-39, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Jason Williams and Lahela Aiwohi to the Liquor Control Adjudication Board for term beginning April 1, 2017 and expiring March 31, 2022.

13. That Resolution 17-40, entitled "APPOINTMENT OF MEMBERS TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Leon Bolosan and Nicole DeRego to the Liquor Control Commission for term beginning April 1, 2017 and expiring March 31, 2022.

14. That Resolution 17-41, entitled "APPOINTMENT OF MEMBERS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED;

    Approving the appointment of Victor Lesa, Jr. and Kimberly West to the Maui County Commission on Persons with Disabilities for term beginning April 1, 2017 and expiring March 31, 2022.

15. That Resolution 17-42, entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION," be ADOPTED;

    Approving the appointment of Timothy Bailey (Reappointment) to the Maui County Cultural Resources Commission for term beginning April 1, 2017 and expiring March 31, 2022.

16. That Resolution 17-43, entitled "APPOINTMENT OF MEMBERS TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Calmentina "Tina" Gomes and Christian Tackett to the Maui Planning Commission for term beginning April 1, 2017 and expiring March 31, 2022.

17. That Resolution 17-44, entitled "APPOINTMENT OF MEMBERS TO THE MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of John Pele and Xavier-Kaniala Bicoy to the Molokai Planning Commission for term beginning April 1, 2017 and expiring March 31, 2022.

18. That Resolution 17-45, entitled "APPOINTMENT OF MEMBERS TO THE POLICE COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Maxwell "Max" Tsai and Randol Leach to the Police Commission for term beginning April 1, 2017 and expiring March 31, 2022.

19. That Resolution 17-46, entitled "APPOINTMENT OF MEMBERS TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED;

    Approving the appointment of Ben Wilson and Colette Augustiro (Molokai) to the Public Works Commission for term beginning April 1, 2017 and expiring March 31, 2022.

20. That Resolution 17-47, entitled "APPOINTMENT OF A MEMBER TO THE REAL PROPERTY TAX REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED; and

    Approving the appointment of Jonathan Lubera to the Real Property Tax Review Board for term beginning April 1, 2017 and expiring March 31, 2022.

21. That Resolution 17-48, entitled "APPOINTMENT OF A MEMBER TO THE SALARY COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Victoria Johnson to the Salary Commission for term beginning April 1, 2017 and expiring March 31, 2022.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

Your Policy, Economic Development, and Agriculture Committee having met on February 13, 2017 voted to recommend adoption--

CHAIR WHITE: Could we have a motion first?

COUNCILMEMBER SUGIMURA: Oh, sorry.

I MOVE TO ADOPT THE RECOMMENDATION OF COMMITTEE REPORT 17-28.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and I'm sorry, a motion from Ms. Sugimura and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Okay, here we go. Thank you, Chair.

Your PEA Committee having met on February 13, 2017 voted to recommend adoption of resolutions of the following nominees for boards, committees, and commissions for terms beginning April 1, 2017 expiring March 31, 2022.

Appointments to Kate Griffiths to the Affirmative Action Advisory Council.

Appointment of Patrick Borge to the Animal Control Board.

Appointment of Jaye "Napua" Greig-Nakasone and Donna Clayton to the Board of Ethics.

Appointments of Jeffrey Borge and William Kamai to the Board of Variances and Appeals.

Appointments of Michael Nakashima and Norman Franco to Board of Water Supply.

Appointment of Patrice Matsumoto to the Civil Service Commission.

Appointments of Nancy Ooki, Hannibal Starbuck, and Zandra Crouse to the Commission on Children and Youth.

Appointment of Sharron Courter to the Cost of Government Commission.

Appointments of Vivian Lindsey, Doreen Forsberg, and Miguel Morales, III to the Council on Aging.

Appointments of William Kennison and Gregg Lundberg to the Fire and Public Safety Commission.

Appointments of Mililani Martin, John DelaCruz, and Shirley Samonte to the Lanai Planning Commission.

Appointments of Jason Williams and Lahela Aiwohi to the Liquor Control Adjudication Board.

Appointments of Leon Bolosan and Nicole DeRego to the Liquor Control Commission.

Appointments of Victor Lesa, Jr. and Kimberly West to the Commission on Persons with Disabilities.

Reappointment of Timothy Bailey to the Cultural Resources Commission.

Appointments of Calmentina "Tina" Gomes and Christian Tackett to the Maui Planning Commission.

Appointments of John Pele and Xavier-Kaniala Bicoy to the Molokai Planning Commission.

Appointment of Maxwell "Max" Tsai and Randol Leach to the Police Commission.

Appointments of Ben Wilson and Colette Augustiro (Molokai) to the Public Works Commission.

Appointments of Jonathan Lubera to Real Property Tax Review Board.

And appointments of Victoria Johnson to the Salary Commission.

One of the concerns of the Committee has was that Christian Tackett was to resign from the Salary Commission if he desires to serve on the Maui Planning Commission. That has been accomplished via County Communication 17-106 which the Council just filed. Thank you to the Mayor's Office for following through on that.

Thank you, Chair.

CHAIR WHITE: Thank you. Members, any further discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

Just a couple of questions. One is on No. 7, and we have, I think we have a communication that says that Ms. Zandra Crouse rescinded her application, so I don't know if that's a separate motion--

COUNCILMEMBER SUGIMURA: Yes, we're taking that.

COUNCILMEMBER KING: Okay, thank you.

And then the other one, the other question I have was on the Cultural Resources Commission. So we're approving the reappointment, I thought was stated to the Cultural Resources Commission--

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: I believe, yeah, Ms. Sugimura. I believe this is a reappointment of Tim Bailey.

COUNCILMEMBER KING: --right. Was this something that was, was it because he was fulfilling a short period of someone who had retired from that? Because this just came up yesterday in Planning Committee.

CHAIR WHITE: I believe so.

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER KING: Okay, I just wanted to clarify that because we did have somebody ask who was appointed to fill the remainder of someone else's term and was told she couldn't reapply because, but it's the period of time so just wanted to clarify that

Mr. Bailey's period of time was shorter, was short enough that he qualified to be reappointed?

CHAIR WHITE: I don't know for sure, Ms. Sugimura, are you aware?

COUNCILMEMBER SUGIMURA: I can have that detail checked. Do you want to check before we voted on?

COUNCILMEMBER KING: Well, I think it's, I think it's pertinent because we did have a formal inquiry from a member of the CRC who had been appointed to fulfill somebody else's remainder of their term and then was told she couldn't reapply, she had to wait four years before she could reapply. So I just want to make sure that we're not--

COUNCILMEMBER SUGIMURA: So let me check on that, your call.

CHAIR WHITE: Well, we're quickly approaching the noon hour, I don't know if you have luncheon engagements or lunchtime meetings. My feelings is that we can probably push through and be done in about a half hour and if want, we can have staff check on--

COUNCILMEMBER SUGIMURA: That one item.

CHAIR WHITE: --on the question. We'll hold off on the, on the, actually can we separate that out of the motion.

COUNCILMEMBER HOKAMA: Chairman, recess.

CHAIR WHITE: Pardon. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:00 P.M., AND WAS RECONVENED AT 12:06 P.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBER COCHRAN, EXCUSED.)

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair in regards to the question from Member King, I wonder if we could have Corp. Counsel explain it?

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: Chair, thank you.

My understanding of the question is whether or not Mr. Bailey is capable of being reappointed, is that the question?

COUNCILMEMBER KING: Well, it's not capability, it's the legality of it.

(Councilmember Cochran returned to the meeting at 12:06 p.m.)

CORPORATION COUNSEL: Okay. So in essence, the documents that we have indicate that Mr. Bailey initially served in the replacement capacity and so he did not serve a full term. And based on our Charter, Article 13-2, Subsection 6 it does read, "No member of any board or commission shall be eligible for a second appointment to the same board or commission prior to the expiration of two (2) years, provided that members of any board or commission initially appointed for a term not exceeding two (2) years shall be eligible to succeed themselves for an additional term". So that's the applicable provision--

COUNCILMEMBER KING: Okay, so that's what I just want to be clear that he did not serve more than two years. So--

CORPORATION COUNSEL: --that is correct.

COUNCILMEMBER KING: --that's the difference between the inquiry I got the other day and this situation.

CORPORATION COUNSEL: That is correct.

COUNCILMEMBER KING: Okay, thank you.

Thank you, Chair.

CHAIR WHITE: Yup, good question. Okay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, let's see, am I at, I just want to make sure I'm at the right place.

SO, MR. CHAIR, I MOVE TO AMEND THE PROPOSED RESOLUTION RELATING TO THE COMMISSION ON CHILDREN AND YOUTH, FOR NOMINEE ZANDRA CROUSE.

AND MEMBERS, PLEASE REFER TO THE DOCUMENT DETAILING THE AMENDMENT BEING DISTRIBUTED OR HAVE WE ALREADY DISTRIBUTED?

CHAIR WHITE: Yes, we have.

COUNCILMEMBER SUGIMURA: We distributed already. Okay, Members, received communication from Ms. Crouse.

SO, CHAIR I MOVE TO AMEND THE PROPOSED RESOLUTION BECAUSE OF THE CHILDREN AND YOUTH FOR NOMINEE ZANDRA CROUSE BE REFERRED TO THE DOCUMENT.

And can I further proceed with my comments? I need a--

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Yeah, actually you need to make a motion as its stated here to amend the Exhibit "B".

COUNCILMEMBER SUGIMURA: Okay, I move to amend and we got a second.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA: Okay, thank you.

Thank you, Chair. The amendment will disapprove nominee Zandra Crouse to the Commission on Children and Youth for a term beginning April 1, 2017 expiring on March 31, 2022, by striking the name of Zandra Crouse from Exhibit "B" for approval and inserting her name on Exhibit "C" for disapproval.

I want to state for the record that the disapproval has nothing to do with the nominee. The disapproval is based on information contained in correspondence dated March 3, 2017 from the Director of Housing and Human Concerns on why of the four total vacancies, the two oldest ones vacant, April 1, 2015 were not filled on a timely basis.

In light of this information, Corporation Counsel advised that it was the Council's turn to nominate since the Mayor did not submit a replacement nominee within 60 days but not more than 70 days. Pursuant to Chapter 13-2(16) of the Charter, therefore the Council will now be asked to provide a replacement nominee to fill this vacancy. The First Deputy Corporation Counsel is here to help clarify this issue should the Members have any questions.

In addition, Ms. Crouse is withdrawing her name from consideration. Correspondence from the Mayor dated March 3, 2017 speaks of her intent to withdraw.

So, Members you have two letters, one from the Director of Housing and Human Concerns and also a letter from the Mayor regarding the withdrawal of the nominee from Ms. Crouse herself. So, in addition the correspondence dated March 3, you have before you and it speaks to her intent to withdraw.

Mr. Chair, thank you very much.

CHAIR WHITE: Thank you. So, Members, you're clear? The motion is to place her on the disapproval Exhibit "C".

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Members, as I started to say a little earlier, we are at the lunch time. Do any of you have lunch time engagements that you need to move on to?

COUNCILMEMBER GUZMAN: Chair, I do have a flight to catch at 2:30, I mean actually 3:30, but I just want to make sure we try to get through this if that's possible.

CHAIR WHITE: Members, is everyone okay working through?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: My meeting is with the Clerk, so he's sitting here, I'm sitting here, no meeting until we're done.

CHAIR WHITE: Okay, Mr. Clerk let's proceed.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION NOS. 17-28 on through 17-48, respectively.

COMMITTEE REPORT
NO. 17-29 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Bill 21 (2017), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE BOARD OF WATER SUPPLY OF THE DEPARTMENT OF WATER, COUNTY OF KAUAI AND WITH THE BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 17-60, from the Director of Water Supply be FILED.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT NO. 17-29.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

At its meeting of February 21, 2017 your Water Resources Committee voted 6-0 to recommend passage of a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE BOARD OF WATER SUPPLY OF THE DEPARTMENT OF WATER, COUNTY OF KAUAI AND WITH THE BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU", on First Reading and filing of the communication.

The purpose of the bill is to approve Intergovernmental Agreements with the Board of Water Supply of the Department of Water, County of Kauai and with the Board of Water Supply, City and County of Honolulu, Honolulu DWS related to customer billing.

Section 2.20.020, Maui County Code requires the Mayor to transmit a proposed bill to the Council for approval of any intergovernmental agreement that places a financial obligation on the County or one of its departments. Both the memorandum of agreement with the County of Kauai and the assignment with the City and County of Honolulu place financial obligations onto the County of Maui.

A representative of the Department of Water Supply noted the County of Maui and the County of Kauai will divide the cost according to usage with the County of Maui incurring about 68 percent of the cost. The representative also noted an approximate savings of 37.5 percent to the County of Maui during the first year, by sharing costs with the County of Kauai.

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

CHAIR WHITE: Thank you, Mr. Atay. Members any discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I thank Chairman Atay of the Committee for their due diligence. This is not a new subject for the Council, this is something we discussed over the years, especially the cost of the new software system that they would like us to invest in. The contract has been referred to Committee for additional scrutiny; I have my reservations about this agreement Chairman. I still don't know if it's to the County's, our County's best interest regarding the amount of financial resources that we are expected to ante up for a shared system.

So I just share that, and in the Budget session we'll have more opportunities to discuss whether or not we'll forward the funding.

Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, COCHRAN, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 21 (2017).

Mr. Chair, before continuing--

COUNCILMEMBER GUZMAN: Chair.

COUNTY CLERK: --continuing with Ordinances, have a question on County Communication 17-109. If the body--

CHAIR WHITE: Oh, thank you. Thank you very much.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yes. Thank you, thank you, Chair for recalling that Committee item. I'm requesting that the subject matter be referred to the PRL Committee so when the results come out, we can investigate it further without having it be sent to full Council.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Thank you, Mr. Guzman.

COUNTY CLERK: Mr. Chair.

CHAIR WHITE: Yes.

COUNTY CLERK: So, Member Guzman for clarification the subject matter you're referring is 17-100?

COUNCILMEMBER GUZMAN: Yes.

COUNTY CLERK: And we're filing this communication 17-109?

COUNCILMEMBER GUZMAN: Yes, correct.

COUNTY CLERK: Thank you.

COUNCILMEMBER GUZMAN: 100 and 109, correct. Thank you.

COUNTY CLERK: Thank you, Mr. Chair.

CHAIR WHITE: Thank you for the clarification, Mr. Clerk.

The recommended action is that County Communication No. 17-100, from the Director of Parks and Recreation be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

COUNTY CLERK: You have before you Mr. Chair, the ordinances for second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___2___(2017)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER CRIVELLO: Chairman, with no objections from the Members, I would request the Clerk to bring up all bills up to Bill No. 10, including Bill 10.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

ORDINANCE NO._____
BILL NO.___3___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS
AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA))

ORDINANCE NO._____
BILL NO.___4___(2017)

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 PUBLIC WORKS
(STATE OF HAWAII DEPARTMENT OF HEALTH)

ORDINANCE NO._____
BILL NO.___5___(2017)

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 WATER SUPPLY
(PRIVATE DONATIONS)

ORDINANCE NO._____
BILL NO.___6___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE DEPARTMENT OF PARKS AND RECREATION,
ADMINISTRATION PROGRAM
(GRANT TO THE LAHAINA RESTORATION FOUNDATION FOR THE LAHAINA
HARBOR FRONT IMPROVEMENT PROJECT, PHASE 2A – PARK
ASSESSMENT FUND)

ORDINANCE NO._____
BILL NO.___7___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM,
RECREATION AND SUPPORT SERVICES PROGRAM;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___8___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WASTEWATER OPERATIONS PROGRAM – SEWER FUND,
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM
- SOLID WASTE MANAGEMENT FUND;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___9___(2017)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF WATER SUPPLY,
COUNTYWIDE, WATER SUPPLY,
COUNTYWIDE UPGRADES AND REPLACEMENTS;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___10___(2017)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Thank you, Mr. Clerk.

I MOVE THAT BILLS NO. 2 UP TO AND INCLUDING BILL NO. 10 (2017) PASS SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, HOKAMA, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___11___(2017)

A BILL FOR AN ORDINANCE GRANTING SUNRISE CENTER, INC. DBA LAUNA I'O ECO-EDUCATION CENTER A CONDITIONAL PERMIT TO OPERATE THE HALE AKUA GARDEN FARM RETREAT CENTER, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY LOCATED AT HUELO, HAWAII

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 11 (2017) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

The bill grants Sunrise Center, Inc. dba Launa I'o Eco-Education Center a five-year conditional permit on 7.65 acres of land within County Agricultural District in Huelo. The conditional permit would allow the property to be used for agricultural based retreat center for education, field workshops and classes.

Your Committee revised a condition of approval to limit the number of adults and children that will be allowed in each room.

I ask for the Members support of the bill. Mahalo, Chair.

CHAIR WHITE: Members, any further discussion on this item? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, KING, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA, AND SUGIMURA.

CHAIR WHITE: Okay, I heard two "noes". Is that correct?

Mr. Hokama and Ms. Sugimura and the rest, oh I'm sorry, and Ms. Crivello were "noes" and the remainder are "ayes".

The motion carries. Six "ayes", three "noes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___12___(2017)

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 PREPARATION 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

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 12 ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

The bill authorize a conditional permit to Ho'okahi Palama Ali'i, LLC to conduct special events, historical and botanical tours, photo shoots, workshops, and retreats on County Agricultural District located at 250 Haiku Road in Haiku.

Your Committee notes that the location is the Haiku Plantation Sugar Mill (Haiku Mill) and listed on the State and National Register of Historic Places. Your Committee

added a condition of approval to require at least one historic tour per year be offered to the public.

Your Committee also extended the conditional permit from two years to five years.

I ask for the Committee's support of the bill. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll. Members, any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And I believe this went through, I was out sick and then came back and did the voting on first reading, but I didn't, I guess now the word "retreat" popped out at me. For a question to Mr. Carroll, "retreat" is that in reference to overnight stays?

VICE-CHAIR CARROLL: Yes.

COUNCILMEMBER COCHRAN: Yes, oh. Okay, well that's a whole different ball game to me. Chair, that word, because the previous--

VICE-CHAIR CARROLL: Well, I should clarify that it can because they do have, I believe they have some units over there too. I'm not sure. They did not specify for overnight stays or they did not specify anything for overnight, only. I'm sorry I was thinking of the other application where we had, excuse me, Member Cochran, I was thinking of the other application where we had units where we restricted the number of adults, and this one does not have. I'm sorry.

COUNCILMEMBER COCHRAN: It's alright. So, "retreat" here isn't in reference to overnighters. Cause that was my thought was, the weddings, you know, events just daily there is hours of operation in the conditions and what have you. The parking wasn't figured out, so I wasn't picturing and voting on a overnighter, accommodating, you know, entity. So I just wanted clarification.

CHAIR WHITE: My understanding is that the reference to the "retreat" is a "retreat" function, but not overnight. If there were going to be overnight stays tied to a wedding held on property, that it would likely be in conjunction with the property across the street that is up for approval.

VICE-CHAIR CARROLL: And I apologize because I was thinking of the other one instead of that, I'm sorry.

COUNCILMEMBER COCHRAN: Okay. Just wanted, thank you. Thank you, Mr. Carroll. Thank you, Chair for that clarification. Okay.

CHAIR WHITE: No, thank you for bringing it up. Any further discussion on this item? Seeing none--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Seeing none, I'm sorry. Ms. King.

COUNCILMEMBER KING: Can I just reiterate what Mr. Carroll said. There is no overnight accommodations even on the site. Speaking as someone whose daughter got married there several years ago, so, there are no overnight requests.

CHAIR WHITE: Yeah, I believe there are two residences, but that was not part of the application.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Okay, we have eight "ayes" and one "no", Mr. Hokama.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___13___(2017)

A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE – MAUI, A LIMITED PARTNERSHIP, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 13 (2017) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

This bill will authorize AAAAA Rent-A-Space a ten-year Conditional Permit to utilize 0.9 acres of land for parking and temporary portable self-storage in County R-3 Residential District located at 3560 Lower Honoapiilani Road in Lahaina.

The subject property is owned by the Hawaii Housing and Finance Development Corporation, which is offering AAAAA Rent-A-Space a 55-year lease on the property. Your Committee noted the AAAAA Rent-A-Space proposal received only after, the only offer for the use of the land that HHFDC received from published Request for the Proposals.

Your Committee also noted that the additional parking of the project will provide, may assist the neighborhood where parking is very limited.

I ask for Members support of the bill. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And I believe I voted in opposition to this and the main reason, it had no bearing on the company, they do an awesome job. AAAAA Rent-A-Space which is next door, and they also assist us with our recycling event, every third Saturday at the Lahaina Cannery Mall, amongst other things in this community. So it had no bearing. It was just the principle of myself, the housing, you know, TIG, that it was just, we've just been desperately searching high and low for already zoned residential properties. And I know it's a small parcel here, but we are talking tiny homes, we are talking something to house people, just get some type of roof and shelter for people.

And for me, just to pave this over, 55-year lease and what have you, I just, it's the principle of that part of this proposal. So, not, continue to be not in support of it due to that, those facts.

Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Quickly, Chairman.

I'll continue to not support this. Like all of the previous Conditional Permits, my issue is the length of the original term. That's why we call it a permit and for me, you know, two years is the appropriate term for a first time permit, and so I don't agree with the term and therefore I won't support the permit. Thank you.

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

AYES: COUNCILMEMBERS ATAY, CRIVELLO, GUZMAN, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS COCHRAN AND HOKAMA.

CHAIR WHITE: You have two "noes", Mr. Hokama and Ms. Cochran. Any others? Okay, with that the measure passes with seven "ayes" and two "noes", Mr. Hokama and Ms. Cochran.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___14___(2017)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
R-2 RESIDENTIAL DISTRICT TO SERVICE BUSINESS RESIDENTIAL DISTRICT
(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
WAILUKU, MAUI, HAWAII
TAX MAP KEY (2) 3-4-004:083

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL:

MOVE TO PASS BILL 14 (2017) ON SECOND AND FINAL READING.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

May I confirm that the Clerk has received the Unilateral Agreement for this application?

COUNTY CLERK: Mr. Chair, we did receive it.

CHAIR WHITE: Thank you.

VICE-CHAIR CARROLL: Thank you. The Change in Zoning would be correctly reflected in the existing use of the property as a small scale residential take-out catering business for Ichiban Okazawa *[sic]* Restaurant.

Your Committee notes that the restaurant has been operating in this location for 34 years and that the property has been utilized as a retail location for 70 years. There is no development or change of use being proposed.

Your Committee also amended a condition to allow for ingress and egress from Kaohu Street and limited egress only into Kalua Road from the parking lot.

I ask for the Members full support of the bill. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Just so I don't sound hypocritical here, but, so we all know where Ichiban is and in fact I was just there the other evening for a wonderful dinner. And of course we know the use again has been active for 30 plus some odd years already.

But Chair the condition, I recall Condition 2 about the ingress and egress off of Kalua Road and there was to be egress out but no ingress in. So when I did park and do the off Kaohu, the gate was up so you could not egress out. So I'm wondering if reason being there needs to be signage cause perhaps people were starting to come, ingress that way, because it seems kind of a natural flow if you're turning onto Kalua. So I'm not sure what had occurred there, if there is any issues in regards to this Condition 2. I mean, I agree, I support Condition 2, I'm just wondering if it's hard to implement right now.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So if I could comment, cause I shop there too. So I think that what the owners were doing is complying with the law and leaving that gate closed, so you couldn't really go out there. It's been closed when I've been utilizing that parking so this will then clear that up.

CHAIR WHITE: The applicant is here if you'd like to have that clarified.

COUNCILMEMBER COCHRAN: Yeah--

CHAIR WHITE: Maybe that the gate is still closed until we pass this.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Is that correct Mr. Munekiyo?

MR. MICHAEL MUNEKIYO: That's correct.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: Oh, okay. Alright, very good. I was like, oh wait, I thought we made the rule to go out this way. Okay, got it. Thank you very much.

CHAIR WHITE: Yeah, I'm assuming he's complying with the Planning Commission condition which we changed in Committee.

COUNCILMEMBER COCHRAN: Current, yes.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___15___(2017)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.12A AND 16.13, MAUI COUNTY CODE, RELATING TO SIGNS IN THE LAHAINA HISTORIC DISTRICTS

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO PASS BILL 15 (2017) ON SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Ms. King and a second Ms. Cochran.

Ms. King.

COUNCILMEMBER KING: Thank you.

The purpose of the proposed bill is to provide the Maui County Cultural Resources Commission the authority to regulate noncommercial and commercial signs in the Maui County Historic Districts 1 and 2 in Lahaina. This proposed bill would also grant authority to the CRC to promulgate rules, including design guidelines.

I respectfully request the passage of the motion.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___16___(2017)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO PASS BILL 16 (2017) ON SECOND AND FINAL READING, CHAIR.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: I have a motion from Ms. Sugimura and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

Your Policy, Economic Development, and Agricultural Committee met on January 30, 2017 to discuss authorization of an Intergovernmental Agreement with the Federal Transit Administration in order to directly receive Federal assistance funds as authorized by Title 49 U.S.C. Chapter 53. The agreement will allow the County to bypass the State to receive the funds to be used for transportation programs and projects.

I respectfully ask for the Council's full support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN, CRIVELLO, GUZMAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Chair. I mean, Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with Unfinished Business.

UNFINISHED BUSINESS
COMMITTEE REPORTS

COMMITTEE REPORT
NO. 17-19 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Bill 1 (2017), Draft 2, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO THE SALARY FOR THE DIRECTOR OF COUNCIL SERVICES AND SUPERVISING LEGISLATIVE ATTORNEY" be PASSED ON SECOND AND FINAL READING and be ORDERED TO PRINT;

2. That Resolution 17-49, entitled "SETTING THE SALARY OF THE DIRECTOR OF COUNCIL SERVICES", be ADOPTED;

3. That Resolution 17-50, entitled "APPROVING THE APPOINTMENT OF GREGORY J. GARNEAU AS THE SUPERVISING LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES", be ADOPTED;

4. That County Communication No. 17-34, from Council Chair Mike White, be FILED;

5. That County Communication No. 17-35, from Council Chair Mike White, be FILED; and

6. That County Communication No. 17-36, from Council Chair Mike White, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 17-19.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Sugimura and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Your Committee met on January 30, 2017 to discuss Bill No. 1 (2017), Draft 1, relating to setting the annual salary for the Director of Council Services by resolution and setting the annual salary for the Supervising Legislative Attorney to be 95 percent of the annual salary of the Director of Council Services; a proposed resolution to set the salary of the Director of Council Services; and a proposed resolution to approve the appointment of Gregory J. Garneau as the Supervising Legislative Attorney in the Office of Council Services.

Your Committee discussed setting the Director's salary by resolution instead of traditionally setting it by ordinance to allow the Council the flexibility to set an amount independent from the Salary Commission.

Your Committee requested a copy of the job descriptions for the Supervising Legislative Attorney position. Correspondence dated February 8, 2017 from Director Baz transmitted the job descriptions for the Supervising Legislative Attorney and OCS Director.

Your Committee also requested a formal policy in the use of OCS attorneys to provide legal advice to the Council and its Members pursuant to the revised Charter of the County of Maui (1973), as amended. I understand this policy is currently being developed.

Your Committee revised Bill 1 (2017), Draft 1, to reflect the annual salary of the Supervising Legislative Attorney to also occur by resolution.

Your Committee voted 7-1 to recommend passage of Bill 1 (2017), Draft 2 on second and final reading. Your Committee voted 8-0 to recommend adoption of the proposed resolution relating to the setting of the salary of the Director of Council Services. Your Committee voted 8-0 to recommend adoption of the revised proposed resolution relating to the appointment of Gregory J. Garneau as the Supervising Legislative Attorney in the Office of Council Services.

I respectfully ask for the Council's full support of these measures. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura. Members, any further discussion on this item.

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Yes. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you.

I cannot support the adoption of the resolution No. 3, as written until, I actually will, will give forth or put forth an amendment, but as written I cannot support the retroactive, I guess approval of the appointment of the Supervising Legislative Attorney back to January 2, 2017 as well as the salary to be retroactively applied to January 2, 2017.

And, let me explain why I cannot support it. As you know, there was a, there were several OIP complaints that were filed and apparently Mr. Garneau did respond to those on behalf of yourself, Chair or in the letters or correspondence to OIP, especially dated, the response dated January 23, on both letters, the January 19 and the 23, Mr. Garneau did in fact put in his title "Supervising Legislative Attorney". And I objected to the facts presented in the correspondence dated January 23. I did call the OIP attorney and did object to those facts because my name was involved in those facts. I did not consent to my name being brought into those facts. Although she, the attorney of the OIP indicated to me that Mr. Garneau did represent the agency, which was the Council.

To me that is an attorney representation, because when we asked for the description of the Legislative Supervising Attorney, the description that was provided to us on February 8, indicates that the Legislative Supervising Attorney represents the Council. So that being said, I want to preserve my objection that I feel that I did not consent to those facts. Mr. Garneau did not represent me as being part of the Council.

And he was made aware the title indication on his correspondence to his responses to the OIP. He did in fact to his credit, provide OIP, dated February 17, a letter apologizing

that there was an error in his title or his representation, which is good. That he was not the Supervising Legislative Analyst or Supervising Attorney, excuse me. So that's great. But for me to retroactively approve his salary as well as his appointment, means that I abdicate my objection to what he had represented prior to the . . . I do not want to discard my objection, I want to preserve my objection that I felt I was not represented. So for us to retroactively do that, I cannot support this.

Although, I would like to recommend or at least propose an amendment, which I will do so right now.

IS TO AMEND RETROACTIVE DATE, DELETING JANUARY 2, 2017 AND AMENDING IT TO MARCH 1, 2017, AS WELL AS THE SALARY AMENDING JANUARY 2, 2017 AMENDED TO MARCH 1, 2017.

Therefore, he wasn't really acting as a Legislative Supervising Attorney and I'm not abdicating or consenting to his actions when he had put those titles on the documents. So that's the only technical, legal reasons why I do not support this. And I think he's, Greg Garneau is a very good person, I think he's very competent. It's just I cannot support that language as written.

It's an amendment, I'm making an amendment, yes.

CHAIR WHITE: You're making a motion.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER GUZMAN: Motion on the floor.

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

Could you restate your motion?

COUNCILMEMBER GUZMAN: Yes, I would like to.

MY MOTION IS TO AMEND THE RETROACTIVE DATE OF THE APPOINMENT DELETING JANUARY 2, 2017 AND REPLACING IT WITH MARCH 1, 2017 AS WELL AS THE SALARY, DELETING JANUARY 2, 2017 AND REPLACING IT WITH MARCH 1, 2017.

And the reason being Chair also is the date that he sent OIP the correction that he was not the attorney is dated February 17. I could go back to February 17, but I'm not sure when OIP actually, the attorney staff received this letter, so just to be on the safe side, I just said March 1, that's my amendment.

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

Members, any further discussion on this item?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you.

I would, I'm trying to understand the rationale. So, Councilmember Guzman am I to understand you do not support his retro because he identified himself as the Legislative Supervisor in regards to correspondence to OIP and then he followed through with saying, I guess accordingly he wasn't, was not formally at the point being the Legislative Analyst? Is that correct?

COUNCILMEMBER GUZMAN: Yes, that is correct, Ms. Crivello. And the fact that there was such a large span in between. I'm objecting, I wasn't objecting to the first response because it didn't include my name, but the second response, dated January 23, had my name within the response that was drafted by Mr. Garneau. And I disagree, I object to how my name was referenced in the facts that was given to OIP. And I did contact the attorney and the attorney did mention that Mr. Garneau had represented to her that he was the attorney, or this was the response, excuse me, this was the response from the Council.

Okay, so that means I abdicate or I consent or I approve of that facts, I do not. So, I want, and I did make my objections known to the attorney that I do not consent to those facts and the use of my name. And so, I had mentioned it a month later or not month I think it was three weeks later, I mentioned it to Mr. Garneau, he did provide a, to his credit, provide a letter dated February 17 to OIP indicating it was a mistake that he had represented that he was the Supervising Attorney. So that's fine, he's cleared that up.

But for me to retroactively consider or pass this out, the resolution that we have before us, that is, that is for me, that would then imply that I consent to his actions that he had done during the period that he mistakenly represented the Council. So, and I don't want to, I don't want to discharge my objection. I want to preserve it.

CHAIR WHITE: Ms. Crivello, any follow-up.

COUNCILMEMBER CRIVELLO: I don't know if this is appropriate but maybe Corporation Counsel can advise. I would like to request a, for us to possibly, because it involves an employee, if we can consider having further discussion and bring in Mr. Garneau into this discussion in Executive Session.

COUNCILMEMBER GUZMAN: Chair, I don't really--

CHAIR WHITE: I would prefer not to. If Mr. Guzman or anyone else wishes to discuss the responses in any more detail, we can make a request to transmit them to Committee. But I don't think that's what Mr. Guzman is suggesting.

COUNCILMEMBER GUZMAN: Correct. Thank you, Chair.

COUNCILMEMBER CRIVELLO: Okay, Chair.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. It's always difficult when we come to a situation like this where somebody, and I'm sure Mr. Garneau unintentionally made the statements that he made, because he was performing the work. And the only thing I have a problem with, I know it was unintentional, and he did everything he could to go over there and make the matter clear from what I understand.

But irregardless, he was still doing the work from January, and he was still functioning, working in that function, so I don't have any problem with the bill as it is. Because yeah, technically if you want to get into this, well he shouldn't have said that, but he corrected it. But the bottom line is he was doing the work all this time. And I don't have a problem with that because he was actually performing and I'll defer to the Chair, if I'm mistaken on that. But he was performing the services. But, I'll just leave it at that. I just hate to see people get caught between a rock and a hard place.

CHAIR WHITE: Yeah, I would just add that this, the OIP responses are administrative responses to complaints. They are the responsibility of the Chair and the staff to draft and send in. And while it's on behalf of the Council, we have a ten-day window within which to respond or the complaint stands. And so, these are, these have never, I've spoke to Mr. Mateo, during his time and these responses have always been generated by the Chair and the Council Services and submitted on behalf of the Council. Which is the institution of Council and these are not, I don't believe they've ever been referred to Committee for review or to Members for approval.

I take full responsibility for it. In my view, Mr. Garneau have been working way, way more than I think any of us could have expected of him. Because Carla remains out and because for a period of time Sandy was out on his leave, so Mr. Garneau has been putting in an incredible amount of work and I think he deserves to be compensated back to January 2. But are we ready to vote on the amendment.

Oh, I'm sorry, Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I share many of Councilmember Guzman's concerns because my name was also mentioned in the letter. And I think in a situation where we have an office, like the office of OIP being told that this is representative of the entire agency when there are things being said about certain Members that those Members approval needs to be had.

And I also complained to, you know, sent my objections in to OIP about the use of the title that had not been voted on yet and the use of the claim that the entire agency, meaning the County Council was being represented. And I think this could be a legal issue because I personally don't want abdicate my objections either. My objections are in writing, as well as, in a phone call.

I have no, I mean I, I speak in favor of the amendment. I have no objections if we want to try to compensate Mr. Garneau for overtime or, you know, I certainly agree that he worked hard, he did a lot of work. He was not, he should not have been working as a Legislative Attorney, Supervising Attorney cause we didn't even have that position approved back then.

So this is nothing personal against Mr. Garneau. I enjoy working with him, I think he works hard, I think he's done a lot of good for the Office of Council Service, but there was misrepresentation and there was, I mean misrepresentation of that title and of the representation of the entire Council. So you know, at some point when we're being, when Councilmembers are being referred to in a negative term in a letter, those Councilmembers cannot be assumed to be represented by the person who's putting forward that letter.

So, I'm not the only one here and you know, maybe we'll hear from some of the others, but I think it's incumbent upon this Council to protect other Councilmembers from that kind of misrepresentation. And you know, I have, I do agree with other Councilmembers who have said, you know, talked about how hard Mr. Garneau works, and he does do a good job. But in those instances, I cannot support that retroactive

bestowing of the title because it does fly in the face of what has already legally been transferred to office of OIP.

Thank you.

CHAIR WHITE: Well, everyone here has the right and the option of filing objections with OIP. I don't believe there has been any determination that there is anything factually incorrect with the letter. Greg Garneau did not sign the letter, I signed the letter and so I don't think it's appropriate to essentially take it out on him.

Again, if you would like to have the matter discussed in more detail, the Chair would be comfortable transmitting the, the initial complaints and the responses to committee for further discussion. Because I think it's, the initial response was very straightforward because the initial complaint was very straightforward. The second complaint was much more detailed and so the response was in response to the second, the issues brought up in the second complaint.

COUNCILMEMBER GUZMAN: Chair, I don't think we, I mean for me it doesn't matter to go into all that stuff. I just want to be able to preserve my objection on the record and move on. And going into all that other detail, water under the bridge, but I just want to be very certain that I'm not abdicating my, or discharging my objections. And so--

CHAIR WHITE: No, we all understand.

COUNCILMEMBER GUZMAN: --and so if this amendment doesn't pass, then I cannot support the bill as written.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: I also would like to, on record, register my objection because I was one of the Members that Mr. Garneau's letter, for me felt like there was some, defamed me, and I was kind of questioning, like is he my attorney representing me the Councilmember. It kind of bothered me and so I also objected and sent a letter to OIP to double check this behavior and I'm sitting here still waiting too.

Because with that, at that time, he did not hold that title, you know, writing as a Supervising Attorney, Legislative Supervising Attorney and saying that. So I'm kind of questioning, well is he writing as a representing attorney for myself and yet talking about things like that. So I, when did we approve the actual position, you know, and I

know it wasn't January 2. So I'm waiting the response of OIP as well as a response of the Disciplinary Committee.

CHAIR WHITE: Thank you. Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair. Yeah, I concur with the fellow Members that have spoken so far. And how I look at a complaint was filed, then Acting Supervising Legislative representation from the Council, whether he was appropriately acting in that capacity at the time or not, the point is I don't agree with what had transpired in reference to our legal counsel supposedly from OCS, responding back to this complaint saying that all nine Members are responding to you this way. That is not true, that is false on my behalf, and so that's where my opposition comes from how that was done. So regardless if he had the right or not, the point was it wasn't a full Council, for me anyways, point of view and take on the situation.

CHAIR WHITE: Yeah, no I understand your concerns. But again, these are administrative responses that have to take place on a very timely basis. And I don't know if Mr. Baz has anything to add as far as process is concerned, I may have left something out. But again this is not about Mr. Garneau, this is more, this is my letter.

Mr. Baz.

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair.

Yes, I looked some research on prior OIP appeals, they've been produced by the Director, the Supervisor, or Research section employees in the past and signed off either by the Director or by the Chair. And it has been the past practice of the office for as long as I could look up and research for.

If the Council decides that that practice would like to change, they have an option of adding it to the Council Rules, possibly as an option to modify that process. But as the Chair mentioned, the responses are due initially within ten days of the notice so it is a very, very short time period.

Thank you,

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER COCHRAN: I had a follow up. Okay, so if I recall, the OCS told us to not respond. There was words given to at least my office to not respond to this. So

that's where I have a, you know, issue that I hear you have a time line, you had to respond, you know, expeditiously what have you, but then I had differing comments to make and yet we were told, stifle it, don't respond. Yet there was a response on behalf of this full Council, that's where huh, what happened there.

DIRECTOR OF COUNCIL SERVICES: I can respond to that, Mr. Chair.

So the Office of Information Practices once they received our appeal did send a email to the Members asking for additional information. They then sent another email the next day, which Mr. Garneau forwarded to the Members rescinding that request. So that's why the, if there was any perception of us telling you not to respond, that's where, if you look back at the email, it's an email from OIP to Mr. Garneau, and then he forwarded that to the Members about the response to their initial, their secondary questions.

CHAIR WHITE: And just to add to that, the reason that there was no need for the Members to respond is because, based on the 2002 OIP opinion, the, what was done on an organizing standpoint was clearly in the right, based on the 2002 opinion. And then the OIP issued, I believe on February 9, an additional opinion which focused on the City and County of Honolulu. And City and County of Honolulu is different in--

COUNCILMEMBER GUZMAN: Chair, I, I'm not here to debate the issues and the OIP. Can we, that's entirely different. I'm just saying that, look things happened--

CHAIR WHITE: I'm, excuse me--

COUNCILMEMBER GUZMAN: Yeah, but I think we're going into something that we're not--

CHAIR WHITE: --I was in the middle of making my remarks.

COUNCILMEMBER GUZMAN: Yeah, but your remarks are to the issue itself of, of the issues that were in the OIP--

CHAIR WHITE: The issue is why should we not respond. Why were they, why were we suggesting that we didn't need to respond.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: The reason we didn't need to respond is that the opinion that was given out by OIP solidified the 2002 opinion. In the City and County of Honolulu there are always either four or five sitting Councilmembers because they have four year terms. And so

when there's an election either five new members or four new members come in, the others are considered sitting members.

For the Council's on the three neighbor island counties we are all newly elected and that's the differentiation. So based on the fact that we're all newly elected, there was no need to respond to their request because their request in our view was focused more on the Oahu situation than on ours.

I don't know if that is your recollection, Mr. Baz?

DIRECTOR OF COUNCIL SERVICES: Well, yeah, Mr. Chair, maybe we shouldn't be going into the details of this as it's not an item on the agenda other than the discussion of Garneau's appointment. But the appeals were, or actually, the appeal from the parties to OIP was rescinded, so OIP never did issue any response.

CHAIR WHITE: Any further discussion on the motion to amend?

COUNCILMEMBER SUGIMURA: Can you, what the amendment is? Can you just read it again?

CHAIR WHITE: Mr. Guzman's amendment was to take away the retroactivity of both the assignment and the salary, if I'm stating that correctly, Mr. Guzman?

COUNCILMEMBER KING: I think Chair the amendment was not to take it away, but to move the date to March 1, because March 1 is still a retroactive.

CHAIR WHITE: Yeah, you're right. Any further clarification, Members? Seeing none, all those in favor of the motion please signify by saying "aye".

COUNCILMEMBER GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

COUNCILMEMBER KING: Aye.

COUNCILMEMBER ATAY: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Okay. Roll call vote please.

COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: AYE.

COUNTY CLERK: Councilmember Yuki-Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

COUNTY CLERK: Council Pro-Tempore Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Council Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: NO.

COUNTY CLERK: Council Chair Mike White.

CHAIR WHITE: NO.

COUNTY CLERK: Mr. Chair, four "ayes", five "noes".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

NOES: COUNCILMEMBERS CRIVELLO, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Okay. Motion fails. We're back to the main motion.

Any further discussion on the main motion?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yeah, I cannot support this motion. I think there may be actual legal implications here, but basically the Council, if we pass this is asking us to rescind our earlier statements.

One of my biggest objections is that the OIP, the complaint at OIP was against one person, and somehow the entire Council was represented in this statement, in the letter, in the letter that you wrote, but the statement, that was sent by Mr. Garneau to OIP and there's, that's, it's not right. I mean, it's not right to just assume the representation especially when we didn't have a Supervising Attorney at that point.

And so, you know, this is, I think if we pass this it's not going to be over, you know, it's going to lead to other complaints. But, and I just wanted to vehemently express my objections to this because it takes away my right as a voted, as an elected Councilmember.

CHAIR WHITE: Okay.

COUNCILMEMBER GUZMAN: I just wanted to also state for the record my objections. I cannot support the retroactive language as written. Again, I vehemently object and will not support this. I preserve also my right for any type of actions that may come from this. I thought that I was defamed, slandered, so, to it to be, I object. I will not support this language.

CHAIR WHITE: Thank you. Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah, Chair. I think my two fellow Members explained my sentiment but, you know, for me the point is that I was represented without my okay and represented in a way that I do not agree with. So this whole thing here is definitely, I am in huge opposition. Thank you.

CHAIR WHITE: Okay. Mr. Atay.

COUNCILMEMBER ATAY: Chair. I also want to go on record that I object to this and on record say I don't want to be a part of this, if there's any further litigation connected to this. I look at this and I question, and I don't know if Corp. Counsel can assist in opinion with me. But I question, is it legal for an attorney to say that he represents the body if he was not legally hired by the body at that moment? And so, you know, I question the representation, and so with that I cannot support this.

CHAIR WHITE: Okay. Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you and I understand where my colleagues are in opposition because that's their rights, like Ms., Member King mentioned. But we also have rights, you know, if our names were included cause it was such a delay with the complaints and trying to understand what was going through. And then, there's all the withdrawals that, or rescinding of those complaints.

However, I do recognize the efforts, you know, whether he was Supervisor or Attorney, he is our Legislative Attorney to begin with, and that was nothing new for him to be our Legislative Attorney. He comes with the OCS staff and I, I understand the, you know, others were defamed too, major, headlines, you know. But how can we move forward on this and I do support the bill or the adoption of the resolution that's before us.

I state that, also and we also represent constituents who expect us to come forward and move forward with work that's got to be done in serving our constituents. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello. Any further comments, Members.

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: Just for a point of record, can I ask an opinion from Corporation Counsel from my previous question? You know, is a lawyer allowed to represent someone without their permission.

CHAIR WHITE: Actually, the letter came from me, in representing the agency. Corp. Counsel can answer the question, but I just wanted to be clear that the email was sent by Mr. Garneau, the letter was signed by me.

Mr. Wong.

COUNCILMEMBER GUZMAN: Mr. Wong, please refrain, there could be, you know--

CORPORATION COUNSEL: Chair, if I may, I prefer to have that question proposed in writing so I can fully understand the complete context within which the situation occurred. I'm not fully familiar, off the top of my head with what occurred. What I'm aware of is that the complaints that were pending before OIP were withdrawn. And for all intents and purposes, I'm not certain the preservation of objections and how they interact with the withdrawn OIP complaints, but my humble opinion, the issues are moot because the complaints are no longer pending.

But if every Member decides that they want to take further and additional steps, I want to be very cautious in how I respond to the request in order that we not open up a can of worms on the floor that I don't think is appropriate at this time.

CHAIR WHITE: Thank you, Mr. Wong.

COUNCILMEMBER ATAY: Thank you.

CHAIR WHITE: And you can put it in writing.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Seeing--

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: I'm sorry.

COUNCILMEMBER COCHRAN: I guess, I don't know if you want this in writing, but I guess with Mr. Wong and in reference to the position for Mr. Garneau, OCS Legislative

Attorney and then we have Corporation Counsel. Is it going to come down to like a case by case situation whether we want your opinion, Corporation Counsel or are we going to go with OCS opinion? You know, how is this going to be, are we both, and then we, this body decide which one we like better, or something. I mean, how is this going to happen?

The responsibilities of yourselves and the OCS Attorney.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL: I would suggest that the body develop rules and guidelines to deal with that topic. I understand that the change in the Charter has created a circumstance that allows you to seek legal opinions from the Legislative Attorneys. This is a new area, and I would suggest that either OCS in conjunction with the Legislative Attorneys develop the rules for that.

I also understand that there was no change in terms of representation in litigative matters. My office still holds that responsibility. So as far as any potential litigative matter that may arise, it will be the responsibility of my department to take that on, unless and until this body determines that there is a need for special counsel. And that would also apply to, from my understanding the Legislative Attorneys in OCS, you would still need to have that determination.

COUNCILMEMBER COCHRAN: And Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Would that be a vote taken by this body? You know, would a situation arises, we need to vote, we want to seek special counsel via our OCS staff instead of, that would be a official vote by this body to decide that, is that right?

CORPORATION COUNSEL: That's what is called for in the Charter. Yes.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman. I just was going to share with, some of the thoughts that Mr. Wong shared. The Charter is very clear, there is only one attorney for the County of Maui and that's the Corporation Counsel. Council has the right to vote on and secure special counsel by court decisions. But that's something that I believe still takes six votes to designate a special counsel by this body.

But that's the options of this body and, you know, I think we're ready to vote, Chairman. You know, we've all made our points, we, you know, we understand those with the concerns. They've made their points very clear, precise, and distinct, and I can appreciate that. But I think, you know, we all know how we are going to decide already, Chairman.

COUNCILMEMBER COCHRAN: Sorry, lastly if you don't mind. Just one real quick question though. Sorry, sorry. So, just referencing back to the, some of the issues that the four of us had. I know, plane catch. Should have been done by a vote is what I'm getting to real quickly. Greg Garneau and all the decision that was made to be our voice and representation from this Council should have been, we all should have voted that we wanted the representation by Mr. Garneau to be our voice should have come as a vote.

CHAIR WHITE: No.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Not correct. These are, this was an administrative response. He's one of our Legislative Attorneys, the response is from the agency, I'm responsible for responding on behalf of the agency. It does not require special counsel, very different, very different issue.

Okay, I think--

COUNCILMEMBER GUZMAN: Chair, I'm sorry. I, I got to go, I'm so sorry, can I call for the question. And--

CHAIR WHITE: Yes. All those in favor please signify by saying "aye".

COUNCILMEMBER CRIVELLO: Aye.

COUNCILMEMBER SUGIMURA: Aye.

CHAIR WHITE: Those oppose say "no".

COUNCILMEMBER GUZMAN: No.

COUNCILMEMBER KING: No.

COUNCILMEMBER ATAY: No.

CHAIR WHITE: Okay, roll call vote please.

Again the vote is on the passage of Bill No. 1; passage of the resolution setting the salary of the Director of Council Services; and the appointment, approving the appointment of Gregory Garneau.

COUNTY CLERK:	Councilmember Alika Atay.
COUNCILMEMBER ATAY:	NO.
COUNTY CLERK:	Councilmember Yuki-Lei Sugimura.
COUNCILMEMBER SUGIMURA:	YES.
COUNTY CLERK:	Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN:	NO.
COUNTY CLERK:	Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA:	AYE.
COUNTY CLERK:	Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN:	NO.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	NO.
COUNTY CLERK:	Councilmember Stacy Crivello.
COUNCILMEMBER CRIVELLO:	YES.
COUNTY CLERK:	Council Vice-Chair Robert Carroll.
VICE-CHAIR CARROLL:	AYE.
COUNTY CLERK:	Council Chair Mike White.
CHAIR WHITE:	AYE.

COUNTY CLERK: Mr. Chair, we have five "ayes", four "noes".

AYES: COUNCILMEMBERS CRIVELLO, HOKAMA, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN, AND KING.

CHAIR WHITE: Motion carries.

Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk and thank you all for your patience and sticking around for the, to get all of our business done.

Have a wonderful weekend and Aloha.

ADJOURNMENT

The regular meeting of March 10, 2017 was adjourned by the Chair at 1:19 p.m.

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

170310/dfy:jm

Jonathan Starr
249-0032

Kaupo Schoolhouse

Kaupo Dec. 1938

17-108

1936 County Report

KAUPO SCHOOL

KAUPO, MAUI, T. H.

Area: School Lot square feet

CLASSROOM BUILDING

Contract Price: $3500.00 Built In: 1923.
Frame; T&G floor, siding and ceiling; corrugated iron roof; 2584 square feet; two 22'x28' classrooms; one 8'x8' storeroom; one 8'x36' porch.

COTTAGE

Contract Price: $3200.00. Built In: 1920. Plan#35.1-2.
Frame; T&G floor, siding and ceiling; shingle roof; 952 square feet; two 12'x12' bedrooms; one 8'x10' bedroom; two 4'x5' closets; one 8'x16' kitchen and pantry; one 16'x20' living room; one 6'x16' porch.

PRIVIES

Two 3-compartment privies; latticed in front.
One 1-compartment privy for cottage.

FLAGPOLE

Wooden; 30 feet high.

LAWN AND PLAYGROUND

Maniania grass; fair playground.

WATER SUPPLY

Supplied by Kaupo Waterworks. Good. Storage tanks used for laundry purposes only.

FENCE

Stonewall all around.

PAINT AND COLOR

Classroom building

Red roof; green exterior with cream trim; cream interior; red floor.

Cottage

Red roof; brown exterior with cream trim; cream interior; light oak floor.

Privies

Red roof; green exterior.

Flagpole

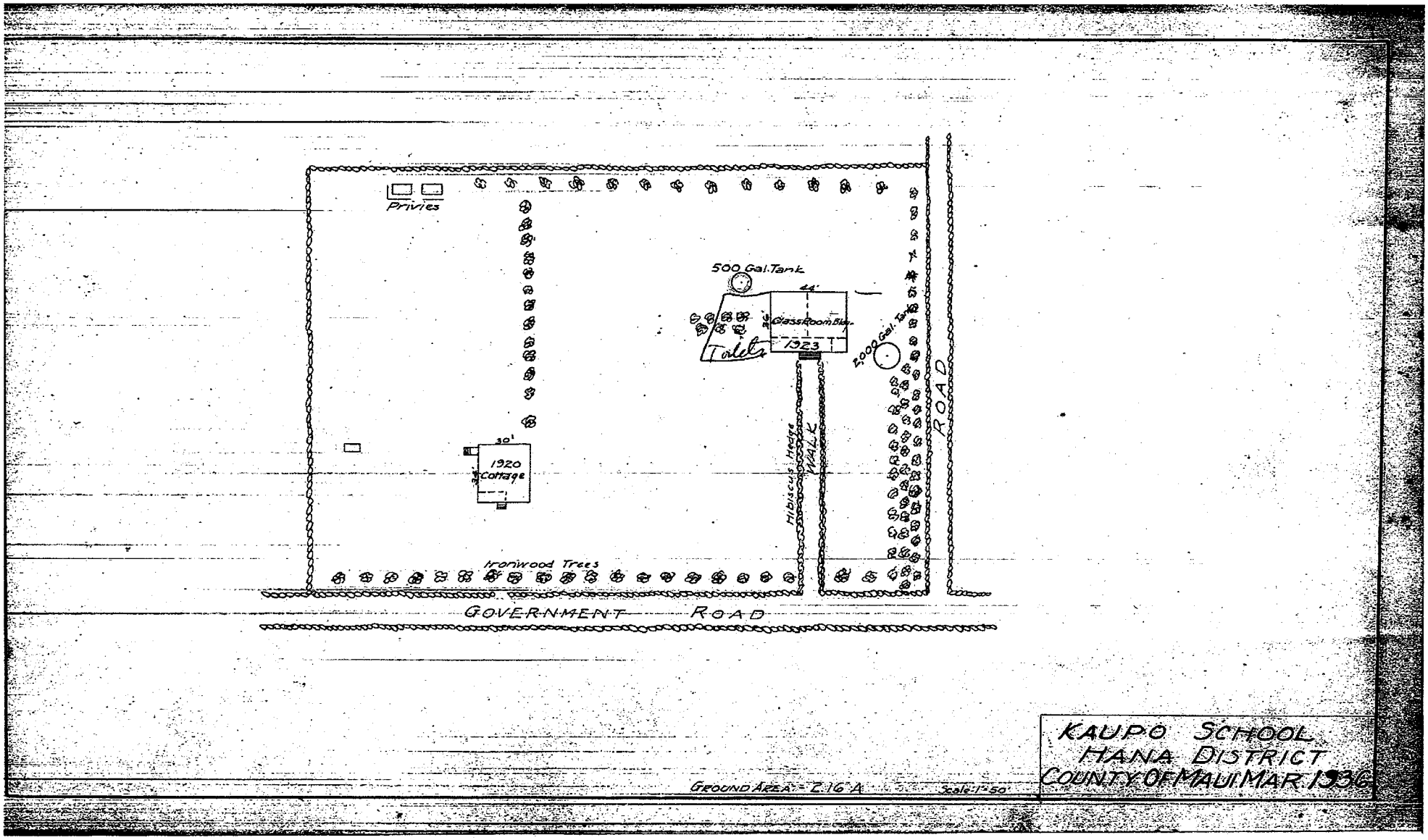
White.

K A U P O S C H O O L

Kaupo School, located on one of the most isolated districts on the island of Maui, consists of a two classroom building and cottage. Supplementary structures and improvements of land consist of country style privies, water tanks, flagpole. A stone fence encloses the school grounds which occupy approximately 2.1 acres.

The school buildings cost originally $7200.00. The present value (1935) is placed at $2,325.00. The school site, set aside by Executive Order, is carried at the nominal value of $1.00. Equipment is listed at $818.30 and materials and supplies at $111.45, in the 1935 school inventory.

Constructional data, illustrated with photographs, together with a map showing the school grounds and location of structures, follows:


Privies
500 Gal. Tank
44'
Classroom Bldg.
1923
Toilets
2000 Gal. Tank
30'
1920
Cottage
34'
Hibiscus Hedge
WALK
ROAD
Ironwood Trees
GOVERNMENT ROAD
KAUPO SCHOOL
HANA DISTRICT
COUNTY OF MAUI. MAR. 1936
GROUND AREA - 2.16 A.
Scale: 1" = 50'

EAUPO SCHOOL

CLASSROOM BUILDING

TEACHER'S COTTAGE

Column

Tad Bartimus: A Piece of Maui History Gets A Million-Dollar Makeover

Along a remote stretch of the Piilani Highway, a small town comes together to restore a schoolhouse and teacher's cottage.

3

By Tad Bartimus / February 24, 2017

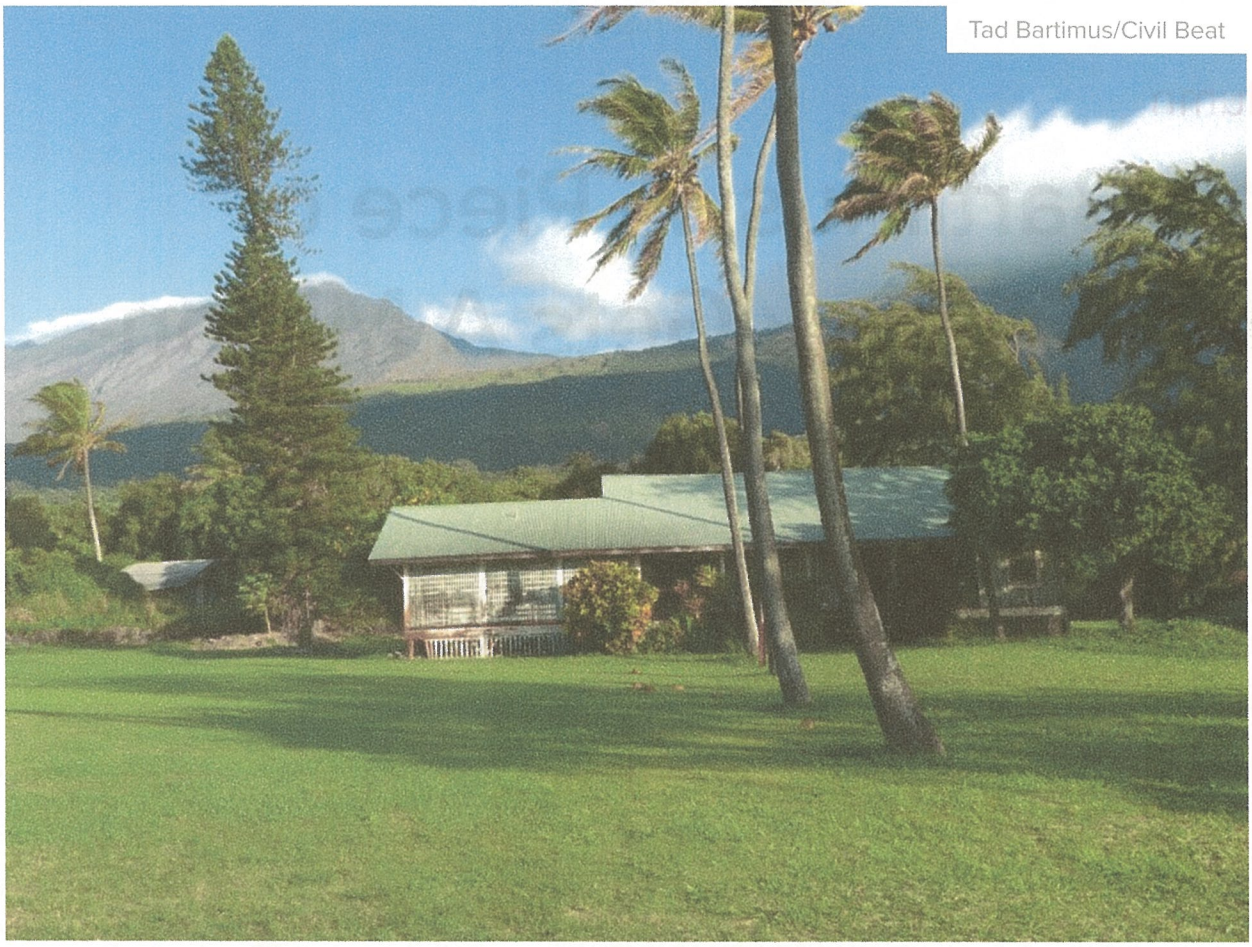
Share 284 Share 3

KAUPO, Maui — Nearly a million people annually visit the Haleakala National Park Kipahulu District to swim in the pools at Oheo and hike the bamboo forest on "the back side" of Maui.

Most visitors arrive and depart via the 600-plus curves and 54 bridges of Hana Highway. But thousands of tourists, against car rental company rules, turn south on Route 31, the Piilani Highway that connects Kipahulu with Ulupalakua.

The 7-mile stretch between the national park and Kaupo is a bone-jarring,

mostly one-lane mix of rutted dirt, loose gravel and potholed asphalt. The rewards are jaw-dropping views of waterfalls, golden grasses, grazing cattle and herds of wild goats.



Tad Bartimus/Civil Beat

Members of a tiny Maui community are pulling together to preserve the abandoned Kaupo schoolhouse and a nearby teacher's cottage

Ignore the man-made fences and introduced mammals and your imagination can transport you to ancient days before Polynesian canoes and three-masted schooners.

Arriving at Kaupo Store, most travelers make a beeline for its cold soda pop, ignoring the two dilapidated buildings nearby. I am a frequent "back road" commuter who is always in a hurry to reach central Maui's commercial district with my chore list. Years ago, I stopped noticing

Kaupo's abandoned schoolhouse and teacher's cottage as I sped by.

Courtesy of Jonathan Starr

The teacher's cottage will also be renovated.

When a friend invited me to a Kaupo Community Association meeting to hear news about a million-dollar makeover for the termite-riddled old structures, I was amazed to learn they are the "best" survivors of last century's once-plentiful rural schools. That status qualified them in 2000 for the National Register of Historic Places.

The outdoor gathering on the school lot provided an uplifting antidote to the acrimony and incivility pervading much of our public discourse these days.

Open to all 160 citizens who call Kaupo home, including 70 full-time residents, more than 50 adults listened politely to a legislative update from state Sen. J. Kalani English and project reports about funding, architectural design and site preparation. Audience members asked informed questions, bought fundraising T-shirts, then shared the food they'd brought while mingling on the lawn.

Instead of a contentious public free-for-all, it felt like a family reunion where not everybody knew one another but seemed happy to be in like-minded company.

'All The Memories Come Back'

"We're making it up as we go along," Jonathan Starr told me during the potluck lunch. Starr is a retired Maui businessman, an association board member and the restoration project's manager. "If they hadn't been historic buildings it would have been easier to knock them down and start fresh. But a lot of us are (emotionally) invested in this old building.

"The main themes guiding us are to support families that have traditional lands in Kaupo with a place to come together and welcome back family and friends, create a resource center for the community that lasts a long time, and outfit it for a disaster," Starr said.

The school and cottage were built in 1890 when eight local public and private schools were consolidated into one state school. That year, 81 students were enrolled in grades one through five. When the school closed in 1964 and its eight students transferred to Hana School, the buildings were abandoned.

Photo by Jacob Aki/Sen. J. Kalani English office

Kaupo Community Association chairwoman Linda Ha'i Clark addresses members about the million-dollar makeover of the structures.

Now planners are adding up-to-date infrastructure that includes a photovoltaic solar system to provide power, refrigeration and hot water; a 30,000-gallon water storage system for fire protection and to make potable water available to residents and visitors who may need it in an area that gets fewer than 40 inches of annual rainfall.

"This is a community of strong families and diverse individuals," Starr said. "What ties us all together is that we all really love this place. We put community well-being first. This is a grassroots collaboration."

A native New Yorker and traveler "who's built things all over the world," Starr settled on Maui in the 1980s, splitting time between his Wailuku office and off-the-grid Kaupo farm with his partner, Helen Nielsen, a

founder of the Hawaii Islands Land Trust and former University of Hawaii regent.

There are six other association committee members besides Starr.

• Chairwoman Linda Ha'i Clark is the fourth generation of a Kaupo ranching family and has extensive work experience with Maui nonprofits.

• Former postman and lifelong fisherman Sam Aina traces his Hawaiian ancestry back hundreds of years.

• Kaupo resident Timmy Chinn is location manager for "Hawaii Five-0."

• Retired Fire Department Battalion Chief Bob Murakami is descended from Antone Vierra Marciel, who gave up whaling to become the cowboy who bought local land and brought in cattle in 1889, resulting in Kaupo Ranch.

• Board secretary and cultural practitioner Kauwila Hanchett, whose family long has been associated with Hana Ranch and the Kaupo region.

Tad Bartimus/Civil Beat

• There is also Rose Soon, the living symbol of the old school. At 92, her presence at every meeting encourages expeditious decision-making to keep the overhaul on track to finish in

Helen Nielsen, left, and Rose Soon at the association meeting. 2019.

"My grandfather, Soon Sing You, came from Canton to work on a Hilo sugar plantation and when his contract was finished he decided not to return," Soon said. "He wrote home, 'I want a bride,' and they sent him one from Hong Kong.

"My grandparents were very young when they started the Kaupo Store. I come from very special people, they go after what they have in mind and keep after it until it's done."

Her grandparents had six sons and a daughter.

"Everybody moved out of East Maui looking for bigger pastures except my father, Nicholas, who stayed on to run the store. In those days, supplies came by boat from Nuu or Kipahulu, or we got them from Ulupalakua or through the (Kaupo) gap and over the (Haleakala) crater."

Soon was 5 when she started at Kaupo School in 1929, the earliest age allowed by law. She had to transfer to a Maui boarding school after sixth grade. She went to Baldwin High School, then earned college money as a hotel maid during World War II. After graduation from a mainland college she taught school in California and Hawaii before retiring in Hana.

"I have the gift to live to be 92," she said, her voice charged with energy. "Just the fact that I am alive is a gift. I am trying to get to know all these new (Kaupo) people better, it just takes time and effort. I never expected to be on the board but someone in a loud voice said I should, so they picked me and I am. I was so surprised.

"When I go to these meetings about fixing the school all the memories

come back, even the walls haven't changed colors at all. I can hardly wait to hear the pounding of the hammers."

'We Intend To Set The Example'

Community consensus dictated that planners make the school and cottage look as much like they did in the late 1920s as possible, meet all building codes, be engineered to withstand a major hurricane and be equipped and usable as a disaster center for residents and tourists. In 2006, rock slides and subsequent long-term roadway repairs isolated Kaupo for more than a year.

The community helps an uncounted number of tourists and residents who run into trouble on the road or are injured in backcountry accidents so a helicopter landing pad will be included on the restored school's 2.25 acres.

"The Kaupo School project is an inspiring example of community support, engagement and creativity," said Kiersten Falkner, the Historic Hawaii Foundation director who attended the gathering. Her organization has committed $70,000 to the project.

"This preservation and reuse project is galvanizing and inspiring the community to revisit its roots and revitalize its identity."

Last session, the Legislature appropriated $975,000 to fund construction. English, who represents East Maui, told meeting attendees he is pushing for operations money, especially emergency preparedness funds.

"We had to get our ducks in order," said association chairwoman Clark after presiding over the gathering of neighbors, friends, partners from the

Tad Bartimus/Civil Beat

Jonathan Starr, left, and Linda Ha'i Clark and Doug Cornelson are among those pushing for the restoration.

national park.

Service, Hawaii Historic Foundation, a private architectural firm and a future construction team. "We focused on grants last year. Surveys are done. Drafts are finalized. The project is underway and everything is coming into a reality."

All stakeholders – local, county, state, federal and nonprofit — believe Kaupo's grassroots collaboration on its ambitious project is unprecedented in any Hawaii place of comparable population and resources.

"We intend to set the example," Starr said. "A town can struggle and hang back or it can be proactive. It makes us happy and proud to be a model for small community empowerment."

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About the Author

Tad Bartimus

Tad Bartimus, Civil Beat's Maui columnist, is an award-winning journalist and author and founder of the Journalism and Women Symposium. She lives in Hana.

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Kaupō Community Association
Poem for the Kaupō School & Teacher's Cottage
February 11, 2017

Voices of the past echo
I went to Kaupō School in 1957
I attended Kaupō School in 1930
I remember my Mom saying she belonged to the Bee Club
Kaupō stories and memories mix with our life here; In Kaupō
The past, today and future are one
It's our kuleana to mālama this wahi pana

School of the past, school of the future
Vibrating the mana of laughter & play
Raw, washed, weathered, distressed
Gentle rainy days
The gleam of waterfalls

I love this place
It fills me up with life
The Heart of Maui
And new buildings for the voices of yesterday & tomorrow

Gentle rain, planting seeds, connecting the past & future
Great yard for joyful children
Kaupō I ka mālie
Kaupō the beauty of the mountains
The Big Island looming in the distance

Pu'u Honua (Safe Haven)
Kūpuna keeping watch
On gray green walls
Your beauty moves me
The history written in your walls
Tells a story that moves us all

The mana of the ʻāina is uinani
Kaupō – a place well deserved to be preserved
Riding horses bareback on the gravel road
Early morning bees buzzing, shoreline crashing
Breaking the silence of everlasting calm

Relic of the past, guide to future
Planted in time, colored by history
The gifts from the past guide us into the present
And the beauty and wonder of Kaupō blesses us
Maua Valley at the foothills of Kaupō Gap
Smiles and seats its aloha to the people of its community

A happy teacher we need the most
I hear the sounds of children at recess
I can't wait to return to a restored school and cottage
Location, location, location
What will the layers of habitation reveal

We the people of Kaupō are ready to pour our hearts & souls into this endeavor
With aloha we greet the sun and the rain
Kaupō mahalo
Remember the water, Remember the trees

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

54 High Street, Room 101
Wailuku, Hawaii 96793
PHONE: (808) 984-8103
FAX: (808) 984-8111

November 28, 2016

PSF 13MD-052
RP S-7863

Mr. Joe Pontanilla, Program Manager
Community Development Block Grant
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mr. Pontanilla,

SUBJECT: Grant Request by Kaupo Community Association, Inc. Related to the Long-Term Disposition, Use and Management of Government Lands for Community Development Purposes; 2 acres, Kumunui, Kaupo, Hana, Maui, TMK (2) 1-7-002 :015

Please be advised that it is the intent of the State Department of Land and Natural Resource to grant to the Kaupo Community Association, Inc. (KCA) a 55-year general lease for community development purposes.

On August 22, 2014, under agenda Item D-18, the State Board of Land and Natural Resources (Board) granted Revocable Permit No. S-7863 to the KCA for Landscape and maintenance purposes. At the time of the approval, it was the understanding of the department that the community needed time to gather information and support for proposed improvements to the old Kaupo School house and teacher's cottage which is in need of significant rehabilitation in order for it to be used by the general public. As a result, the Board authorized a permit for landscape and maintenance purposes as an interim measure to allow time for the community to gather its support. It is our understanding that the long term use for the subject area includes a gathering place for community events, educational activities and other allied purposes such as emergency relief services.

Furthermore, it is our understanding that the KCA is in the process of submitting an application to the CDBG program to encumber funds to support proposed structural improvements to government property. This letter serves to demonstrate our long-term intent to work with the KCA for community development purposes via the disposition of government lands. Due to current staff shortages at the DLNR Maui District Land Office, we have not been

able to process the KCA request for a long term disposition that received on February 2, 2016. We ask for your consideration and understanding of our staffing situation and not fault the KCA for its current predicament in regards to land entitlement. They have demonstrated prudence by submitting necessary documents the State needs to further promulgate their request for long term lease. We recommend approval for the KCA's request for support from the CDBG.

Mahalo for your consideration and understanding of this matter. If you have any questions, please contact us at the DLNR Maui District Land Office at (808) 984-8103.

Aloha,

Daniel Ornellas
District Land Agent

Enc. (2)

Cc: Kaupo Community Association, Inc.
Maui Board Member, Jimmy Gomes
Central / District Files

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR

LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

RONA M. SUZUKI
EXECUTIVE DIRECTOR

IN REPLY REFERENCE TO:
OCS 16.1339

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

May 18, 2016

Mr. Jonathan Starr
Board Restoration Chairman
Kaupo Community Association, Inc.
P. O. Box 787
Kula, Hawaii 96790

SUBJECT: FISCAL YEAR 2017 GRANTS-IN-AID

Dear Mr. Starr:

Congratulations on being awarded a Grant-In-Aid (GIA) by the 2016 Hawaii Legislature for your Capital Improvement Project (CIP)! The Department of Labor and Industrial Relations (DLIR) was designated by the Legislature to execute your GIA. The DLIR, Office of Community Services (OCS) will serve as your point of contact.

In order to help grantees understand how to access the GIA funds, OCS will be holding an orientation meeting for CIP GIA grant recipients on **June 7, 2016, 9:00 a.m. – 11:00 a.m., at 830 Punchbowl Street, Room 310 Honolulu, Hawaii 96813**. This meeting will give you an opportunity to meet the OCS staff and other grantees, understand the OCS grant administration process (a document reflecting the 2015 CIP GIA guidelines is available online: http://labor.hawaii.gov/ocs/files/2013/02/GIA-CIP-Guidelines.pdf), and address any questions you may have. Please email us at dlir.ocs@hawaii.gov by May 27, 2016 to indicate who will be attending this meeting on behalf of your organization.

We look forward to working with you to execute your project. Please contact Benjamin Cabreros (phone: 586-8687; email: benjamin.c.cabreros@hawaii.gov) if you have any questions or need assistance in this matter.

Sincerely,

RONA M. SUZUKI
Executive Director

OFFICE OF COMMUNITY SERVICES (OCS)
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
STATE OF HAWAII

CAPITAL IMPROVEMENT PROJECT (CIP)
GRANT-IN-AID GUIDELINES

(As of July 2015)

Once a Grant-in-Aid (GIA) is approved by the Legislature, the Executive Branch is responsible for execution of the grant with the Grantee. There are four (4) primary organizations involved in this process:

1. Governor is the Chief Executive and responsible for authorizing the Expending Agency to execute and administer the GIA.
2. The Office of Community Services (OCS) is administratively attached to the Department of Labor and Industrial Relations (DLIR). OCS serves as the Expending Agency for GIAs designated for administration by DLIR in the Budget.
3. Department of Budget and Finance (B&F) manages the State's financial position and policies.
4. Department of the Attorney General (AG) provides legal review for the State.

This document provides information about the process that OCS staff uses to administer Capital Improvement Project (CIP) GIAs. It is provided to Grantees to clarify expectations to ensure that we can work together to fulfill the Legislative intent for CIP GIAs.

Timing. It is important that we work with Grantees to release and contract funds within the next three (3) Fiscal Years from which they are appropriated (i.e., funds appropriated by the 2015 Legislature need to be appropriated and contracted by June 30, 2018), unless specifically designated by the Legislature. Expenditures need to be completed within period of performance of the contract (not to exceed 12 months).

There are three stages to GIA administration:

1. Requesting Release of Funds
2. Contracting
3. Contract Administration

Sample documents and forms are available online at: http://labor.hawaii.gov/ocs/gia

HISTORIC HAWAI'I FOUNDATION

December 30, 2016

Mr. Jonathan Starr
Kaupō Community Association
P.O. Box 787
Kula, HI 96790

Dear Mr. Starr:

I am pleased to inform you that Kaupō Community Association has been selected to receive a historic preservation grant of $70,000 from the Freeman Foundation, in cooperation with Historic Hawai'i Foundation.

The grant is restricted for repair and rehabilitation of the doors, windows and other original features of the two historic buildings at Kaupō School.

Please note that by accepting the grant you agree to use the funds for the preservation project described in the grant application and in accordance with standards and guidelines for the appropriate treatment of historic properties. You must notify Historic Hawai'i Foundation if the project changes substantially. Historic Hawai'i Foundation reserves the right to follow up on this grant with a site visit any time during the term of the grant. A report that includes a brief narrative, before and after photographs, and financial report is due by October 31, 2017.

Please notify Historic Hawai'i Foundation in writing when you are ready to commence the work (e.g. any needed approvals and the permits have been issued, including review and approval by the State Historic Preservation Division). A check for 50% of the grant ($35,000) will be provided at project initiation, and the balance ($35,000) will be provided at project completion.

We look forward to seeing the successful completion of this historic preservation project and hope that it will provide support for the community programs and services at the restored Kaupō School.

With aloha,

Kiersten Faulkner

Kiersten Faulkner
Executive Director

680 Iwilei Road, Suite 690 / Honolulu, Hawai'i 96817 / Tel (808) 523-2900 / Fax (808)523-0800
Email preservation@historichawaii.org / Web www.historichawaii.org

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

DEC 29 2016

COUNTY OF MAUI

DEPARTMENT OF PLANNING

December 23, 2016

Mr. Michael T. Munekiyo, AICP
President
Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Munekiyo,

SUBJECT: PROPOSED IMPROVEMENTS TO KAUPO SCHOOL, TMK (2) 1-7-002: 015

Thank you for your letter dated December 15, 2016 in which you request confirmation that several proposed improvements to the above-referenced property would comply with the agricultural zoning district pursuant to Chapter 19.30A, Maui County Code.

As your letter indicates, subsection 19.30A.050.A.7 allows as a permitted use "retention, restoration, rehabilitation, or improvement of buildings, sites, or cultural landscapes of historical or archaeological significance." Similarly, section 205-4.5a.8, Hawaii Revised Statutes, which also governs the subject property, allows as a permitted use "retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest."

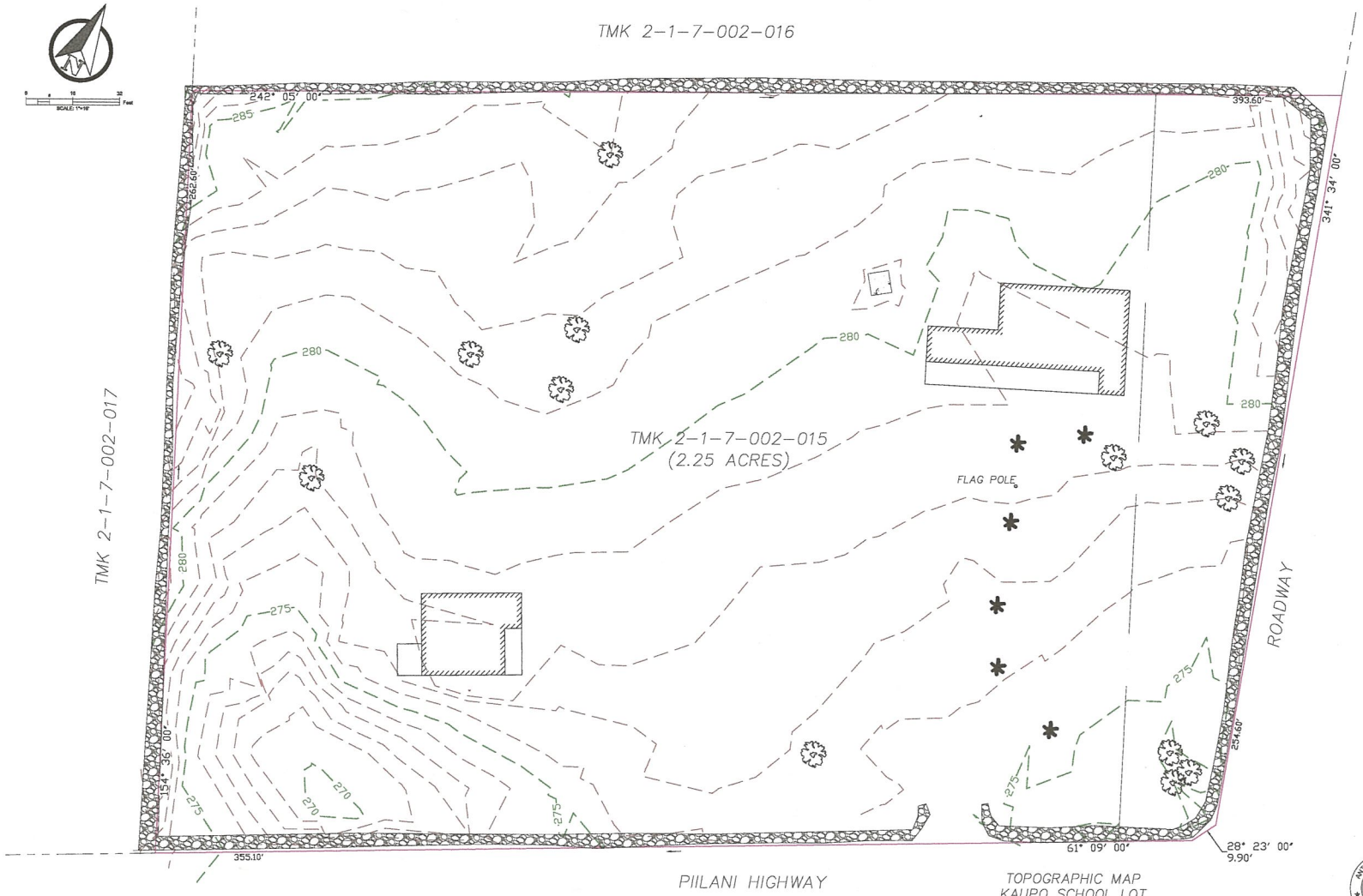
The proposed improvements described in your letter would be allowed under the provisions noted above, which suggest that any retained, restored, rehabilitated or improved building or site would then be used for its original purpose, or a similar, related or compatible purpose that maintains the historic integrity of the building or site. Restoring the former school house and teacher's cottage to historic standards and continuing to use them as a community venue, replacing the existing cesspool with a septic system, placing two 20-foot long shipping containers for storage, installing a shed roof over the shipping containers for a stand-alone power generation and battery storage system for the site, and installing two 15,000-gallon water storage tanks would all contribute to the restoration, improvement and reuse of this site of historic interest and are, therefore, permitted under Chapter 19.30A, Maui County Code, and Chapter 205, Hawaii Revised Statutes.

Should you have any questions or require further information, please feel free to contact me at (808) 270-7735.

Sincerely,

MICHELE MCLEAN
Deputy Planning Director

xc: Carolyn Cortez, Staff Planner (PDF via email)
TMK (2) 1-7-002: 015 (KIVA Related Documents)
General File
MM:JSR:CEC:sec
K:\WP_DOCS\PLANNING\LTR\2016\Kaupo School\ResponseLTR.doc



TOPOGRAPHIC MAP
KAUPO SCHOOL LOT
TMK 2-1-7-002-015
BEING SCHOOL GRANT 20 APANA 5 AND
A PORTION OF LAND COMMISSION AWARD 2937
TO WILLIAM HARBOTTLE

AT KUMUNUI, KAUPO, ISLAND AND COUNTY OF MAUI
STATE OF HAWAII

AILANA SURVEYING & GEOMATICS LLC
PHONE (808)346-1818
FAX 1-800-655-6297
INFO@AILANASURVEYING.COM

ANTHONY D. CHOOK
LICENSED PROFESSIONAL LAND SURVEYOR
No. 12094
HAWAII, USA

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ANTHONY D. CHOOK
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12094

G:\Dropbox\Projects\2017\Maui\Kaupo\Kaupo.dwg

MAP DATED: JANUARY 20, 2017

TMK(2) 1-7-002-015

KCA Tesitmony to County Council for 3/10/17, item 17-130

Mike Moran <mmmmahalo2000@aol.com>

Thu 3/9/2017 3:29 PM

To:County Clerk <County.Clerk@mauicounty.us>;

RECEIVED
2017 MAR -9 PM 3:31
OFFICE OF THE
COUNTY CLERK

KCA TESTIMONY TO COUNTY COUNCIL ON MARCH 10, 2017 ON ITEM 17-130

Aloha Chair White and Council members. Mike Moran testifying on 17-130 for the Kihei Community Association (KCA)

As you know looking at this huge 148 page file, this request for change of zoning from residential to commercial along SKR goes back to 2011. Since inception the community input has raised several objections led by flooding, changing from residential to commercial in this area and a challenge posed to endangered species.

A few years back around 2012, a similar request was made by a long time existing business by now deceased Dr Roger Kehler for his Kihei Veterinary Clinic almost next store Again this was a long standing structure that was considered a "residential scale structure" that generally would be described as a house, which fits the KMCP, page 18. At the time while much of our community knew & respected Dr K- he was my vet for over a decade- there was concern that allowing this could set a precedent for nearby vacant land extending southward, but we understood that was not the case, since this was rather unique, a existing structure for an existing commercial business.

Unfortunately when the Department brought this requested zone change for a new building to be constructed to the planning commission last May, the Vet's change was offered as exactly that; it had set this precedent. We question how constructing a two story commercial building , which in no way fits KMCP "residential scale, " is comparable to an existing business that looks like a house.

While we understand the position that these bodies of water on the parcel. may be man-made wetlands, it is our understanding this area was in fact natural wetlands allowed to be filled in for building with these manmade wetlands set up in mitigation in specific locations which we see throughout

this area. Undeniably the body of water on this land is frequented by Hawaiian Stilts. I say undeniably because I have seen this with my own eyes, as well as pictures of same.
As far as frequent flooding of this land, at this same Commission meeting a nearby resident provided a huge number of pictures of the lands under the water.
Lastly traffic- regardless of professional traffic analysis offered by expert hired by the applicant, it is ludicrous to claim allowing this will not impact on this busy two lane road.